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PEACE ZONES IN ACEH
A Prelude to De-militarisation
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Research Paper #3

April 2003

This Research Paper arises from the work of the Institute's Local Zones of Peace project, which is supported by grant USIP-119-01S from the United States Institute for Peace

Introduction

For the war-weary people of Aceh, Indonesia there was a ray of hope on December 9, 2002, - “peace” became “a possibility”. After twenty-seven years of bloody violence, the Gerakan Aceh Merdeka (GAM)¹ – the main warring group in Aceh – and the Indonesian Government signed an agreement to end hostilities.

To date, a cease-fire has held in the region and in the last three months (January to March 2003) as part of this agreement to end hostilities, six Peace Zones (PZs) have been established in Aceh. The main purpose of the Peace Zones in Aceh is to ensure that demilitarisation takes place, paving the way for humanitarian aid and rehabilitation. Establishing zones to facilitate (among other things) demilitarisation and demobilisation are a common feature of many violent protracted conflicts². These zones often named differently (for example, peace zones, safe zones, demilitarised zones, protected zones) have been established in many conflicts and have had varying degrees of success.

While there are similarities to be noted among such other zones, what makes the study of Peace Zones in Aceh interesting is that they are “happening”; one cannot be sure of how far they will go in their goal (that is, their success) and yet there is a lot that can be said and learnt from the process and the parties involved in the peace process. There is no doubt that the peace process in Aceh is very fragile and has already encountered many problems; however, the Peace Zones have held on. This Research Paper³ describes the Peace Zones in Aceh by outlining the process of establishing them; identifies the key elements of these Peace Zones, reports on their current status and comments on the role of these Peace Zones in the overall peace process in Aceh.

¹ Also known as Aceh Sumatra National Liberation Front (ASNLF)

² Mats R Berald (1996) in his book describes the process of disarmament and demobilization referring to it as something that has become common in ending civil wars. He comments on the timing of these operations and how they may impact the sustainability of the process, emphasising that the context in which they are introduced matters. These ideas lay the groundwork for what this paper proposes to do in describing the Peace Zones in Aceh.

³ I am grateful for the guidance and help I received from Dr. Christopher Mitchell in writing this paper especially during my moments of despair in keeping pace with the daily change of situation in Aceh. I am also very thankful for the valuable comments and suggestions I received from the Zones of Peace group and in particular, Dr. Kevin Avruch for his help.

Newspaper reports were the main source of data for this paper⁴; these were however supported by discussions with some Acehnese⁵ many of whom are actively involved in the struggle for peace.

1. Background to the Conflict

Aceh (See Annexure I for a map of the region), an oil and gas rich province is located on the northernmost tip of the Sumatra islands of Indonesia and is the westernmost point of the country. Until the middle of the 17th century, Aceh was an independent sultanate. From 1641 to 1824, the kingdom was at the centre of a British-Dutch tussle and finally in 1824, Aceh was granted Independence under the Anglo-Dutch treaty. In 1873, the Dutch invaded Aceh and colonised the region. They were met with fierce resistance and the war between the Acehnese and the Dutch raged intermittently over the centuries. When in 1949, the Republic of Indonesia was created from the Dutch East Indies, Aceh was made a special region (province)⁶ of the new country. Mortified by this status, the Acehnese have since then demanded independence from Indonesia (they declared themselves independent in 1953, an act which was not recognized by the Indonesian Government), and their separatist movement quickly turned into an armed struggle.

In 1971, oil was discovered in the region. This changed the face of Aceh in the eyes of Indonesia and the rest of the world. Foreign oil companies⁷ and state (Indonesian) owned enterprises descended on

⁴ One understands that only after military rule was lifted in 1998 and freedom of information was restored, did the rest of the world begin to hear the details of the conflict in Aceh. Yet, even today, news coverage of the current happenings in Aceh leaves a lot to be desired. This did prove to be a limiting factor in writing this paper.

⁵ I am very grateful to Radhi Darmansyah, ICAR for helping me to better understand the conflict in Aceh and providing me with valuable insights in writing this paper. I also learned a lot from Mr. Muhammad Taufik, General Secretary of Action Coalition for Reform in Aceh and a team of youth leaders from Aceh.

⁶ Aceh was granted more autonomy (the Acehnese supposedly had control over education, religion and customary law – in reality none was realized) than other provinces of Indonesia but they were extremely frustrated at not being regarded as an independent state. They never accepted being a Dutch colony and the indignity of being included, as part of Indonesia was more than they could take.

⁷ Mobil was one of the first to enter the region (today it is ExxonMobil). The company jointly owns the Arun NGL Co. with Pertamina (a state owned enterprise) and JILCO (a Japanese LNG Co.). At one point, the fields in Aceh proved so rich that it supplied more than a quarter of Mobil's worldwide revenue. Other oil companies like Gulf Canada Resources Ltd. and Caltex owned by Chevron Texaco operate in regions close to Aceh.

Aceh bringing with them “foreigners” as employees⁸. Aceh contributes to a sizeable portion of Indonesia’s GDP but the Acehnese have seen only a small portion of the revenues generated by these resources. This discontent over the sharing of revenues from oil and gas operations between the centre in Indonesia and the province was one of the prime reasons for the rise of Gerakan Aceh Merdeka (GAM). Hasan di Tiro (the last scion of the pre- colonial sultanate and currently in exile in Sweden) founded GAM, or what is known more commonly in English as the Free Aceh Movement, in 1976 on political, religious⁹, and economic issues with the Indonesian government.

