

The dilemmas of new humanitarianism: NGO responses to the separatist conflict and the Indian Ocean tsunami between 1998 and 2008 in Aceh, Indonesia

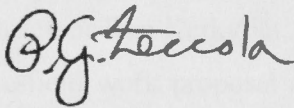
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March 2012

A thesis submitted for the degree of Doctor of Philosophy at the Australian National University.

Acknowledgements

Many people have assisted me in writing this thesis. First, I would like to thank my supervisor, Dr Edward Aspavali, who has been a great source of guidance, motivation and support. I met with him weekly in a House of Commons office in London and regularly from time to time in Cambridge.

I certify that this thesis is my own work, except where otherwise acknowledged.



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Many people have assisted me in writing this thesis. First, I would like to thank my supervisor, Dr Edward Aspinall, who has been a great source of guidance, inspiration and support, from our first meeting in a Banda Aceh coffee shop in 2001 to our more recent discussions in Canberra.

At the Australian National University, I would like to thank my advisors, Dr Greg Fealy and Dr Katherine Morton, as well as Professor Harold Crouch, Emeritus Professor Ben Kerkvliet, and Dr Raymond Apthorpe, all of whom commented on my pre-field work proposal and early draft chapters. Thanks to Dr Marcus Mietzner for his words of wisdom in getting this PhD finished. At La Trobe University, I would like to thank Dr Angus McIntyre, Dr Thomas Weber, Professor Robin Jeffrey, and Professor Robert Manne, all of whom were of great importance in inspiring me early on in my career. I would also like to thank all those people who attended my seminars and commented on my papers in Canberra, Melbourne, Sydney, Singapore, Banda Aceh, Naples, Berlin and Groningen.

I wish to thank the Department of Political and Social Change, School of International, Political and Strategic Studies, ANU College of Asia and the Pacific; Syiah Kuala University; the Endeavour Fellowship program; and the Aceh Research Training Institute, all of which provided generous technical and financial support. I would also like to thank the Aceh Institute in Banda Aceh, and the Centre for Strategic and International Studies in Jakarta for hosting me. Toward the end of my PhD, AusAID provided me with generous study leave. Special thanks to Thuy Do for her proof reading of this thesis.

The following human rights defenders, humanitarian workers and friends in Aceh have been a constant source of inspiration to me: Raihana Diani, Arie Maulana, Kautsar, Arabiyani, Erwanto, the late Muchlis, Khairani Arifin, Suraiya Kamaruzzaman, the late Syarifah Murlina, the late Rufriadi, the late Nek Suh, Afridal Darmi, Aguswandi, Muslahudin Daud, Thamrin Ananda, Rahmat Djailani, Ma'Arif, Nova Rahayu Yusuf, Imoel, Nurdin Abdulrahman, Hendra Budian, Hendra Fadli, Asyiah Uziah and Saiful Mahdi. Other important friendships made in Aceh that have

helped me with my research include with Chloe Olliver, Renate Korber, Lina Frodin, Mercedes Chavez, Jesse Grayman, Naomi Stenning, Rob Wrobel, Adrian Morel, and the late Mateusz Tuniewicz.

Countless other friends made this thesis possible through their generosity in giving me a place to stay during my field research in Indonesia, Europe and the United States. They include David Shields and Blossum Gilmour, Aguswandi, Marcus Mietzner, Lina Frodin, Minna Frederiksson and Andre, Zubaidah Bourquin, Annette Jansen, Thomas Cester and family, Michael Beer and family, Simon Zeccola and Jodie Dobson, and Travis Crouse.

Thanks to my parents, Peter and Carol, who have been so supportive, from my first exploration of Asia in 1997, to having me home in beachside Melbourne countless times since.

To my wife, Raihan, and our boys, Agam and Akira – thank you for your patience, support and inspiration.

This thesis is dedicated to my friends lost in the conflict and the tsunami.

Abstract

This thesis is about the theory and practice of ‘new humanitarianism’ in the context of converging disasters in Aceh, Indonesia. The main question of this thesis is: what is the relationship between humanitarian assistance and human rights in practice? In order to answer this question, the study examines the challenges local and international non-governmental organisations (NGOs) faced as they engaged in human rights and humanitarian work during both the conflict (1998-2004) and post-tsunami (2004-2008) periods. It investigates the tensions inherent in the ‘new humanitarian’ approach of combining ‘traditional’ humanitarian assistance, such as the provision of food, shelter and medical care, with more political, human rights-oriented activities including advocacy, protection and conflict transformation.

Discussing the relationship between humanitarian assistance and human rights, the study stresses the fundamental, practical dimensions of new humanitarianism rather than theoretical concerns. It finds that juxtaposing humanitarian principles with human rights and political activities treats humanitarianism as consisting of extremes only. The key to new humanitarianism in practice might not lie in fundamental revisiting of first principles. Rather, the study argues for a ‘grounded humanitarianism’ approach to the field of humanitarian studies that considers the day-to-day realities and challenges faced in humanitarian action. Grounded humanitarianism should not be limited to the study of international humanitarian actors alone. The findings illustrate that local NGO approaches, while deeply embedded in local political contexts and struggles, were not dissimilar to those that international ‘new humanitarian’ NGOs espoused. Both groups regularly weighed up the costs and benefits of any particular action.

Conventional approaches to the study of humanitarian action tend to overlook the vital role that local humanitarian actors play. Yet locals are always the first to respond to disasters and have a lasting stake in ensuring a beneficial outcome for their community. Local groups in Aceh provided many examples of strategies in combining advocacy, protection and conflict transformation activities alongside humanitarian assistance, often at great personal risk. For theorists of humanitarian

action, bringing local actors into the picture allows us to appreciate a more complete, nuanced understanding of the challenges and opportunities for humanitarian assistance.

New humanitarians need to be modest in their goals, rather than believing that humanitarianism has the power to transform political structures. The form that humanitarian action will take in any crisis will depend on a range of features, including domestic politics, funding exigencies, the presence of ‘competing disasters’, and organisational culture. Ultimately, greater consideration should be given to the day-to-day realities that contribute to, or deduct from, new humanitarian approaches.

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Preface

My interest in Aceh began with a visit to the province in April 1997 where I met with a group of young student activists who explained that Aceh was ‘different’ to Indonesia. I was on my first independent trip overseas, island-hopping through the Indonesian archipelago from Timor to Sumatra and tracing my grandfather’s Dutch-Javanese ‘Indo’ heritage. When I returned to university, Angus McIntyre of La Trobe University introduced me to the fascinating field of Indonesian Politics in the tumultuous year of 1999. A year later I was inspired by Thomas Weber, also of La Trobe, in the field of Peace Studies. Deferring my studies, I returned to Aceh in 2001 to work for the international NGO, Peace Brigades International (PBI) to gain practical field experience in a third party non-violent intervention. My intention was to underpin my theoretical training with practical experience and to one day bring this experience back to the theory. Following intensive nonviolence and human rights protection training, I arrived in Aceh in the middle of Indonesian military counter-insurgency operations. I learned about human rights through my day-to-day contact with Acehnese human rights activists, and the life-threatening challenges they faced in their work. Since then, I have maintained interest in the Aceh conflict, especially the role of Acehnese activists, from both an academic and practitioner perspective.

I worked intermittently for PBI in Aceh and Jakarta from 2001 to 2005. Our mission was to ‘make space for peace’ by providing ‘protective accompaniment’ to human rights defenders, threatened with politically motivated violence, to carry out their work. ‘Protective accompaniment’ refers to providing activists with an international presence, bolstered by a global network of supporters, and backed up by embassies in Jakarta, as well as the Indonesian government. The aim was to deter violence against these activists by signalling to the Indonesian security forces that the international community was watching, and provide activists with a sense of safety, confidence and encouragement to continue their work. In this context, PBI applied soft pressure on Indonesian military and police officials stationed in Aceh, raised its human rights concerns and maintained cordial relations with them. In Aceh, PBI worked with two legal aid and human rights NGOs, two women’s NGOs and two torture survivor associations. When the security forces attacked members of these organisations we

applied stronger, yet indirect, forms of advocacy by alerting our international support network who then applied pressure in their home countries and in Jakarta.

Aceh was a dangerous place to work at that time. Local humanitarian and human rights workers were the target of intimidation, detention, forced ‘disappearance’ and extra-judicial execution. Neither the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) nor the Indonesian security forces targeted international aid workers in Aceh; if they did, our protective function would have been rendered useless. Foreigners were restricted from entering Aceh following the declaration of a military emergency in May 2003. The ban was not lifted until the days following the 2004 Indian Ocean tsunami.

I returned to work in Aceh with PBI in January 2005 and stayed for three months leading a post-tsunami NGO needs assessment and established a new office in Banda Aceh. I witnessed the evidence of the destructive powers that the tsunami wreaked on Aceh, as well as the local and international response to the disaster. Indonesian military operations against GAM continued at this time and any individual or organisation that showed interest or concern in the conflict, or human rights issues, were met with a most unwelcoming response. In Banda Aceh, where most international and local NGOs were based, only the natural disaster was visible. However, the situation was much different outside of the capital. In rural parts of Aceh the conflict continued and members of the Indonesian security forces were suspicious of the presence of foreign aid workers. The emergency response in Aceh focused, quite rightly, almost entirely on the tsunami. However, there were some serious misperceptions among newly arrived foreign aid workers and diplomats regarding the conflict in Aceh, which may have informed the nature of the response. For instance, in a meeting with a Canadian military attaché in Jakarta, he stated that some international NGOs had been secretly supporting GAM. When pressed on the matter, he admitted his source of this information was the TNI (Field notes, 6 March 2005). The social and political context was not well understood by international workers. In the immediate post-tsunami context, the conflict and human rights were very sensitive issues and it made sense for international NGOs responding to the tsunami to keep some distance from that other ongoing disaster, the conflict.

Throughout the conflict years, ‘human rights’ or *HAM* (*hak asasi manusia*) in Indonesian, became a dirty word. In a meeting with a senior TNI officer in Lhokseumawe in February 2005, he said ‘*HAM* is *GAM*’ (*HAM adalah GAM*), meaning proponents of human rights were *GAM* supporters, and he warned that foreign NGOs should limit their activities to tsunami-related relief and refrain from responding to the conflict (Field notes, 18 February 2005). The Indonesian government’s suspicion of the concept is based on the perception that human rights could be used to undermine Indonesia’s territorial sovereignty and lend support within the international community for an independent Aceh. As discussed below, both *GAM* and some civil society groups did use human rights cases to raise international attention around the conflict.

Peace talks began in February 2005 and culminated in the signing, on 15 August 2005, of the now historic Helsinki Memorandum of Understanding (MoU). The MoU was an impressive leap of faith between the Indonesian government and *GAM*. I was in rural Aceh on the day of the signing and the reception was positive and optimistic, yet cautiously so. *GAM* dropped its struggle for independence and surrendered their guns in exchange for greater political autonomy, local political parties and amnesty for political prisoners, while the Indonesian government withdrew some 30,000 military troops and police personnel from the province. Within days of the signing, unarmed European Union and ASEAN peace monitors, dressed in beige trousers and white polo shirts could be seen around Banda Aceh.

At the time, I was working with a large international NGO in their ‘Aceh Response’ program as their ‘Protection Advisor’. I considered it imperative that international NGOs expand their response from a ‘tsunami-only’ focus to encompass the broader needs of the Acehnese, including supporting aspects of the post-conflict process. A senior colleague told me bluntly, ‘it’s not *gonna* happen any time soon’. Other expatriates with years of ‘Aceh experience’ working with big international NGOs and UN agencies in Aceh had the same opinion as me and faced similar bottle-necks in senior management and headquarters. Local activists, representing a considerable force in Acehnese civil society, called on the international community from day one to assist both conflict and tsunami victims. Yet major international NGOs undervalued such local voices and largely ignored Aceh’s fledgling post-conflict

process in favour of the safe, apolitical, 'natural' disaster. International aid workers remained risk averse in Aceh, despite considerable progress in the peace process made by Acehnese and Indonesian political actors.

It was curious for me that active engagement in conflict issues by international actors did not come from independent NGOs, but rather, from intergovernmental groups like the World Bank, the United Nations Development Program (UNDP) and the International Organization for Migration (IOM), with support from donors such as the United States Agency for International Development (USAID). A number of small, mainly European-based NGOs also responded to the conflict. The province was thus carved into 'tsunami-affected' and 'conflict-affected' Aceh. Throughout this thesis, I examine the reasons for this division, as well as its positive and negative consequences on post-conflict Aceh.

My experience in pre- and post-tsunami Aceh brought me in close contact with a critical contemporary tension at the heart of international humanitarianism: the tension between humanitarian and human rights activities. Many aid workers perceived humanitarian activities to be incompatible with human rights activities, whereby human rights was seen as potentially undermining humanitarian objectives. In 2001 and 2002, I was interested to see some international NGOs in Aceh were as 'allergic' to human rights as parts of the Indonesian government. One NGO took this as far as saying it would not participate in a local versus international NGO friendly football game because the local NGO had 'human rights' in its name. Similarly, on several occasions, when international NGO representatives met with ambassadors or Indonesian police, they announced they had nothing to do with human rights and were purely humanitarian.

My role with a large international NGO in 2005 and 2006 as Protection Advisor further illustrates the challenges international humanitarian NGOs face in engaging human rights. For my first month with the NGO, my job title was the misnomer 'Community Participation Advisor' rather than Protection Advisor. This term was used because of fear that using the word 'protection' would make it difficult to register my position with the government authorities. As the political climate

improved and we saw other international NGOs openly having ‘protection’ or ‘protection and advocacy’ positions in their organisations, we followed suit.

Thus, we see that human rights and humanitarianism may be at odds due to both internal and external forces. The conflict was politically loaded with human rights issues. It was an external force leading international humanitarian NGOs to go to great lengths to avoid problems with the host government, Indonesia.

Aside from the challenges borne out of the politically charged context in which relief agencies often work, my experience in Aceh showed me that there was also significant internal resistance to human rights programming. Even after five successive positive developments in Aceh (the removal of Aceh’s conflict-era civil emergency status in May 2005; the Helsinki MoU in August that same year; effective demilitarisation by the end of 2005; the passing of new, MoU-derived legislation in mid-2006; and the first ever direct gubernatorial elections in December 2006 which led to former GAM commanders holding political office), most international NGOs did not engage in conflict-related work. International NGOs claimed the main reason they maintained the distinction between the conflict and tsunami, was funding. People donated money for the tsunami and NGOs had to be accountable for how they spent that money. Some international NGOs found it challenging to justify spending money on the conflict when the intended beneficiaries were tsunami survivors. However, over time, these restricted funds were loosened up and the sharp boundaries drawn between ‘conflict areas’ and ‘tsunami areas’ diminished.

The division between human rights and humanitarian assistance I witnessed in Aceh seems to be inconsistent with recent trends in the humanitarian aid industry. Since the early 1990s, many international humanitarian NGOs have developed human rights advocacy, protection and conflict transformation programs. Such programs, they argued, must be integral to humanitarian assistance. Proponents of this ‘new humanitarian’ approach suggest that aid workers must be politically savvy, sensitive to human rights issues and promote peace. They aspire to do more than mere service provision of basic needs. Yet there remain serious challenges in implementing this new approach in practice. Resistance within international humanitarian NGOs against human rights related programming is based on the view that such activities are an

optional 'add-on' to 'traditional' needs-based orientation of humanitarian assistance. Thus, there is tension within agencies and among scholars: between those who support a more traditional approach and those who promote the new rights-based humanitarian approach.

I also became deeply familiar with the work of local NGOs in Aceh. In contrast to international NGOs, local humanitarian NGOs had little trouble integrating human rights and humanitarian activities. Indeed, for local activists it was a false division. Since many Acehnese, especially those living in rural communities, faced both human rights violations (extra-judicial executions, rape, disappearance, beatings) and humanitarian threats (forced displacement, loss of livelihood, limited access to basic services), most local NGOs responded to human rights issues alongside delivering humanitarian aid. Similar to international NGOs, local NGOs found it more acceptable to the security forces when they explained their work in humanitarian, rather than human rights terms. Local NGO workers did not enjoy the protections that international status afforded international aid workers in Aceh and many local activists paid the ultimate sacrifice for engaging in such high-risk work in Aceh, as described in chapters three and four. Many local NGOs were highly strategic in how they used humanitarian assistance to gain access to certain areas and investigate human rights issues. Literature on the integration of human rights in humanitarian assistance focus mainly on international NGOs and the perspective of local NGOs is seldom written about, as described in chapter two.

The motivation for this research lies in the fact that after working for human rights and humanitarian NGOs in Aceh for several years, I have seen a conflict between the theoretical embrace and practical rejection of human rights in humanitarian action. This conflict reflects the real day-to-day difficulties international NGOs face in engaging with human rights and peace activities. I also saw examples of very positive relations between local and international NGOs. However, I also saw clashes of interest between these two broad groups. I wanted to look deeper into these challenges and uncover how international actors reconciled the dual problems of engaging in sensitive human rights and peace issues and working with a highly politicised local civil society. I also wanted to reveal the perspective of local NGOs and avoid the international focus of most studies on humanitarianism.

Chapter 1. Introduction

Since the 1990s, international humanitarian NGOs have increasingly attempted to incorporate activities such as peace-building, humanitarian protection and human rights advocacy alongside the delivery of material aid. Combining humanitarian and human rights activities is often difficult. Access to areas where international groups need to provide humanitarian assistance depends upon them securing and maintaining amiable relations with the government authorities. In contrast, human rights activities, which may seek to change the behaviour or shame the government in question, can easily jeopardise the relationship with the host state, and in turn humanitarian access. This thesis examines the politics of contemporary humanitarianism by asking: what is the relationship between humanitarian assistance and human rights promotion in practice? In particular, it investigates how humanitarian and human rights groups approached human rights advocacy, humanitarian protection and conflict transformation activities in Aceh, Indonesia between 1998 and 2008.

The Aceh case provides a range of contexts to study local and international humanitarian assistance, beginning with *reformasi* and the opening up of the political system after the collapse of the Suharto regime in 1998 and the subsequent closing down again due to conflict in 2003. In this period the main humanitarian crisis experienced in Aceh occurred as a result of the conflict between the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) and the Indonesian government. From late 2004 the tsunami emergency and reconstruction phase provides an opportunity to examine responses to a ‘natural’ disaster that was parallel to the ongoing conflict. The tsunami was a major turning point as it had an impact on the political context; led to a surge in local and international groups working in Aceh, as well as resources available to them; and led to increased international attention to Aceh. It is thus necessary to divide humanitarian and human rights responses into pre- and post-tsunami periods. Finally, the 2005 peace accord and successful post-conflict transition period meant that local and international groups faced a whole new set of challenges and opportunities.

The main finding of this thesis is that while humanitarian action certainly influences local politics, political interests have a much more transformative power with regard to humanitarian action. Alex de Waal's observation in his 1997 *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, resounds with my own analysis of humanitarian relief in Aceh between 1998 and 2008. In his introduction, de Waal writes, 'a humanitarianism that sets itself against or above politics is futile. Rather we should seek a form of politics that transforms humanitarianism' (de Waal 1997: 6).