The Government responded to the armed struggle with force. State repression against separatist movements is perhaps inevitable but this was particularly so in Aceh during the long years from 1968 to 1998, when the country was under Suharto’s military rule. GAM is small in size (it has several hundred full time “soldiers”) and few weapons, making it vulnerable against the strong and well-equipped Indonesian Army – the Tentara Nasional Indonesia (the TNI). GAM has therefore indulged in guerrilla warfare, choosing their place and time to fight. The movement enjoys the support of many Acehnese, especially the rural folk¹⁰, most of whose discontentment with the Indonesian government is over their economic and social condition. The TNI and the BRIMOB (Police Mobile Brigade) have responded to the struggle with brutal force and repression.

GAM intensified its struggles between 1989 and 1998. In 1998, Suharto’s military regime came to an end. While violence did not really abate after 1998, at least negotiations accompanied it in the post-military rule period.

⁸ Most of the top-level employees of Mobil and other plants are foreigners. They are housed in a luxurious walled compound in Lhokseumawe, while bars and brothels have established themselves right outside the gas plant. Also outside the plant live poor Acehnese in very poor living conditions. Most of them have the low paid labour intensive jobs in the plant. The rest of the top jobs and contracts went to the ethnic Javanese.

⁹ Political and economic reasons make up for most of the explanations on the sources of the conflict; the religious issues were less in the forefront. However, in recent times, the religious aspect in the conflict (that is, the Acehnese being far more Islamic than most Indonesians and demanding Aceh as an Islamic state) has assumed greater prominence.

¹⁰ GAM was able to mobilise the rural people in Aceh mainly because they were the ones who witnessed the setting up of Mobil’s plants from very close quarters and how the benefits of the company (employment being one of them) went to outsiders and did nothing to improve their socio-economic condition.

2. Background to the Peace Efforts

In 1999, after the fall of Suharto's regime, Abdurrahman Wahid¹¹ became Indonesia's first democratically elected President. From that time on, there have been serious efforts to bring an end to this protracted violent conflict. Talks between the Indonesian Government and GAM have continued over the years in spite of many breakdowns and serious setbacks. Roughly there are two main periods in the peace talks: The first period is between 1999 and July 2001 and the second period is from July 2001 to the present.

Two "peace" agreements resulted from negotiations between 1999 and today. One was in the first period that obviously failed, leading to another agreement in the second period. Both these agreements and the series of talks came as a result of the third party intervention by the Henry Dunant Centre (HDC) of Switzerland. The HDC was launched officially¹² in 1999 with the financial backing of the US and a number of European countries, including the Netherlands (who colonized Indonesia). Its Director is Martin Giffiths, a former British diplomat and UN official. HDC attributed the failure of the first negotiations, in part, to its own low-key involvement as a third party. Learning from their past mistakes, the current agreement in the second period has a strong role for the HDC¹³.

¹¹ After Suharto, B.J. Habibie was the President for a brief period of one year during which time he allowed East Timor to have their referendum and where they chose Independence. The military cracked down hard on East Timor and Habibie was forced to quit.

¹² The Henry Dunant Centre for Humanitarian Dialogue (HDC) was revamped in 1999. Formerly known as the Henry Dunant Institute (HDI), it was set up in 1965 by the International Committee of the Red Cross, the League of the Red Cross and Red Crescent Societies and the Swiss Red Cross. The main objective of the Institute is to make available ways and means of carrying out studies, research, training in all branches of the Red Cross thus contributing to the strengthening of the universality of the Red Cross. In 1995, the General Assembly of the HDI began a discussion on the future of the Institute with a view to redefining its role and activities. The study was concluded in 1998 and in 1999 the organisation was launched with a new name and a mission to strengthen intercultural and multi-disciplinary dialogue and to promote sustainable solutions to humanitarian problems. The centre is currently involved in Aceh and Myanmar/ Burma. Refer to their web-site for more information on past projects (www.hdcentre.org)

¹³ There is a lot to be said about the role of the HDC as a third party. As a relatively new venture for the organization, there was no history to fall back on and evaluate their position, stand or strategy. Naturally, the HDC too did not have the experience (knowing what works and what does not) in suggesting ground rules to the two parties, or in framing the agreement and definitely not in implementing them. They did learn from their mistakes in the first period and took a more visible, vocal and strong approach in the second period.

2.1. First Period: 1999 – 2001

President Wahid brought a breath of fresh air to the war-torn region. He apologised for human rights abuses by the Indonesian military in Aceh and took a softer approach with GAM. Following a massive demonstration by the people of Aceh for a referendum for independence, he began considering that idea, but the military quickly opposed it and he was forced to drop the thought. He subsequently made the statement that while “autonomy” might be considered independence was out of question. He was however prepared to sit down and negotiate with GAM. In an agreement called “The Joint Understanding on Humanitarian Pause” (JUHP) that came into effect on June 2, 2000, and would it was hoped, ultimately lead to an end to all hostilities, both sides (the Indonesian Government and GAM) agreed to “reduce the violence” and also provide security modalities to support humanitarian assistance in Aceh. The “humanitarian pause” as per plans was reviewed in September 2000 and entered its second phase when the ceasefire was extended to 15 January 2001.