In Aceh, local and international NGOs tried a political approach in the post-Suharto conflict years. But they were unsuccessful in their attempt to change the behaviour of conflict actors by responding to and raising human rights and humanitarian issues in national and international political arenas. As late as 2004, six years into Indonesia's post-authoritarian political reform (*reformasi*) period, the Indonesian government remained committed to annihilating Acehese opposition to Jakarta. Similarly, six years of national and international human rights advocacy resulted in little support for the protection of human rights or for Acehese political aspirations. The relative openness shown by the Indonesian government in allowing some humanitarian assistance from 1998 diminished over time. The government declared martial law in 2003, expelling international aid workers and causing most local activists to flee the province in fear. It was only in late 2004, with new political leadership in Jakarta, and the tsunami – a 'new disaster' – that a transformation of humanitarian action took place in Aceh.

To my surprise, international groups became thoroughly 'apolitical' in their approach in the post-tsunami period, mostly limiting their interventions to matters relating to the 'natural' disaster. It was political will in Jakarta that led to greater humanitarian access, new forms of advocacy, and, at the time of writing, six years of peace in Aceh. Humanitarianism played a minor, yet supportive, role in influencing the political situation in Aceh. International groups were more concerned with access, security, funding and internal arguments about where and how to deliver assistance.

These findings point to a longing on the part of the international actors I study for 'classic humanitarianism' involving a separation of human rights activities from humanitarian assistance. My findings point to a rejection in practice of 'new

humanitarianism', which Bronwyn Leebaw suggests, 'aims to connect relief aid to longer term projects designed to address the underlying political causes of violence through involvement in development, conflict resolution, and human rights' (Leebaw 2007: 228). At the same time, my research identifies activities and approaches resembling new humanitarianism among *local* actors: the Acehese human rights and humanitarian movement, with niche European NGO support.

My main research question regarding the relationship between humanitarian assistance and human rights promotion leads logically to three additional sub-questions. By answering these questions I contribute to two broad fields of study: studies of Indonesian politics and humanitarian studies. These sub-questions are as follows:

First, what were the external and internal constraints or opportunities that obstructed or facilitated NGOs from combining humanitarian and human rights activities? My analysis of NGO behaviour across a variable political climate and diverse disasters presents contrasting challenges and opportunities. From 1999 to 2003, there were ten international humanitarian organisations and around 70 local NGOs in Aceh. With the declaration of martial law in 2003, the number of foreign agencies was reduced to three and most local NGOs all but ceased to function. After the tsunami, in early 2005 there were 240 international NGOs, 430 local (and national) NGOs, eleven foreign militaries, dozens of donor and UN agencies, the International Federation of the Red Cross and Red Crescent Societies (including Australian, American, Canadian, Japanese, Spanish, Swiss, French, Italian and more all working independently), the International Committee of the Red Cross (ICRC), the Indonesian Red Cross, as well as embassy staff, foreign dignitaries, doctors, journalists and independent volunteers (BRR 2005: 3). In the pre-tsunami period there were few international NGOs operating in a highly sensitive environment, while in the post-tsunami period there were scores of international NGOs operating in a much more open environment. However, the latter period was marked by a 'tsunami-only' approach in which many humanitarian actors were averse to involving themselves in conflict related issues. The transition from a conflict to 'post-conflict' climate introduced new opportunities and challenges for human rights-based programming.

A recurrent theme in this thesis is that the international tsunami response had the enduring impact of dividing Aceh into two separate spheres of programming: conflict and tsunami. When the tsunami struck, it was the most devastating natural event the world had seen in over a hundred years, claiming over a quarter of a million lives, leading to half a million internally displaced persons (IDPs) and destroying infrastructure. Scholars have reported on the wide discrepancy between tsunami and conflict-related assistance, with beneficiaries of the latter receiving far less in aid than the former (See Barron and Burke 2008, and Kennedy, Ashmore, Babister and Kelman 2008). Yet the conflict had led to around 15,000 deaths, caused hundreds of thousands of Acehnese and Javanese to flee their homes, and caused the destruction of government infrastructure, schools, private property and loss of livelihoods throughout the province. International NGOs continued to identify their activities as operating in either ‘post-tsunami Aceh’ or ‘post-conflict Aceh’ for five years after the tsunami. It was a tale of two Aceh’s. The conflict and tsunami division had important ramifications in regard to human rights advocacy, humanitarian protection, and most profoundly, conflict transformation in Aceh, as described in the following chapters.

The second sub-question is: how did groups differ in their approach to humanitarian and human rights work? Local and international groups, including NGOs, civil society organisations (CSOs) and intergovernmental organisations, differ significantly in terms of size, structure, philosophy, motive and resources. Furthermore, different types of organisations, from within the broader local or international groupings also differ. For example, leftist student groups’ approach to humanitarian assistance and engagement in human rights advocacy differed markedly in terms of alliances they made compared to a conservative religious or government-aligned NGO. The approaches of international NGOs with field offices in Aceh differed from those of groups that did not maintain a field office. The approach to humanitarian and human rights issues also differed broadly depending on the agency and the context.

The major differences I explore are between international and local groups. In Aceh, local NGOs emerged in a highly politicised context and some groups became increasingly political in their orientation as the conflict worsened. The conflict elicited a large response from local organisations, which opposed human rights violations and promoted humanitarian protection and non-violent struggle, as well as

drawing some international humanitarian and human rights attention to the province. Equally significant was the Indonesian security forces' response as they cracked down on humanitarian workers and human rights activists who were often critical of the Indonesian government. Early NGOs consisted of religious leaders, students and intellectuals, who either experienced a form of injustice themselves, or were moved by the injustice faced by others.

In contrast, international NGOs have their origin in the birth of the Red Cross movement in 1863, which is driven by the ideal of a universal humanitarian mission (International Committee of the Red Cross 2008). There were few international groups that were sympathetic to the Acehnese political cause, although at the height of the conflict (1999 to 2004) many were indeed active around human rights and humanitarian issues. In the post-tsunami period, international NGOs were more interested in working with apolitical 'implementing partners' with a broad local network than they were with local, politicised NGOs. Local and international NGOs emerged in highly different settings and yet came to work side-by-side in contexts such as Aceh.

Finally, how did international and local humanitarian and human rights groups relate to each other in Aceh? Studying the links between local NGOs and international groups helps explain the nature of human rights advocacy, humanitarian protection and conflict transformation in Aceh because those links illustrate points of tension and cooperation between local and international groups on a range of topics. Relational dimensions that I examine include international-local NGO relations, inter-NGO relations, intra-agency competition (internal tensions), and donor relations. The study of multidimensional relations highlights both the pressures and flexibilities that groups encounter when combining humanitarian and human rights activities.

The political climate in Aceh and Indonesia both shaped, and was shaped by, the relationship between local and international NGOs.¹ International NGOs were cautious in their relationship with local NGOs because of a highly sensitive

¹ The main emphasis of NGO relations in this thesis is between local and international groups. Yet neither 'local' nor 'international' categories represent a homogenous whole and there is widespread competition and rivalry among local and international groups. Competition is also rampant internal to organisations.

Indonesian government attitude toward sovereignty, calls for secession in Aceh and international interference. The latter was informed by the deterioration of Indonesian foreign relations in the lead up to, and following East Timor's secession from Indonesia. Local organisations targeted the international community as an 'active audience' in their human rights advocacy and calls for a referendum on Aceh's independence. Some local groups thought that if the world knew about the human rights abuses in Aceh, they would help to set Aceh free from Indonesia. Although they were highly cautious, a number of international NGOs and donor governments supported local 'civil society' human rights activities during the conflict. Local political actors, including from within the human rights and humanitarian movement, saw international NGOs as an opportunity to promote their cause, and were strategic in their engagement with international groups.

Local and international NGOs were usually attracted to one another based on a similar vision, mission and organisational philosophy. International aid organisations depend on local knowledge and local NGOs thus play an important role in facilitating their activities anywhere in the developing world. Locals are often the first to respond to disasters and, naturally, remain active in their own society after the foreigners depart. Furthermore, most international humanitarian groups espouse the principle of equity and the importance of 'empowering' local society through 'grassroots' and 'community-driven' initiatives toward 'sustainable solutions'. International donors agree that instilling a sense of 'ownership' among local actors and strengthening local institutions, including NGOs, is key to building lasting solutions. International aid organisations often depended on local partners, which operated as an extension of the international sponsor, to implement their programs. Humanitarian actors strive to include local actors in rebuilding their own society. For example, the Red Cross/NGO Code states, 'We shall attempt to build disaster response on local capacities' (International Federation of the Red Cross and Red Crescent Societies 2008).²

Another factor affecting the relationship between local and international NGOs is that international NGOs and donors are primary funders of local NGOs, paying for their office equipment, salaries, as well as professional development and training. Jude

² Most international NGOs are signatories to the Red Cross/NGO code, or other similar codes.

Howell and Jenny Pearce (2001) raise several concerns regarding how donor agencies engage with local civil society. They argue that donors often essentially promote a Western capitalist model of civil society development which may not necessarily allow for alternative voices. Donors also, according to Howell and Pearce, ‘threaten to reduce the concept of civil society to a technical tool and so depoliticize it in a way that paradoxically could lead to a constriction of intellectual and political space’ (Howell and Pearce, 2001: 2). However, I am also interested in the resilience of civil society in the form of resistance against international pressure and how local organisations use their links with international actors for their own benefit. In the following chapters I find that local NGOs were highly strategic when choosing cooperative activities and donors. Furthermore, local NGOs hugely benefited from increased sources of funding opportunities made available to them after the tsunami. While local civil society is sometimes dependent on international donors for technical assistance, they are important agents in their own right.

1.1 Thesis structure and theoretical contribution

This thesis contributes to the fields of humanitarian studies and Indonesian studies with a particular focus on Acehnese politics, disaster response and international relations. Chapter two provides the theoretical underpinning of this thesis. Contemporary humanitarianism has seen a major shift from the more ‘traditional’ forms of humanitarian aid, from the delivery of food, water, shelter and health services, toward a ‘new humanitarianism’ that engages in the more political, ‘root causes’ of conflict and suffering. Scholars have studied the different strategies for humanitarian assistance as promoted by both ‘classic’ and ‘new’ humanitarian approaches. This thesis aims to contribute to a broader understanding of humanitarian studies and human rights research. Michael Barnett (2005) notes the dearth in academic research on the humanitarian field:

Although humanitarianism is now firmly on the global agenda, the same cannot be said for academic research. Most research directly related to humanitarian action is produced by specialized agencies such as the Overseas Development Institute’s Humanitarian Policy Group; it is almost always directed at the policy community. Some social science research is related to humanitarian intervention, civil wars, democracy building, refugee studies, and peacekeeping. However, there has been remarkably little consideration of humanitarianism as an object of research (Barnett 2005: 726).

Since 2005, the field of humanitarian studies has grown. The first World Conference on Humanitarian Studies was held in early 2009 in Groningen, the Netherlands. The conference was well attended with some 400 presentations and was anticipated to be the first of a new academic tradition bringing together scholars, practitioners and policy-makers from around the world.

Human rights are understood as the ‘inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being’ (Sepulveda et al 2004: 4). Human rights are sometimes conceived as three ‘generations’ of human rights. First generation human rights relate to the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is concerned with the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, and freedom of assembly (OHCHR 2012a). Second generation human rights relate to the International Covenant on Economic, Social and Cultural Rights (ICESCR). They include labour rights, the right to health, the right to education and the right to participation in cultural life (OHCHR 2012b). Third generation rights, sometimes known as ‘solidarity rights’, are concerned with collective rights, the right to self-determination, the right to economic and social development, the right to a healthy environment, and the right to natural resources. My discussion on human rights throughout this thesis is mainly concerned with first generation and second generation human rights. The reason for this is that human rights discourse among Acehese activists and international human rights NGOs in the post-1998 period was mainly articulated in terms of civil and political rights, as well as economic, social and cultural rights.

I now turn briefly to two related fields that are concerned with human rights and humanitarian action: human security and responsibility to protect. The concept of ‘human security’ is broadly defined in the 1994 United Nations Human Development Report as ‘freedom from fear’ and ‘freedom from want’ (UNDP 1994: 3). The 2003 Commission on Human Security, which was co-chaired by Amartya Sen and Sadako Ogata, defined human security as ‘protecting the vital core of all human lives in ways that enhance human freedoms and human fulfilment... it means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity’ (Commission on

Human Security 2003: 4). Human security encompasses seven main threat areas, namely: economic security; food security; health security; environmental security; personal security; community security; and political security (Commission on Human Security 2003: 4). According to Berma Klein Goldewijk (2008), human security represents a shift 'from state-related territorial security to the security of people' (Goldewijk 2008: 24). There are two main perspectives on human security, including the Japanese perspective and the Canadian perspective, both of which reflect the respective foreign policy positions of the two governments. According to Paul Bacon (2012), the Japanese perspective is 'closely associated with the economic, social and cultural rights/development agenda' (Bacon 2012). The Canadian perspective is 'associated with the notion of responsibility to protect' (Bacon 2012), as discussed below.

While the idea of human security may be applicable to the situation in Aceh, it was not commonly raised in local or international fora in regard to the conflict, and is therefore not a major focus of this thesis. It may well be, as Bacon argues, 'many governments are already implementing a human security agenda, they are simply not calling what they 'do' human security (Bacon 2012).

'Responsibility to Protect', commonly known as 'R2P', emerged from the Canadian perspective of human security. The term 'Responsibility to Protect' was first coined in the International Commission on Intervention and State Sovereignty (ICISS) report in December 2001. ICISS was built on Francis Deng's idea of sovereignty as responsibility. However, it was not until the 2005 United Nations World Summit that Responsibility to Protect was received the endorsement of 150 heads of state. The period from 2005 to 2011 saw Responsibility to Protect mature as it moved from endorsement to practice. On 12 January 2009, UN Secretary-General Ban Ki-moon issued a report entitled 'Implementing the Responsibility to Protect' and the first resolution on the Responsibility to Protect was adopted by the General Assembly on 14 September 2009 (International Coalition For the Responsibility to Protect 2012).

Since 2011, the UN has begun implementing Responsibility to Protect. On 17 March 2011, the UN Security Council adopted Resolution 1973 in regard to Libya which called the enforcement of a no-fly zone and for 'all necessary measures to protect

civilians and civilian populated areas under threat or attack.... while excluding a foreign occupation force of any form' (International Coalition For the Responsibility to Protect 2012). In regard to post-election violence in Côte d'Ivoire, on 30 March 2011, the UN Security Council adopted Resolution 1975, citing 'the primary responsibility of each State to protect civilian' and reaffirmed the mandate of the UN Operation in Côte d'Ivoire (UNOCI) to 'use all necessary means to protect life and property' (International Coalition For the Responsibility to Protect 2012).

Responsibility to Protect is now a widely accepted international security and human rights norm designed to address recurring problems of genocide, war crimes, ethnic cleansing and crimes against humanity, and the international community's failure to prevent and stop such atrocities (International Coalition For the Responsibility to Protect 2012). The current form of Responsibility to Protect means that it would not be applicable to the conflict in Aceh because the doctrine is only relevant to war crimes of scale.

Overall, human rights research is relatively limited. As Bertil Dunér points out, while 'human rights have been accepted as the idea of our times (paraphrasing Louis Henkin), it turns out that the volume of human rights research is amazingly small' (Dunér 2001: 13). This thesis aims to contribute to both fields in regard to the important debate about the interactions and intersections between humanitarianism and human rights.

Chapter three provides a detailed background to the history of the Aceh conflict, as well as local and international humanitarian and human rights responses in the province. The aim of the chapter is to provide a detailed context to the situation in Aceh, including the threats and opportunities that local and international NGO workers faced in the 1998 to 2008 period. The chapter steps back to highlight some elements of Acehnese history that are critical to understanding the dynamics of the pre-tsunami and post-tsunami period, including the history of the NGO movement in Indonesia and Aceh, as well as illustrating the socio-political environment in which NGOs were operating in Aceh.

The focus of the chapter is on the period from 1998 to 2008, which encompasses a number of overlapping contexts. The starting point is the fall of President Suharto in 1998, which in Aceh was characterised by a human rights NGO boom; a generation politicised and striving for Acehnese independence; and the re-emergence of GAM. It ends in the post-tsunami reconstruction of Aceh's physical infrastructure and the post-conflict transformation and reintegration of Acehnese society under the conditions of a long, sought after peaceful political settlement.

This thesis contributes to the field of humanitarian studies in a number of ways. The period under investigation, 1998 to 2008, runs concomitant to the transformation in the humanitarian sector, whereby many humanitarian agencies expanded and increasingly adopted human rights-related activities. Examining the humanitarian response in Aceh will be one way to elucidate how this shift has proceeded on the ground. Furthermore, comparing the conflict response to the tsunami response is likely to provide some useful lessons on the suitability of introducing human rights activities in humanitarian agencies. In the earlier period, Aceh faced a 'political emergency' to which both local and international humanitarian agencies responded. The tsunami introduced a new layer to the existing problem in the form of a natural disaster. The local and international NGO community readily engaged in the tsunami response. However, it was local, not international NGOs that continued to respond and bring to the attention of the international NGOs, the gravity of the political emergency and its inter-connectedness with the tsunami. The destructive powers of the tsunami inspired awe and generosity, while the conflict remained hidden and everyday.

I have chosen three activities to study in this thesis to illustrate the relationship between humanitarian and human rights action. They are: advocacy, humanitarian protection and conflict transformation. Each theme demonstrates the constraints and opportunities humanitarian and human rights groups faced, as well as the differences and relations between local and international groups in Aceh. I chose these particular activities because they represent the three key rights-related activities on which local and international NGOs worked in Aceh between 1998 and 2008. Each one also contrasts local and international conceptualisations of these issues, as well as different dilemmas, pressures and strategies in the varying contexts, from the opening up of the

political system after the fall of Suharto in 1998, to the counter-insurgency operations between 2000 and 2004, and the 2004 tsunami and 2005 peace deal. This thesis examines each of these activities, each in a chapter of its own.

Chapter four provides insights into how local and international NGOs approached advocacy on a number of issues, including in response to human rights violations, to allow humanitarian access and to promote justice for victims of the conflict in Aceh. Advocacy, understood most simply, is speaking out on behalf of people's needs. This thesis looks at both human rights advocacy and humanitarian advocacy. Advocacy is highly relevant to the question of the relationship between humanitarianism and human rights. Properly targeted advocacy has the power to change the behaviour of military forces abusing citizens or to open up areas to humanitarian access. Thus conceived, advocacy may also be considered a form of conflict transformation. If humanitarian groups anger the state authorities with their advocacy efforts, however, the state may expel the group and restrict humanitarian access. Advocacy is thoroughly 'new humanitarian'. According to Hugo Slim (2005: 7), '[i]ncreasingly professionalized, it [advocacy] is now mainstream business for every humanitarian organization'. Humanitarian groups try to be strategic about how to 'operationalise' advocacy. It would be reckless to jeopardise humanitarian access because of an ill-conceived advocacy strategy. It is only in rare and extreme situations such as Rwanda, described in chapter three, where NGOs such as *Médecins Sans Frontières* (MSF) France and the International Rescue Committee (IRC) withdrew from the camps to bring attention to the dire situation there, does withdrawing humanitarian assistance as a symbol of protest warrant such action. Most humanitarian groups find ways of 'outsourcing advocacy' to external human rights groups or more advocacy-oriented organisations in order to maintain humanitarian access.