In reality, the humanitarian pause (an informal truce), was far from being any kind of pause in the conflict. With both sides frequently violating the ceasefire agreement, clearly, the “humanitarian pause” was a failure. The final straw came in March 2001 when ExxonMobil closed its operations because of security threats to its operations¹⁴ and employees. Preceding this, there had been a series of attacks on the plant facilities and its employees from the time military rule came to an end. When many of the human rights abuses of the military period were discovered, the involvement of ExxonMobil in the crimes was also unearthed¹⁵. Strong feelings against ExxonMobil employee policies and discontent over sharing revenues with the central government made ExxonMobil the target of GAM attacks. From mid-2000, attacks on ExxonMobil and its employees increased and finally in March 2001, the company shut down its operations, citing “security threats” as the reason. This resulted in a closure of the main Arun LNG plant and other fertilizer companies that depended on supplies from ExxonMobil. More TNI forces were

¹⁴ Earlier in May 2000, ExxonMobil had halted its exploration and administrative activities for a very brief period.

¹⁵ It was discovered that the military had made use of the heavy drilling equipment of ExxonMobil to dig mass graves, torture victims and had “taken away” many of its employees whom they thought had any connections to GAM. It was impossible for ExxonMobil not to have known what the military was doing.

dispatched to provide “protection” to ExxonMobil. This resulted in a heavy crackdown on GAM and once again human rights abuses reached a peak.

The loss of revenue to the Indonesian Government by the closure of these plants was heavy. The Government began to threaten ExxonMobil that they would be forced to leave the country and the company would be taken over by Pertamina the state owned enterprise. Under great pressure, ExxonMobil¹⁶ finally resumed operations in July 2001.

The peace talks obviously had failed. Around this time, the GAM declared a state of emergency and more violence followed. One of the few international agencies working in Aceh, Doctors Without Borders pulled out because of the escalating violence. President Wahid was again under pressure from the military to use more force and to allow them to take greater control. Vice-President Megawati Sukarnoputri was seen more as a hardliner and supportive of military action. At the end of June, 2001 both sides met in Geneva (again through the efforts of HDC) and agreed to work towards peace, but no immediate efforts were made to start negotiations.

2.2. Second Period (July 2001 to present)

The pressures of the military worked and President Megawati Sukarnoputri succeeded President Wahid. She presented a new autonomy package (July 2001) to the Acehnese and firmly refused to entertain demands of independence. Under the new autonomy package Aceh was renamed Nanggroe Aceh Darussalem (NAD)[ironically this translates as “Aceh: Abode of Peace”]. Under what has come to be known as “NAD” law, Aceh has been offered an increase in the share of oil and gas revenue of 70% as compared to 5% under Suharto (Other provinces receive 15% of oil and 30% of gas revenues). In addition, Aceh is allowed to implement Islamic Law (Sharia)¹⁷.

¹⁶ This was not the end of ExxonMobil’s troubles. There are cases filed against them in the US by the International Labour Rights Fund holding them responsible for some of the crimes in Aceh.

¹⁷ While the setting up of the Sharia court is expressed as a big concession made by the Indonesian Government; many Acehnese feel that it is an attempt made by the Indonesian Government to give a religious tint to the conflict. Besides, in the post September 11 anti-Islamic sentiments of many, the Acehnese accuse the Indonesian Government of making Aceh become a target of such sentiments. They claim the Sharia court is not their demand.

GAM rejected this special autonomy package and began moving more steadily in the direction of an independent Aceh. More violence followed. GAM has set up a parallel government [to date, the Indonesian civil administration hardly functions in Aceh], indulging heavily in extortion and spreading a reign of terror¹⁸.

The efforts of HDC to bring the two parties to the table continued and in the beginning of 2002 the two sides met again in Geneva, coming to an agreement on two important issues: GAM would no longer reject the idea of special autonomy and the Indonesian government would no longer insist that GAM gave up its call for independence.

Finally, on December 9, 2002, the Indonesian Government and GAM signed a Cessation of Hostilities Framework Agreement (COHA). This agreement, henceforth referred to as FAIM¹⁹ (Frameworks Agreement with Interim Measures), proposed an immediate ceasefire followed by a political dialogue about the political future of the region and elections in 2004. The FAIM did not address the demand for independence. The special autonomy law (adopted by the Indonesian Parliament in 2001) was accepted only as an interim arrangement by the GAM. The basis of COHA is the acceptance of “NAD law” as a starting point and many problems associated with this have arisen.

Two of them are:

- 1) *Indonesian electoral law states that parties have to have nation wide representation to be officially registered. This will cause problems for GAM, a local Acehese party when they come to campaign for election in 2004*

¹⁸ While GAM is said to target the ethnic Javanese (whom they see as the new colonialists) and the military, all people of Aceh end up being targeted especially when caught in the crossfire and at other times when GAM uses terror tactics to mobilise support.

¹⁹ A recent report from the International Crisis Group argues that the December 9 agreement is not really a peace agreement but an agreed framework for future negotiations. This is an acceptable argument because the COHA is not really an agreement to end (resolve) the conflict and build peace in Aceh – it only provides for mechanisms that will help parties work towards peace. It would have been simple to call it COHA except that it has proved to be more than just a agreement for cessation of hostilities. Hence for this paper, FAIM seems to be a more acceptable way to label the agreement – there are initial points of agreement and mechanisms in place for implementing other subsequent agreements including the move towards a dialogue for elections and peace.

- 2) *The special autonomy law states that candidates should never have been foreign citizens; most of GAM's senior leaders have lived in exile²⁰ for many years.*

It is also important to note that the global environment has contributed to FAIM taking place²¹.

3. Peace Zones in Aceh

In both periods and as part of both the JUHP and the FAIM, Peace Zones were an important feature, although there is definitely more clarity on the nature of Peace Zones in the second period than in the first. COHA actually defines Peace Zones and provides mechanisms to establish and monitor them.

There is less to say about Peace Zones in the first period for they hardly lasted a week. However, the experience has its own significance when evaluating the Peace Zones in the second period in terms of the adversaries learning from experience.

3.1. Peace Zones in the first period

Under the Joint Understanding on Humanitarian Pause agreement the following three committees were set up to ensure the implementation of the agreement and the establishment of Peace Zones:

- (a) *The Joint Forum: The highest body had representatives from the Indonesian Government and GAM with the HDC acting as facilitator. This forum was to oversee the implementation of the humanitarian pause and comment on the basic policies to be adopted*

²⁰ There is no clear information that those in exile have taken citizenship of their host countries but this is how the problem is represented in many reports.

²¹ For example, following the 9-11 crisis and the subsequent implications for oil supplies, the US and the global market seem to have suddenly felt the pain of the Aceh conflict. The Bush administration has put considerable pressure on both sides to resolve the conflict and has pressurized GAM to accept autonomy. A US envoy – Anthony Zinni, former envoy to the Middle East - has been present in all negotiating sessions. It could also be argued that the FAIM is expected to boost Indonesia's profile as LNG producer, that buyers could be secure and confident of receiving their supplies, and this has been motivation enough for all involved to participate in the peace process. Without any attempt to underplay the genuine efforts of both sides to end the conflict, it does seem that the global environment contributed to FAIM coming into existence.

(b) The Joint Committee on Humanitarian Action (JCHA): was to implement the policies laid out by the Joint Forum, provide humanitarian assistance and work closely with the JCSM. This committee was also responsible for fundraising for humanitarian assistance, it was to comprise of 10 members (maximum) – five from each side, facilitated by the HDC.

The Committee was to be supported by a Monitoring Team consisting of 5 persons of high integrity agreed by both parties

(c) The Joint Committee on Security Modalities (JCSM): to ensure that there was an actual reduction of tension and cessation of violence. Committee members were responsible for making all the practical and logistical arrangements regarding movement of troops, enforcement of law and maintenance of public order. The committee comprised 10 members – five from each side, also facilitated by the HDC.

The Committee was to be supported by a Monitoring Team consisting of 5 persons of high integrity agreed by both parties

(Note: There was no clause on disarmament)

The HDC focused on ways to improve security as none of the previous ceasefire agreements had succeeded. In early 2001, the two sides agreed to set up exploratory Peace Zones in two districts (one of them in Bireun and the other in North Aceh). The Zones were seen as the first step towards demilitarisation. However, the week after the Peace Zones were set up, the HDC staff was harassed by the military and the police and found themselves involved in an incident with GAM (HDC claimed it was accidental in nature). The team withdrew at the end of the first week. It is not clear why it was decided to create Peace Zones (presumably the HDC had a plan) and how this was to be linked to the “humanitarian pause”. Creating some areas as Peace Zones within Aceh implied that there was to be some distinction between the Zones and the other areas but the difference was not specified. There are not many details on what the rules or purposes of these Peace Zones were except that they would “lead to” demilitarisation. How exactly this would come about was not made clear.

The Peace Zones were a result of the on-going negotiations between the Indonesian Government and GAM. They were not mentioned or planned in the “Joint Understanding on Humanitarian Pause” (JUHP) agreement. The JCHA and JCSM were involved in both the selection and the monitoring of the Peace Zones. However, clearly the monitoring was not robust enough to face the realities on the field. In terms of context, the Zones were initiated around the time of implementation of an agreement (not a “peace” agreement though) but without a ceasefire taking effect on the field.

3.2 Peace Zones in the Second Period

Under Cessation of Hostilities Framework Agreement two main bodies were established to be responsible for the implementation and monitoring of the agreement:

(a) The Joint Council (JC): The JC is composed of senior representatives of GAM, the Indonesian Government and HDC. The Council will be the final authority and may be approached to resolve all disputes arising when implementing the agreement (COHA), which other committees cannot resolve. The Council can also amend the articles and provisions of the Agreement.

(b) The Joint Security Council (JSC): The JSC is composed of representatives of GAM, the Indonesian Government and a senior third party (who are envoys²² for HDC). Its key task is to reactivate the JCSM and JCHA. They are responsible for the actual implementation of the COHA including establishing sanctions. The JSC will be supported by a monitoring team, with representatives of GAM, the Indonesian Government and third parties.

The agreement provides for 150 international monitors (50 from Thailand and Philippines, 50 from GAM and 50 from the Indonesian Government) to supervise a ceasefire, the process of disarming and the setting up and maintenance of Peace Zones.

²² Learning from the past, the HDC conveyed that other third parties would be involved in monitoring the ceasefire and the Peace Zones in Aceh. Thailand and Philippines offered to help in the monitoring. It was decided that they (the international monitors) would work under the aegis of the HDC and not as separate third parties. Hence they are called envoys.

While a ceasefire and the disarming of GAM seem to be the two key components of FAIM setting up Peace Zones within which disarming will take place and which in turn will pave the way for humanitarian aid, reconstruction and rehabilitation to take place is also crucial. Peace Zones are a prelude to the implementation of FAIM – in a very literal sense. The COHA (See Appendix II) elaborates the commitment to establish Peace Zones (Article 4 of the COHA) and the nature of these zones. It also makes it clear that the JSC will be responsible for selection, establishment and implementation of this and any subsequent agreement on Zones. A ceasefire clearly is a separate issue from the establishment of Peace Zones for it is applicable to all regions of Aceh and is not geographically confined. In contrast, the Peace Zones have clear geographical boundaries.