Human rights advocacy was the dominant activity by local and international groups in Aceh, starting in 1998. As explained in chapter four, local and international groups exposed past abuses and brought national and international attention to the escalation of the conflict. There was much interest among international donors in supporting civil society at this early stage. I trace the emergence of the popular Acehnese civil society movement in 1998, itself characterised by human rights advocacy, and the creation of links between local and international groups. Human rights work was the

primary activity conducted by local NGOs in Aceh as the gravity of human rights abuses came to the fore. Local human rights NGOs coordinated with their international counterparts to bring international attention to the situation in Aceh, and put pressure on the Indonesian government to put an end to the violations. As military operations continued, national and international NGOs advocated for humanitarian assistance in Aceh. Local NGOs and some international advocacy groups called for justice for human rights violations. Of particular interest here are the different advocacy strategies implemented by human rights NGOs based in Europe, compared to international humanitarian NGOs with field offices in Aceh or Jakarta. The main questions of the chapter relate to how international groups balanced advocacy with access, and how they worked with local groups. I also question how local actors fit into ‘classic’ and ‘new’ forms of humanitarian action.

Chapter five then examines how local and international groups provided various forms of humanitarian protection for the Acehnese population, during both the conflict and post-tsunami periods. It discusses the challenges and opportunities for protection work in Aceh and compares local and international approaches to protection. Protection is about defending people’s safety and dignity. The IRC defines protection as ‘helping people to claim – or realize – their rights and helping governments to respect – or ensure – them’ (International Rescue Committee, 2005: 3).³ International humanitarian NGOs embraced protection as one of their core principles in the late 1990s, yet they struggled to implement it. In regard to Aceh, humanitarian protection became a core activity among both local and international NGOs as the conflict worsened, and international NGOs gained increasing access to Aceh in 2001. Similar to advocacy, protection activities may attract the ire of the state, as well as internal organisational resistance. The chapter also introduces the Indonesian concept of *pendampingan* (accompaniment) and illustrate the similarities it shares with some international conceptions of protection. I show how some groups benefited from translating their international protection work into local terms. Protection did not replace advocacy, but rather, worked in symbiosis with it. Both

³ ICRC defines protection as, ‘all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national, national or ethnic origin, language or gender’ (International Council of Voluntary Agencies, ‘What is Protection? A definition by consensus’, 2002).

local and international NGOs interested in human rights maintained a strategic humanitarian façade to continue their protection work.

Chapter six examines conflict transformation in Aceh between 1998 and 2008. Conflict transformation is broadly understood as a process of transforming relationships and interests that support violent conflict. They range from third party NGO mediation between the Indonesian government and GAM from 2000, the European Union led peace monitoring force in 2005, to the numerous grassroots conflict resolution initiatives led by local, regional and international groups. I draw upon Hugh Miall in his categorisation of three interrelated schools in the field of conflict intervention: ‘conflict management’, ‘conflict resolution’ and ‘conflict transformation’ (Miall 2004). Each has contrasting conceptions of what conflict is, and how it should be ‘managed’, ‘resolved’ or ‘transformed’, as the categories suggest. I link the three categories with the three different approaches I observed in Aceh. Conflict transformation activities illustrate the relationship between humanitarianism and human rights in a number of ways. It is understood that human rights violations will diminish as conflicting parties move away from violence and society experiences peace. As described above, international groups have increasingly used humanitarian assistance for conflict management purposes and humanitarian organisations increasingly engaged in conflict transformation activities since the 1990s. The chapter also looks at local and international attempts at transforming the Aceh conflict and the role humanitarianism played therein. Of particular interest is comparing how groups applied humanitarian issues to the conflict in the pre-tsunami and post-tsunami periods.

There is considerable ‘overlap’ between the related fields of advocacy, protection and conflict transformation. For example, activists may engage in advocacy in an effort to put an end to the conflict. Similarly, protection work may also be a form of advocacy or conflict transformation. For the purpose of how each activity relates to humanitarian action, I treat each field separately throughout this thesis, based on the dominant mode of activity, rather than what the activity was aiming to achieve.

1.2 Methodology

The foundation of my research lay in my practical experience working for international NGOs in Aceh between 2001 and 2006, as described in the preface. This experience afforded me good access to some of Aceh's leading activists, senior Indonesian government and armed forces personnel, a spectrum of international NGO, UN and foreign government officials, and community members. In November 2005, I also participated in a 'Listening Project', whereby teams of individuals visited a number of locations in Aceh and engaged in conversation with conflict and tsunami survivors on their experiences with humanitarian assistance.⁴ I drew upon many relationships I developed during this period when I returned to Aceh for my PhD field research in 2007.

Over a period of 21 months in 2007 and 2008, I conducted primary research for this thesis by means of in-depth, semi-structured interviews with 100 representatives of local civil society, government officials and international aid groups. I selected my informants based on their having worked in Aceh during the pre- and post-tsunami periods, as well as expert scholars and practitioners on humanitarian and human rights linkages. Many of my informants I knew personally for a number of years or were introduced to me by former colleagues and friends. Interviews with local groups were carried out at their headquarters in Banda Aceh, the capital city of Aceh, as well as in the following district capitals: Sigli (Pidie), Lhokseumawe (North Aceh), Takengon (Central Aceh), Tapaktuan (South Aceh) and Meulaboh (West Aceh). Although the majority of local NGOs are based in Banda Aceh, I expanded the scope to Aceh's outlying towns for two reasons. First, the capital of Banda Aceh was largely free of armed conflict, with the exception of the period from late 2000 to early 2002, when there were regular security incidents in the capital. Second, almost all international and local NGOs have their main office in the capital. There is a strong sense of rivalry coming from the local NGOs based in the rural centres. Some activists I interviewed suggested that the Banda Aceh-based groups have an unfair advantage and are favoured by international NGOs. Thus, I attempted to avoid the 'Banda Aceh-centricity' of Aceh's fledgling aid industry.

⁴ The Listening Project was led by Mary Anderson and members of CDA Collaborative Learning Projects.

I focused mainly on local NGOs that had been working on human rights and humanitarian issues since prior to the tsunami. Local organisations include student groups and NGOs that work on legal aid, human rights, humanitarian, conflict transformation, women's rights and development. Of the international groups, I focused on humanitarian groups (such as those with a particular focus on IDPs, refugees, medical relief, women's rights and children's rights), general human rights, advocacy, peace, and development NGOs. I limited the scope of international NGOs by concentrating on those that had been working or funding programs in Aceh prior to the tsunami. Interviews with international aid workers were conducted in Aceh, Jakarta, Bangkok, Geneva, Stockholm, Berlin, Netherlands, London, New York and Washington, D.C. I also interviewed key individuals from the United Nations, European Union, World Bank, GAM and the Indonesian government in Aceh and Sweden. All interviews were conducted by me in English or Indonesian.

Chapter 2. Classic and New Humanitarianism: Continuity and Change

Since its birth in the nineteenth century, humanitarian action has grown to become a truly global movement with considerable political force. Humanitarian agencies have expanded well beyond their early intention of providing impartial and neutral relief for victims of disaster to become key players in development, human rights advocacy, humanitarian protection, peace-building, justice issues and governance (Barnett 2005: 723). In doing so, humanitarianism has become increasingly political. Observers and practitioners are divided on the appropriateness and effectiveness of mixing so-called ‘political’ activities with humanitarianism. In this chapter, I describe the shift from early conceptions of ‘needs-based’ humanitarianism toward a ‘rights-based’, ‘political’, or ‘new humanitarianism’, and discuss what such new approaches look like, and the complexities involved therein. I then provide an overview of the debate between competing schools of thought on the best way forward for international humanitarian action, from critiques of ‘classic humanitarianism’, to the rise of ‘new humanitarianism’. By doing so, I set the scene for my later discussion of humanitarian action in Aceh, Indonesia.

Humanitarianism is concerned with saving lives and reducing suffering. In his book, *Empire of Humanity: A History of Humanitarianism*, Michael Barnett (2011) traces the concern with humanitarianism to the late eighteenth and early nineteenth century intellectuals, politicians and clergy. They drew on religious and Enlightenment ideas and ‘pushed for public interventions to alleviate suffering and restore society’s moral basis’ including on issues such as ‘temperance, charity for the poor, child labor, public education, and... the abolition of slavery’ (Barnett 2011: 40). Such issues are not too dissimilar to those that contemporary humanitarian actors focus on today. Barnett (2011: 29-32) provides a framework of three ages of humanitarianism to understand humanitarianism in historical context: Imperial Humanitarianism, Neo-Humanitarianism and Liberal Humanitarianism. The Age of Imperial Humanitarianism (1800-1945) was driven by a civilising mission associated with Christian and Western values. The Neo-Humanitarian Age (1945-1989) was characterised by the Cold War, decolonisation in the Third World and the shift away

from a civilising mission toward rich countries promoting governance in poor countries. Finally, the Age of Liberal Humanitarianism (1989-present) is contextualised by post-Cold War, ethno-nationalist and religious conflicts; the September 11, 2001 terrorist attacks and the link between poverty and terrorism; and increased concern among NGOs over human rights (Barnett 2011: 30-32).

Alex de Waal (1997) notes three main ‘ancestors’ of contemporary humanitarian action: international relief as an instrument of foreign policy (especially US foreign policy during the Cold War); private charity (including British missionary and famine relief to places like China in the 1870s, Russia in the 1920s and Greece in the 1940s); and the inception of the ICRC in the late nineteenth century (de Waal 1997: 67).¹ The following section looks at these three categories in turn, although I re-order them to consider first the Red Cross movement, followed by ‘state-sponsored’ humanitarianism, and finally charitable humanitarianism.