The JSC has selected as Peace Zones, areas that have been very violent in the past. Humanitarian assistance, rehabilitation, and reconstruction are of primary importance in these Zones. International donors have shown a willingness to fund projects within Peace Zones, hence the economic importance of sustaining these Zones. In a conference in Bali²³ in January 2003 international donors pledged US \$2.7 billion in aid for 2003 to Indonesia, a substantial portion of which would go to Aceh. Donors specifically cited Peace Zones as targets for funding. The European Commission has promised a Euro 2.3. Million aid package²⁴.

The Peace Zones will also be the first step towards demilitarisation. Through FAIM, GAM and TNI/BRIMOB have both agreed that:

- a) *they will not carry weapons within the peace zones outside of their respective posts and bases*
- b) *if they are unarmed they can move freely within the peace zones*
- c) *no political or clandestine activities will take place within the peace zone*
- d) *neither of them will engage in provocative acts*

²³ On 3 December 2002, Japan hosted a Preparatory Conference for Reconstruction in Aceh in which 24 countries participated. This conference was jointly organized by Japan (is the largest international investor in Indonesia), the USA, the European Union and the World Bank. In this conference while the different countries did not pledge specific amounts of aid, they did voice their commitment to the reconstruction and redevelopment of Aceh. They also backed the forthcoming COHA.

²⁴ This has been granted under the EU's Rapid Reaction Mechanism (RRM) and it is said that it will cover the cost of 50 monitors for a period of six months.

- e) *no military posts will be allowed within the zones of peace*
- f) *neither side can move more forces into any existing peace zones*
- g) *POLRI (Polisi Republik Indonesia - Indonesian Police) are to investigate criminal activities in these areas in consultation with JSC*

GAM has agreed to a phased disarmament (spread over 5 months) starting from 9 February 2003 (two months after signing the peace agreement). In the declared Peace Zones, they will place their weapons in secret, designated locations, known only to the HDC. The weapon sites will be subject to inspections without prior notice by HDC inspectors. GAM will need to trust the HDC not to reveal the placement locations and the Indonesian Government will, in turn, need to trust that the HDC is fully monitoring the placement. The Indonesian Government in return agreed that BRIMOB paramilitary would move from offensive positions to defensive positions²⁵.

The first PZ declared (effective from January 25, 2003) was Indrapuri sub-district in Aceh Besar, 24 Kilometres south of Banda Aceh, the region's capital. Indrapuri has seen a great deal of violence and requires immediate humanitarian assistance. Major Tuvinun (of Thailand) in his capacity as a member of the JSC and special envoy to the HDC made a public announcement (in a ceremony that lasted 30 minutes) to a local crowd of about 2000. There was no dialogue between the local people and the JSC.

Pamphlets²⁶ containing peace messages have been displayed near the venue of the ceremony. There was also a small poster containing 15 prohibited acts, one of them being rape and sexual harassment by the military and the police force! While the Acehnese people seemed happy about the setting up of the Peace Zone they seemed suspicious of the Indonesians and there was no interaction between them (Language is a barrier). Since FAIM, the violence in Aceh has decreased dramatically. However, to date, neither has the GAM disarmed nor has the military or BRIMOB moved their positions. Both sides continue to break the ceasefire. There have been attacks by GAM, TNI and BRIMOB both within and outside the Peace Zones.

²⁵ The general understanding of the term "defensive position" is that unofficial posts will be removed. The objective is also to designate posts in such a way that there is sufficient distance between the two sides.

²⁶ The Pamphlets also give a JSC hotline number that people are asked to use to report any violation.

A further 6 Peace Zones were agreed upon and announced on 9th February 2003. They are:

- 1) *Kawai XVI sub-district, West Aceh*²⁷
- 2) *Peusangan sub-district, Bireuen*
- 3) *Sawang sub-district, South Aceh*
- 4) *Tiro sub-district, Pidie*
- 5) *Simpang Keramat sub-district, North Aceh*
- 6) *Idi Tunong sub-district, East Aceh*

Those in Tiro sub district (in Pidie) and Peusangan sub district (in Bireuen) took effect on March 8. Brig. Gen. Lomodage Nagamura and other JSC representatives Brigadier General S. Noerdin Savjen, from the Indonesian government, and Teungku Nasruddin Ahmad, from the Free Aceh Movement (GAM), officiated at the inauguration. Two others in North and East Aceh -- Simpang Kramat sub district (in North Aceh) and Idi Tunong sub district (in East Aceh) came into effect on the 9th of March.

3.3. Violations and Sanctions

The JSC is primarily responsible for setting up sanctions that will be imposed when either party breaks the agreement. The JSC opines that sanctions need to be thought out carefully because liberal use of sanctions would make them lose their effectiveness. Since the agreement does not state all the rules to be followed explicitly, conditions will also be established by the JSC. The JSC has categorized violations into three types and each of them is explained below together with the action that will be taken against such violators:

- (a) *Minor Violation: A violation that does not cause any significant harm, neither physical nor moral, to either of the parties to the agreement or to civilian(s).*
Action: A verbal warning issued to the violator and his unit commander by the Senior Envoy from the respective party
- (b) *Serious violation: Any violation that may impede COHA and cause significant harm to either party and/ or to civilians”*
Action: A written warning issued to the violator and his unit commander, and delivered in person by the JSC.

²⁷ The PZ in Kawai XVI, which was declared in February, has still not taken effect.

- (c) *A very serious violation: Any violation to the COHA which may endanger the process of COHA, and that violation may also cause serious injury, death, permanent disfigurement, the destruction of property to either party including civilians*
Action: The unit commander responsible will fully investigate. The result will then be forwarded to the side that committed the violation and appropriate action will be taken

For any accusation, the JSC tri-partite monitoring team (GAM and Indonesian Government representatives and a neutral international mediating team under the aegis of HDC) will investigate to determine whether a violation has been committed. If the committee decides that a violation has taken place, the case will be passed on to the JSC Information Management Committee, which will determine the severity of the violation and whether there is enough evidence to proceed with sanctions. In the case of a serious violation or a very serious violation, there will be further investigations independently by a Verification Committee (appointed by the JSC). If the Verification Committee confirms the nature of the violation, the case will be passed on to the JSC leadership for appropriate sanctions.

Already in January 2003, the Indonesian Government was accused of 2 very serious violations, 1 serious violation, and the GAM of 1 very serious violation. Communications of such violations to the public was given top priority especially through the print and electronic media.

Both parties were asked to review the violations, discipline the violators and report both the findings and disciplinary action taken to the JSC for publication. (Through the Public Information Unit of JSC, violations and sanctions were to be made public locally (making the GAM and TNI/BRIMOB accountable to the people), nationally and internationally.

However, in the above and other later cases involving GAM and the Indonesian Government no action appears to have been taken by either party, that is, they have not disciplined the violators. In addition, the JSC has been accused of not bringing many violations to book as well as being partial to the Indonesian Government.

In early March 2003, there was an attack on the JSC Office in Central Aceh and two committee members were injured. The mob that attacked was said to be a frustrated group of Achenese who were anti-GAM. They were said to be protesting against GAM's extortionist activities and were accusing the

JSC of not doing anything about such activities and of not being neutral. There are other reports that say that the mob was Javanese²⁸ trained by TNI to be militia. These reports accuse the TNI and the Indonesian Government of trying to disrupt the peace process as they did in 2001. The TNI has suggested that Indonesian police accompany HDC officials when they go into the conflict areas. This incident has however raised serious concern because in 2001 similar incidents made the HDC pull out of their role of establishing and monitoring the Peace Zones leading to the collapse of the first agreement.

The TNI has declared that anyone found with arms after July 9 (the official end of the five month disarmament period) will be treated as a criminal, the obvious reference being to GAM. In a recent interview David Gorman of the HDC when asked about the TNI comment agreed, but said that, on the other hand, any TNI posts, positions and movements after July 9 would also be criminal.

In Aceh therefore, even as the Peace Zones are being established and efforts are being made to get the process of disarmament going, the ceasefire is fighting its own battle and the Zones are struggling to survive.

4. Peace Zones in Aceh as Prelude

Peace Zones in the second period of peace in Aceh are clearly disarmament zones. Moreover, it is clearly hoped that disarmament will pave the way for humanitarian aid, reconstruction, and rebuilding. The Zones are a prelude to demilitarisation but they are also a prelude to future negotiations. This refers to the fact that the process adopted to establish and keep the Zones going is actually a confidence building measure (the dialogue between members of the JSC) that will lead the parties towards a peace agreement. Examples from other conflicts in the world show that Peace Zones that have demilitarisation as their main goal can come during the pre-negotiation stage (sometimes even imposed by an outside third party), in the negotiations stage or in the post-agreement stage. The Zones in Aceh are established as part of the

²⁸ In Aceh there is a strong resentment against the Javanese who are seen the colonialists who took over from the Dutch. The political power has been concentrated in Java. Besides, the Indonesian government has followed a strong transmigration policy of resettling the people from over-crowded Java in Aceh. The better jobs with ExxonMobil have gone to the Javanese.

negotiations that will lead to a peace agreement. However, ceasefire is an integral part of, or a background to the success of these Peace Zones.

This may be represented as :

FAIM → Cease-fire → PZs → Demilitarisation/ Humanitarian Aid in PZs → Substantive Negotiations

While it is often argued that the process of cease-fire actually needs to precede the establishment of Peace Zones, in the Aceh case, the two seem to be going hand in hand.

Conceptually, one of the most interesting features of the Peace Zones currently being established in Aceh is that, unlike other types of Zones we have studied, they appear to be set up as an integral part of an on-going peace process – that is, as a means of moving the process forward and as a preparation for subsequent stages. This makes them unlike the Zones in the Philippines and in Colombia, most of which have been established while those conflicts are “in full swing” and (at least partly) as a means of minimizing local violence resulting from the overall struggle. Nor have they been set up following an already agreed and negotiated peace settlement, as part of an implementation process that involves safe assembly areas for combatants, secure zones for return of IDPs or refugees, or safe areas within which humanitarian relief can be distributed.

Rather, the Peace Zones in Aceh are a prelude to disarming, demilitarisation and the provision of humanitarian aid, for it appears on the information we have at the moment, that all of these activities will take place after the actual establishment of the Peace Zones, but within those zones before they occur elsewhere in Aceh. The Aceh Zones thus seem to be part of an incremental way of arriving at a final peace agreement rather than being a way of implementing an already worked out and agreed arrangement for a substantive peace. Should they be regarded mostly as confidence building measures? Are they part of an incremental process of arriving at a final peace settlement? Is the plan to establish peace, security, and demilitarisation in some of the most violent areas and then extend these conditions to other parts of Aceh?