Before looking at the different categories of humanitarianism, it is necessary to briefly distinguish between ‘mandated’ and ‘non-mandated’ humanitarian agencies. Agencies mandated to provide humanitarian assistance include the various UN agencies such as the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA), and the UN Children’s Fund (UNICEF); inter-governmental organisations such as the International Organisation for Migration (IOM) and International Labour Organisation (ILO); and international organisations such as the ICRC and the International Federation of the Red Cross and Red Crescent Societies (IFRC). The ICRC’s primary role is ‘ensuring humanitarian protection and assistance for victims of war and armed violence. The ICRC has a permanent mandate under international law to take impartial action for prisoners, the wounded and sick, and civilians affected by conflict’ (ICRC 2008c). In regard to refugees, the international agency mandated for their protection is the UNHCR. The UNHCR says it carries out its work in the following way:

¹ The intention of this section is not to provide a history of humanitarianism, but rather a brief overview of some key trends and some of the chief players in the field. For a detailed discussion on the history of the concept of humanitarianism see Calhoun, C. (2008) ‘The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action’, in Barnett, M. and Thomas Weiss (eds), *Humanitarianism in Question: Politics, Power, Ethics*. Cornell University Press.

Using the 1951 Geneva Refugee Convention as its major tool, it ensures the basic human rights of vulnerable persons and that refugees will not be returned involuntarily to a country where they face persecution. Longer term, the organization helps civilians repatriate to their homeland, integrate in countries of asylum or resettle in third countries. Using a world wide field network, it also seeks to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus (UNHCR 2006a).

The main focus of this thesis is ‘non-mandated’ agencies, or NGOs, and includes organisations mentioned above. The 1990s saw NGOs playing a greater role in supporting mandated organisations that do not have the resources to respond to humanitarian crises around the world.² As discussed in chapter one, international norms now hold state authorities primarily responsible for protecting their citizens. If states fail to protect their citizens, then by the same token they may lose their moral authority to govern those citizens. In situations of war or natural disaster, the state is often unable or unwilling to protect its citizens and international humanitarian organisations – mandated or non-mandated – have the right to offer their services to the state. As mentioned, the close interaction and interdependency of mandated and ‘non-mandated’ agencies means that both need to be considered in this thesis.

a. Red Cross Humanitarianism

Most scholars of humanitarian studies generally agree that the birth of contemporary humanitarian action was Henry Dunant’s encounter with the horrors of war following the Battle of Solferino in 1859 and the founding of the Red Cross movement (Fox 2001, Barnett 2005, Leebaw 2007). Together with local women, Dunant provided assistance to some 9,000 wounded soldiers seeking refuge in a nearby church. The writings on his experience, ‘A Memory of Solferino’, became the basis for establishing the International Committee of the Red Cross (ICRC) and the Geneva Conventions (Dunant 1947). The latter and their additional protocols form the core of International Humanitarian Law, or the ‘laws of war’, which restrict the conduct of war with specific attention to the protection of wounded combatants and non-

² An institutionalised form of NGO support to a mandated protection agency is the IRC’s Surge Capacity Project. Coordinated in Geneva, Surge is a joint initiative with UNHCR to strengthen their protection capacity by deploying qualified personnel to non-emergency operations that are in need of supplemental support. Roughly half of these deployments are to countries working to integrate returning IDPs and refugees (IRC 2005a).

combatants (including civilians, medics and aid workers) (ICRC 2008b). The importance of the ICRC to this study is its embodiment of humanitarianism itself.³

The core principles that have guided the Red Cross movement since its founding in 1863 help to define what humanitarianism stands for today. The principles include humanity – the right to give and receive humanitarian aid wherever it is needed; impartiality – to ensure equal access to that aid, not biased by ethnicity, gender, nationality, religion or age; universality – the right of everyone to receive humanitarian relief in times of crisis; independence – sovereignty of its mission and mandate; and neutrality – not to take sides in hostilities or engaging at any time in controversies of a political, racial, religious or ideological nature (Pictet 1979). Most humanitarian NGOs are based on these principles, or variants of them. While contemporary humanitarianism may have been relatively recently institutionalised in the Red Cross movement, humanitarian principles can be traced back to the Enlightenment. Randolph Kent suggests they reflect ‘an emerging Western hegemony that takes us back to the age of discovery in the fifteenth and sixteenth centuries, to the age of industrialisation, colonialism and economic dominance of the eighteenth and nineteenth centuries – past Solferino – and into the twentieth century’ (Kent 2009: 5). Furthermore, Craig Calhoun notes the concept of humanitarianism is not new at all: ‘The idea of mitigating the human suffering occasioned by war is an ancient one, merging with the more general idea of charity. So too are norms for the honorable conduct of war’ (Calhoun 2008: 75).

Apart from the ICRC itself, the leading humanitarian organisation that continues the ‘Dunantist’ tradition of upholding the ICRC’s commitment to upholding core humanitarian principles is *Médecins Sans Frontières* (MSF). MSF was founded in 1971 in direct response to ICRC’s commitment to discretion in the case of the Biafra conflict when Bernard Kouchner, a former ICRC doctor, ‘refused to keep quiet about what he came to believe was the Nigerian government’s campaign to exterminate the Ibo population’ (Shatz 2002). Today MSF is the largest medical relief NGO in the world with 19 national offices, an international office in Geneva and an income in

³ This thesis does not examine in detail the work of the ICRC, although it did maintain a presence in Aceh for several years. I am more interested in examining how humanitarian NGOs applied or avoided ‘new humanitarianism’ in Aceh.

2008 of 675 million Euros. What sets MSF apart from many other NGOs is its high level of independence – 87 per cent of its 2008 income came from 3.7 million individual donors and private foundations (MSF 2009). MSF's core activity, besides providing medical assistance, is to raise awareness about the plight of the people it helps. Its dual function is quite clear in its slogan, '*soignez et temoignez*' (care for and testify). MSF's departure from the way the ICRC and other international agencies engaged in humanitarian action is epitomised by its name. MSF is the archetype of the French tradition of 'disobedient humanitarianism'. Allen and Styan point out that the 'choice of the name MSF itself indicated an intention to set aside conventional notions of sovereignty' (Allen and Styan 2000: 830). They show that MSF rapidly deploys emergency relief to populations 'irrespective of official dictates and controls' (Allen and Styan 2000: 830).

The ICRC, in contrast, always works through formal government channels and only speaks out in exceptional circumstances. For example, the ICRC has made public appeals and denounced warring parties in the cases of Bosnia-Herzegovina in 1992, after the Rwanda genocide in 1994 and in response to the Kosovo crisis in September 1998 (Kellenberger 2004). The ICRC sees this policy as crucial to maintaining humanitarian access. Humanitarian access often depends on an invitation or sponsorship from the host government and crucial humanitarian access could be denied if the government does not approve of an organisation's stance on a particular situation. According to Bronwyn Leebaw (2007: 233), 'MSF became famous for incorporating human rights into humanitarian work, yet has remained committed to acknowledging the trade-offs that this sometimes entails'.

b. State-sponsored Humanitarianism

A second 'ancestor of contemporary humanitarian action... is the use of international relief as an instrument in *Realpolitik*' (de Waal 1997: 67). This *Realpolitik* humanitarianism, or a foreign government's use of humanitarian aid for strategic political purposes, is enduring. Take for instance, the statements by two US Secretaries of State, some thirty years apart:

US disaster relief is an important way for the American public, as well as its government, to express its humanitarian concerns for those adversely affected by natural and manmade disasters. Equally important, disaster relief is

becoming increasingly a major instrument of our foreign policy. The assistance we can provide to various nations may have a long-term impact on US relations with those nations and their friends.

- US Secretary of State, Henry Kissinger 1976 (Kent 1987: 81).

The American relief effort will give ‘the Muslim world... an opportunity to see American generosity, American values in action... We are supporting [humanitarian relief] because we believe it is in the interests of those countries and it’s in our own best interest, and it dries up those pools of dissatisfaction which might give rise to terrorist activities’.

- US Secretary of State, Colin Powell 2005 (Valencia 2005).

These two statements suggests that the relationship between foreign policy and humanitarian aid is as relevant in the post-11 September 2001 ‘War on Terror’ period as it was at the height of the Cold War, and that geopolitical interest in relief aid is not a new phenomenon. A contemporary descendant of de Waal’s *Realpolitik* humanitarianism is the closer tie between NGOs and belligerent military forces evident in places like Kosovo, Afghanistan and Iraq. In Afghanistan in 2001, to the astonishment of some aid workers, Colin Powell famously stated at a meeting of NGO leaders that ‘NGOs are such a force multiplier for us, such an important part of our combat team’ (Barnett 2005: 726). In fact, David Chandler (2001) argues that human rights NGOs contributed to the growth of ‘military humanitarianism’. Military interventions in the name of humanitarian action raise issues relating to the increasingly blurred distinction between military and humanitarian objectives in such contexts.⁴

David Rieff distinguishes between US, British and French humanitarian traditions: ‘the close link between the American NGOs and Washington’ characterises American humanitarianism, whereby ‘groups such as the International Rescue Committee (IRC), CARE and others were seen as being in effect the humanitarian arm of America’s anti-Soviet struggle’ (Rieff 2002: 79). According to Barnett, ‘humanitarian organisations can be sorted into two types – Dunantist and Wilsonian – according to their understanding of the relationship between politics and humanitarianism’ (Barnett 2005: 728). The Dunantist MSF was mentioned above, while most US NGOs belong in the latter camp (The Dunantist and Wilsonian categories could also be called European and American respectively). Named after the post-World War I US

⁴ While ‘civil-military relations’ are not the focus of this thesis, it does represent one characterisation of ‘new humanitarianism’.