Practically, however, the sustainability of the Peace Zones initially established in Aceh looks bleak because of the continuing violence and the failure, to date, to impose sanctions on apparently obvious violations. The fact that the process has come so far does mean that both parties have committed themselves much further than at any previous time in this conflict and this will make it difficult for them to turn back completely. However, if demilitarisation within and around the Zones does not take place quickly and as planned – at least by the deadline of June 9th – the future of the Peace Zones and of the peace process itself will be uncertain. The situation is changing rapidly and the present Research Paper will probably need major revision sooner rather than later²⁹.

Pushpa Iyer

1st April 2003

²⁹ Since this paper was written in early April 2003, there were more attacks on the JSC offices. One of them in Langsa, East Aceh was burnt down. Another one was occupied by elite police forces. The JSC has asked for all peace monitors (primarily the foreign monitors from Thailand and Philippines) to retreat to Banda Aceh, the capital to re-evaluate the situation and for their own safety. Violent mob protests are being witnessed everyday in Aceh. The Indonesian Parliament decided to stick to the peace agreement although one of the options was to withdraw from COHA and get the military to step into Aceh.

Many reports mention that the mobs are anti-GAM. A spokesperson for the HDC made a statement that the mobs are anti-GAM, anti-JSC, anti-peace-process and pro-Indonesian Government. The commitment of the Indonesian Government to the peace process is being seriously questioned.

This Research Paper commented that the future of the peace-process looked very bleak; the process seems to have almost crumbled. The hope lies in the fact that the Indonesian Government did not take the all out military option. This may be because of international opinion and pressure.

One only hopes that the HDC is able to pull both sides through this setback.

APPENDIX I



**Cessation of Hostilities
Framework Agreement Between
Government of the Republic of Indonesia
And the Free Aceh Movement**

Preamble

The Government of the Republic of Indonesia (GOI) and the Free Aceh Movement (GAM) have been engaged in a process of dialogue since January 2000 and concur that the priority in Aceh is the security and welfare of the people and therefore agree on the need for finding an immediate peaceful solution to the conflict in Aceh. On 10 May 2002, the GOI and GAM issued a Joint Statement set out below:

1. On the basis of the acceptance of the NAD Law as a starting point, as discussed on 2-3 February 2002, to a democratic all-inclusive dialogue involving all elements of Acehese society that will be facilitated by HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.

2. To enable this process to take place both parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability of the parties to such an agreement. This will also provide the opportunity and environment for much needed socio-economic and humanitarian assistance to the people of Aceh.

The GOI and GAM share the common objective to meet the aspirations of the people of Aceh to live in security with dignity, peace, prosperity, and justice. In order to meet the aspirations of the people of Aceh and permit them to administer themselves freely and democratically, the GOI and GAM agree to a process which leads to an election in 2004 and the subsequent establishment of a democratically elected government in Aceh, Indonesia, in accordance with the review of the NAD Law, as provided for in point 1 of the 10 May 2002 Joint Statement.

To this end, the GOI will ensure and GAM will support the development of a free and fair electoral process in Aceh, which will be designed to ensure the broadest participation of all elements of Acehese society.

In light of the delicate nature of the confidence building process, the GOI and GAM further appeal for the support of all elements of society and request that no party undertake any action which is inconsistent with this Agreement and may jeopardize the future security and welfare of the people of Aceh.

The immediate requirement is to ensure the cessation of hostilities and all acts of violence, including, intimidation, destruction of property and any offensive and criminal action. Offensive and criminal action is deemed to include violent actions such as attacking, shooting, engaging in torture, killing, abducting, bombing, burning, robbing, extorting, threatening, terrorising, harassing, illegally arresting people, raping, and conducting illegal searches.

Throughout the peace process the maintenance of law and order in Aceh will continue to be the responsibility of the Indonesian Police (Polri). In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the Agreement.

The JSC will be the point of reference for all complaints regarding police functions and action that are deemed to be in contravention of the spirit and letter of the Cessation of Hostilities (COH) Agreement. As such, the JSC will be responsible for defining, identifying and investigating when and if the police have breached their mandate.

With this general understanding, and to bring the peace process forward to the next phase, both parties hereby agree on the following:

Article 1: Objectives of the Cessation of Hostilities and All Acts of Violence

- a) Since both sides have thus agreed that, from now on, enmity between them should be considered a thing of the past, the peace process, which is continued by an agreement on this phase, will proceed by building further confidence and both sides will prove to each other that they are serious about achieving this ultimate common objective.
- b) The objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland; (ii) to continue the confidence building process with a view to eliminating all suspicions and creating a positive and cooperative atmosphere which will bring the conflict in Aceh to a peaceful conclusion; and, (iii) to enable, provided hostilities and all acts of violence cease, for the peace process to proceed to the next phases, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

Article 2: Commitment by Both Sides to Cease Hostilities and All Acts of Violence

- a) Both sides explicitly express their commitment to meet the terms of this Agreement to cease hostilities and all forms of violence toward each other and toward the people in Aceh, by implementing the steps stipulated in this Agreement. In expressing such commitment, both sides guarantee that they are in full control of, respectively, TNI/Polri and GAM forces on the ground. GOI and GAM commit to control those groups that do not share their objectives but claim to be part of their forces.
- b) Both sides further commit themselves to immediately after the signing of this Agreement to thoroughly inform their respective forces on the ground of the terms of this Agreement, and to instruct them to cease hostilities immediately.
- c) Both sides agree that, should there be other parties taking advantage of the situation and disturbing the peaceful atmosphere, they will endeavour to take joint action against them to restore the peace.
- d) During this confidence-building period, both sides agree that they will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Aceh.
- e) HDC is requested to strictly facilitate the implementation of this Agreement.
- f) Both parties will allow civil society to express without hindrance their democratic rights.