President. Woodrow Wilson, Wilsonian agencies are, according to Tony Vaux (2006: 244), ‘an extension of the state into charitable activity’. Abby Stoddard explains how trends in donor practices and policies among states and international institutions can pull NGOs away from their core interests and principles:

This deepening donor involvement in the design and management of aid projects has raised the prospect of NGOs becoming – or being seen as – little more than ‘government contractors’ (Stoddard 2003: 30).

One such Wilsonian organisation is the IRC, a refugee protection agency and one of America’s largest NGOs. IRC was founded at the request of Albert Einstein in 1933 to assist opponents of Hitler settle in the US (IRC 2005b). During the Cold War, IRC was linked with the CIA and was uncritical of US foreign policy throughout the period (Rieff 2002: 79, 114-115). In 2006, IRC relied on less than 50 per cent of its funding from USAID, with the rest coming from private donations and philanthropists. In 2008, IRC had a total operating revenue of 270 million US dollars and its slogan was ‘aiding refugees and communities victimized by war’ (IRC 2008). Its chief activities are responding to humanitarian crises, assisting refugees escaping conflict and a major resettlement program in the US. IRC has headquarters in New York, London, Brussels and Geneva, 15 refugee resettlement offices in the US and works in over 35 countries. In Indonesia, IRC has mainly operated through the Consortium for Assistance and Recovery towards Development in Indonesia (CARDI), a partnership organisation that include IRC, the Norwegian Refugee Council (NRC) and the Dutch donor agency Stichting Vluchteling (SV).⁵

Another important humanitarian actor that should be mentioned here is the United States Agency for International Development (USAID), which was established in 1961 ‘as executor of assistance programmes’. Since a US-government reform process in 1998, the USAID administrator is ‘required to report to and be under the direct authority and foreign policy guidance of the Secretary of State’ (Stoddard 2001: 44). Further restructuring in 2001 divided USAID’s work into four main areas: ‘Economic Growth, Agriculture and Trade; Global Health; Democracy, Conflict and Humanitarian Assistance; and the Global Development Alliance’ (Stoddard 2001: 44). While USAID and other government donors are not the main focus of this thesis,

⁵ CARDI also formerly included the Danish Refugee Council

they too play a critical role in funding many of the local and international NGOs that are the primary focus of this study. According to Abby Stoddard, the 1999 combined revenue of US-based NGOs ‘totalled \$12.3bn, of which \$1.5bn came from USAID... [and] out of over 400 US organisations registered with USAID in 2000, the five largest programmers – CARE, Catholic Relief Services (CRS), the IRC, Save the Children [US] and World Vision – account for around 30% of the US government’s total annual support to NGOs’ (Stoddard 2002: 48).

c. Charitable Humanitarianism

A third forebear of contemporary humanitarianism ‘is private charity for the relief of suffering’ (de Waal 1997: 67). Two British NGOs – Save the Children Fund (SCF) and Oxfam – are examples of this tradition. SCF, one of the world’s oldest and largest relief NGOs, was established in Britain in the immediate aftermath of World War I to help starving children in Germany and Austria. SCF’s work has been underpinned by child rights advocacy. The organisation was the main private lobbyist influencing the UN in passing the 1989 Convention on the Rights of the Child. SCF’s relentless child rights advocacy, protection of children, and willingness to link relief with development put it at the front of the rights-based approach of the 1990s. SCF have programs in 120 countries and is made up of 29 member organisations. In the 2007-08 financial year, SCF-UK alone raised 161 million Pound Sterling with 40 per cent of that coming from grants and 37 per cent from private donations (Save the Children 2009). SCF has maintained a presence in Indonesia (including Aceh) since the 1970s.

Private charity for the relief of suffering does not necessarily preclude political action.⁶ In 1942, Oxford students and academics established the Oxford Committee for Famine Relief (Oxfam) to protest and lobby parliament and send relief supplies through the British government blockade of Nazi-occupied Greece where there was a famine that is thought to have claimed 250,000 lives. After the war, Oxfam expanded its scope and became increasingly concerned with third world development. Other Western NGOs, such as Australia’s Community Aid Abroad joined Oxfam under the

⁶ Charity-inspired assistance, though not the major focus of this thesis, has come under fire for being patronising. While humanitarian organisations depend heavily on charitable donations, many humanitarian professionals now see ‘charity’ as the antithesis to ‘rights-based’ approaches, where the latter views assistance as a right, not providence, as discussed below. See Peter Singer (1972) on the distinction between duty and charity in situations of famine.

umbrella of Oxfam International, which now has thirteen affiliates and three linked organisations.⁷ Today, Oxfam presents itself as being at the vanguard in the global fight against poverty and committed to social justice. Its motto is ‘Working for a Fairer World’ and it campaigns for debt relief and fair trade, delivers emergency relief and engages in human rights advocacy. In the 2006-07 reporting period, Oxfam International spent over 700 million US dollars on programs alone, not including management costs (Oxfam 2007). Both SCF and Oxfam, exemplify the British humanitarian tradition, which, according to Tony Vaux, ‘has been to try to base decisions on moral principle, to change opinions, and to challenge the State’. Yet it is also ‘Dunantist’ as it ‘abides by Red Cross principles, including that of neutrality’ (Vaux 2006: 244).

d. Toward a taxonomy of humanitarian agencies

A framework that foregrounds the main camps of humanitarianism as ‘Red Cross’, ‘State-sponsored’ or ‘Charitable’ described above is inadequate because there are some significant fissures within those camps. Other efforts have been made at providing classifications of humanitarian agencies and their relationships with principles and politics. A useful example I examine below is Weiss’s ‘political spectrum of humanitarians and their attitudes toward traditional operating principles’ (Weiss 1999: 4), and the debate that ensued among scholars and practitioners.

Weiss divides humanitarian groups into Classicist and Political humanitarian groups. According to Weiss, for classicists, humanitarian action is ‘warranted as long as it is charitable and self-contained, defined only by the needs of victims and divorced from political objectives and conditionalities’. Weiss places the ICRC squarely in the ‘classicist’ group. Political humanitarianism, according to Weiss, ‘refers to conscious decisions to employ humanitarian action as an integral part of an international public policy to mitigate life-threatening suffering and protect fundamental human rights in active wars’ (Weiss 1999: 4). Weiss breaks down Political humanitarians into

⁷ The 13 Oxfam affiliates include Oxfam America, Oxfam Australia, Oxfam-in-Belgium, Oxfam Canada, Oxfam France-Agir ici, Oxfam Germany, Oxfam GB, Oxfam Hong Kong, Intermón Oxfam (Spain), Oxfam Ireland, Oxfam New Zealand, Oxfam Novib (Netherlands) and Oxfam Quebec. The linked Oxfam Organisations include Oxfam Japan, Oxfam Trust in India and Oxfam International and Ucodep Campaign Office in Italy. Fundación Rostros y Voces (Mexico) is working towards full affiliation. Following Tony Vaux (2006: n1), unless indicated, ‘Oxfam’ is used to designate any of the national affiliates of Oxfam International.

minimalist, maximalist and solidarist types of actors. Quoting Weiss, minimalists aim to ‘do no harm’, while maximalists employ ‘humanitarian action as part of a comprehensive strategy to transform conflict’, and solidarists ‘choose sides, abandon neutrality and impartiality and reject consent as a prerequisite for intervention. Weiss places MSF in the solidarist camp. At one end of the spectrum we have an approach aimed at minimising human suffering; at the other end is one that aims at transforming conflict.

In her critique of Weiss, Abby Stoddard (2003) suggests that such typologies ‘tend to exaggerate philosophical difference, while downplaying basic practical similarities (and that) even within one organisation, different principles are stressed at different times’ (Stoddard 2003:28). Also, as Stoddard points out, Weiss puts ICRC (classicist) and MSF (solidarist) at opposite ends of the spectrum, although both organisations are ‘rooted in the same Dunantist tradition, are independent from government and enjoy close coordination in the field. This type of classification also ignores the more basic difference between MSF’s brand of ‘disobedient humanitarianism’ and the Wilsonian ‘state humanitarianism’ of most US NGOs. In their response to Weiss, Joelle Tanguy and Fiona Terry (1999) suggest that putting MSF as the archetypal solidarist agency is flawed. They argue: ‘Far from rejecting the principle of impartiality, however, the provision of aid in proportion to need and without discrimination is a fundamental principle of MSF’ (Tanguy and Terry 1999: 31). Furthermore, they strongly reject what they call ‘the ‘mission creep’ of maximalists into areas of conflict transformation...(t)he use of aid as a carrot to bring about peace destroys all notions of giving aid according to needs and without discrimination’ (Tanguy and Terry 1999: 33). In ICRC’s defense, Cornelio Sommaruga says ‘Weiss oversimplifies matters when he identifies us with the classicists who ‘eschew public confrontations. Indeed, when international humanitarian law is blatantly flouted we cannot and do not remain silent’ (Sommaruga 1999: 24-25). These discussions indicate that there is resistance among humanitarian actors to being categorised in a way that does not take into account the fluidity and contextual changes that organisations often exhibit.

In order to illustrate the novelty of new humanitarianism and draw out the debate between the different schools of thought, in the following pages I simply refer to

groups as either ‘classic’ and ‘new humanitarians’.⁸ I do not intend to provide my own classification of humanitarian actors but in the pages that follow, I am particularly interested in factors that influence behaviour in favour or against classic or new humanitarianism. Such factors may include organisational philosophy, mission and interest, individual personalities within organisations, internal politicking, funding restrictions, local versus international approaches and ‘on-the-ground’ political and security considerations.

2.1 New humanitarianism: Continuity or change?

Whereas ‘classic humanitarianism’ was the purveyor of emergency relief for victims of conflict or natural disaster, providing basic needs such as food, potable water, shelter and medical assistance, ‘new humanitarianism’ aims to engage with ‘root causes’ of humanitarian problems such as war, human rights abuse, persecution and exploitation rather than merely alleviating suffering or providing palliative care. As far as I can tell, Hugo Slim was the first to coin the term ‘new humanitarianism’ in 1999:

Rather than the saving of life as its over-riding and prophetic concern, a new humanitarianism has emerged that bases actions (or inaction) on the assumed good or bad consequences of a given intervention in relation to wider developmental aims (Quoted in Fox 2001: 280).