Article 3: Joint Security Committee (JSC)

- a) The senior leadership in charge of security from each side will meet, in order to establish the initial contact and understanding between both sides. They should also (i) reactivate the Joint Security Committee (JSC), which was established during the implementation of the Humanitarian Pause, and (ii)

commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties.

b) The functions of JSC are: (i) to formulate the process of implementation of this Agreement; (ii) to monitor the security situation in Aceh; (iii) to undertake full investigation of any security violations; (iv) in such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement; (v) to publish weekly reports on the security situation in Aceh; (vi) to ensure that no new paramilitary force is created to assume previous functions of Brimob, and (vii) to design and implement a mutually agreed upon process of demilitarisation. Regarding this last task, the JSC will designate what will be called Peace Zones (see Art.4(a)). After peace zones have been identified, the GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GOI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months (see attached note).

c) The composition of JSC will be senior officials appointed as representatives of the GOI and the GAM and a senior third party personality of high standing agreed upon by both sides, Each senior official from the three parties are to be accompanied by up to four persons as members. The heads of delegations from both sides have to be senior and have the authority to be able to take decisions on the spot. The third party (HDC) personality needs to be able to command the respect and high regard of both sides in order to be able to assist in resolving problems, as they arise.

d) In order to perform these functions, the JSC is to be assisted by a monitoring team or monitoring teams, which would be provided security guarantees by both sides in monitoring the security situation and in investigating any violation.

e) The composition of each of the monitoring teams are appointed officials as representatives of the High Command of the security forces of the GOI and the High Command of the forces of the GAM in Aceh and a senior third party military officer agreed upon by both sides reporting to the senior third party personality of high standing in the JSC.

f) JSC and the monitoring team(s) would be provided with the necessary technical and administrative staff and logistical support. The HDC is requested to facilitate the establishment of these bodies by providing the necessary funds, logistical and administrative facilities.

g) It is agreed upon that the JSC and the monitoring team(s) will be established and be operational within one month of the signing of this Agreement. Civil society has the right to provide inputs to the JSC.

Article 4: Establishment of "Peace Zones"

a) Following the signing of the COH Agreement, the JSC, with the direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as "Peace Zones". This would facilitate, considerably the work of the JSC since it could focus its attention on these areas in establishing and maintaining security, and these zones, provided peace could be established, will be the focus of the initial humanitarian, rehabilitation and reconstruction assistance.

- b) For the first two months after the signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.
- c) In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams. The JSC will be informed by both parties of any significant movements or activities in these areas.
- d) POLRI will be able to investigate criminal activities in these areas in consultation with the JSC.
- e) The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehese meunasahs, market-places, foodstalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services, and fishing ports.

Article 5: Time Frames

- a) Both sides agree that hostilities and all acts of violence by both sides should cease forever in Aceh.
- b) Both sides also agree that hostilities and all acts of violence during the first three months from the time when the JSC and the monitoring team(s) become operational are very crucial as indicator of the seriousness of the commitment from both sides. If indeed hostilities and all acts of violence could decrease dramatically, or even cease altogether, during this first three month period, the Acehese and other Indonesian people, and the international community, would consider that the peace process would most likely succeed.
- c) During the period between the signing of this Agreement and the time when the JSC and the monitoring team(s) become operational, both signatories to this Agreement commit themselves to exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side, including the people, and by ensuring that their forces will not initiate any hostile act toward the other.

Article 6: All-Inclusive Dialogue

The parties agree to support the process of All-Inclusive Dialogue in Aceh as provided for in the Joint Statement of 10 May 2002. The parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue to enable the process to be conducted in a safe and fair manner, reflecting the views of all elements of Acehese society. The parties reconfirm their agreement that the process of All-Inclusive Dialogue be facilitated by HDC.

Article 7: Public Information and Communications

- a) To ensure national and international support for the peace process in Aceh, the Agreement of 10 May 2002, and this Agreement and its implementation have to be publicised as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.
- b) Communications to the public will be given priority, especially through the print and electronic media. Television and radio programmes have to be devised to enable obtaining inputs from the general public

provided that they are conducted in a fair and balanced manner. The JSC remains the final reference on this matter.

c) Other media, such as community meetings, seminars, flyers, bumper stickers, T-shirts, and others could also be considered, as appropriate.

d) The HDC is requested to look for sources of funding these public information and communication activities.

Article 8: Joint Council

A Joint Council will be established, composed of the most senior representatives of the GOI and the GAM, and of the third party (HDC). The function of this Joint Council will be to resolve all issues or disputes arising out of the implementation of this Agreement, which cannot be resolved by other Committees or Structures established under this Agreement. The Joint Council may amend the articles and provisions of this Agreement.

Article 9: Amendment or Termination

This Agreement may only be amended by agreement between the two parties in the Joint Council. Should either party wish to unilaterally terminate the Agreement then they are obligated to first bring the issue to the Joint Council and engage in and support all efforts by the Joint Council to resolve the problem within a sufficient period of time (no less than 30 days). If the Joint Council is unable to resolve the matter, then either party has the right to unilaterally withdraw from the Agreement.

For the Government
of the Republic of Indonesia
Amb. Mr. S. Wiryono

For the Leadership
of the Free Aceh Movement
Dr. Zaini Abdullah

Witnessed by
Henry Dunant Centre
for Humanitarian Dialogue (HDC)
Mr. Martin Griffiths

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