Literature on the subject of new humanitarianism portrays it as a more ‘politicised’ form of humanitarianism. The term ‘new humanitarianism’ is a response to three recent trends in the field of humanitarianism: post-Cold War dynamics, the perceived failings of humanitarian assistance, and the expansion and institutionalisation of humanitarian NGOs, as outlined below.

New humanitarianism refers to the shift in the humanitarian field from ‘relief to root causes’ (Barnett 2005: 733), or the ‘attempt to address the underlying political causes of violence through involvement in development, conflict resolution, and human

⁸ The taxonomies provided so far do not consider other non-Western traditions of humanitarianism, such as Islamic, Indian or Chinese concepts of humanitarianism. The focus of this thesis is on Western international NGOs and local secular organisations. Although Aceh is 98 per cent Muslim and many human rights activists, humanitarian workers and student leaders are devout Muslims, most do not outwardly portray ‘Islamic symbols or sentiments’ in their name or mission and do not identify their organisation as an Islamic organisation. For a discussion on Islamic and Christian variants of humanitarian action see Benedetti (2006).

rights' (Leebaw 2007: 228). New humanitarianism thus involves NGOs integrating human rights and political processes, such as conflict transformation, alongside humanitarian assistance.⁹

In 2001, Fiona Fox wrote the following provocative introduction to her critique of new humanitarianism:

There is a 'new humanitarianism' for the new millennium. It is 'principled', 'human rights based' and politically sensitive. Above all it is new. It marks a break from the past and a rejection of the traditional principles that guided humanitarianism through the last century. New humanitarians reject the political naivety of the past, assess the long-term political impact of relief and are prepared to see humanitarian aid used as a tool to achieve human rights and political goals (Fox 2001: 275).

Fox, and many others like her, argue that an increasingly political humanitarianism, conditional on human rights and political objectives, is treading into dangerous territory and threatens the very concept of humanitarianism itself. To assess how 'new humanitarianism' emerged this section discusses the changing global political context of the 1990s and how the humanitarian sector adapted to the new situation. The following section then presents critiques of new humanitarianism.

a. Post-Cold War dynamics

The end of the Cold War was a turning point for how agencies responded to humanitarian crises. In his three ages of humanitarianism, Barnett places the current 'Liberal Humanitarian Age' as beginning in 1989 (Barnett 2011: 30). One reason that the end of the Cold War was a turning point is that there was a vacuum in assistance to third world countries that were previously of strategic interest to the US and Soviet blocs. Numerous reports alerted the humanitarian community that the number of IDPs and refugees have increased since the end of the Cold War, such as the UNHCR: 'the number of people uprooted by conflict, ethnic strife and human rights violations has soared' (UNHCR 2006b: 153). While the situation of refugees in the world has long attracted international attention, the related issue of internal displacement emerged as a major problem in the 1990s. NGOs, the UN and the Red Cross and Red Crescent movement have identified the situation of IDPs as a major gap in humanitarian

⁹ While military and state-sponsored humanitarianism are forms of political humanitarianism, they are more of a continuation or concentration of older Wilsonian patterns described earlier.

response. Although the number of refugees worldwide reached a 25-year low, at 9.2 million people in 2006, the number of internally displaced continued to rise and in 2004 reached 25 million people (UNHCR 2006b: 153).

The emergence of IDPs as a category requiring additional attention is important regarding the development of new humanitarianism, and in particular, humanitarian protection. Unlike refugees, who come under the protection of UNHCR, there is no single agency mandated to protect IDPs. The main difference between refugees and IDPs is that refugees have crossed an international border, while IDPs are uprooted within their own country. Refugee Law protects refugees once they have crossed that international border, whereas there is no specific legal protection for IDPs apart from national laws, International Humanitarian Law and Human Rights Law. This lack of legal protection restricts how humanitarian agencies can protect IDPs. Since IDPs remain in their country of origin, national governments treat the situation as a domestic political problem and often accuse foreign agencies of interfering in sovereign issues by coming to their aid, which means that international agencies often search for a balance between gaining humanitarian access to IDPs and advocating for their legal rights.

Yet, there is a sense of urgency within the international community to strengthen the protection of IDPs. Francis M. Deng, the UN Representative of the Secretary General on Internally Displaced Persons introduced the first international standards for IDPs, the Guiding Principles on Internal Displacement (GPID) in 1998. The GPID lays down the rights of IDPs, the obligations of governments, insurgent groups, humanitarian organisations and other actors to protect and aid them from displacement, during displacement as well as during return, resettlement and reintegration. Yet the GPID are not legally binding. The growing awareness of the IDP problem and the way in which NGOs responded to the situation in the 1990s helped shape and brought protection to the forefront of new humanitarianism. James Fearon suggests that the rise in IDPs may be a result of more systematic counting of them, 'as NGOs and the UN humanitarian system have come to conceptualize and focus on them' (Fearon 2008: 71). This sophistication is explained by the growing wealth, expertise and institutionalisation of NGOs during the 1990s, as described below.

Another reason why observers see the post-Cold War era as raising new challenges for humanitarian agencies is the emergence of 'new wars' in the post-Cold War era (Kaldor 1999). The 'new wars' thesis suggests that globalisation has influenced the way that war is conducted. It suggests that international and internal conflicts are centred on identity rather than territory, employ guerrilla or terror tactics and are connected with transnational crime syndicates. However, other observers counter-argued that there was more continuity than change in the nature of civil wars through both the Cold War and post-Cold War periods (Kalyvas 2001). The nature of conflict did not exactly change with the end of the Cold War, nor was there an increase in internal strife. What did change was sponsorship of such violence and how humanitarian agencies responded to the new situation. Mark Duffield, Joanna Macrae and Devon Curtis argue that 'internal violence formed a part of the cold war balance of power... [and] the North was able to retain a degree of influence in the South due to the dependence of organised violence on sponsorship by leading states' (Duffield, Macrae and Curtis 2001: 270). The loss of support from US or Soviet blocs in non-strategic countries meant that, according to Duffield, Macrae and Curtis, 'developmental and humanitarian assistance were expected to fill the space left by the withdrawal of diplomacy, leading to a blurring of the lines between politics, development and humanitarian assistance' (Duffield, Macrae and Curtis 2001: 270). This required a new type of humanitarianism to respond. Bronwyn Leebaw notes that 'Since the end of the Cold War humanitarian and human rights movements have emerged as prominent avenues for ethical responses to war, dispossession, suffering, and the relationship between the rich and poor' (Leebaw 2007: 223). Thus, in the 1990s, NGOs assumed greater responsibility for economic, development and humanitarian programs – areas that were previously supported by the US or Soviet bloc.

Andrea Cornwall and Celestine Nyamu-Musembi (2004) suggest that 'the end of the Cold War made possible a more comprehensive view of rights as encompassing all rights: civil, political, economic, social and cultural' (Cornwall and Nyamu-Musembi 2004: 1423), whereas previously the Cold War era had polarised such debates. Two major events in the 1990s affected the way humanitarian agencies respond to human rights. They were the Vienna Conference on Human Rights in 1993, and the World

Social Development Summit at Copenhagen in 1995. Cornwall and Nyamu-Musembi suggest that '[t]he Vienna Conference is significant in that it was the first post-Cold War international conference on human rights, and therefore it emphasised the integrated nature of rights, thus raising the profile of economic and social rights' (Cornwall and Nyamu-Musembi 2004: 1423). The Copenhagen summit then saw 'examples of collaboration between mainstream human rights and development-oriented NGOs' (Cornwall and Nyamu-Musembi 2004: 1423). In Cornwall and Nyamu-Musembi's view, human rights discourse embraced economic, social and cultural rights on an equal footing with civil and political rights. This was partially a result of advocacy conducted by human rights activists from developing countries, including Indonesia.

Overall, while the post-Cold War period raised some serious challenges for the humanitarian community, it also presented opportunities to forge a new way of working.

b. Perceived failings and prospects of traditional humanitarian action

Parallel to 1990s trends and opportunities in humanitarian action, growing self-criticism of the humanitarian sector emerged. Attempts to learn from past negative experiences of delivering humanitarian assistance (notably the Rwanda and Kosovar genocides), in terms of both policy and practice, have been the focus of many reports, articles, books, workshops and trainings since the mid-1990s. Critics accused traditional modes of humanitarian action of the following three things, all of which were instrumental in promoting the shift from a 'needs-based' toward a new 'rights-based' humanitarianism. One was the inadequacy of material assistance in many crisis situations and its inability to find lasting solutions to problems. Roberta Cohen, Senior Fellow at the Brookings Institution and Co-Director of the Brookings-Bern Project on Internal Displacement, saw the need for a radical overhaul of the humanitarian system in the 1990s based on situations in places like Iraq, Bosnia and Rwanda. Here, humanitarian action focused on material assistance but did little to protect people's dignity, integrity and safety needs. According to Cohen, 'providing food, medicine, and shelter to internally displaced persons, while ignoring violent abuse, has led to the tragic description of the victims as the 'well-fed dead'' (Cohen

2006: 101). Cohen and others suggested that in times of disaster, people may need protection from attack and abuse, and not simply food, to sustain their lives. Much criticism came from within NGOs themselves. Emergency relief aid was criticised for only providing 'band-aid' solutions, rather than responding to the deeper, often structural causes of humanitarian disasters. For instance, treating poverty as an economic problem that requires an economic solution may conceal the fact that what is often needed is a political solution (CARE 2001: 8).

Second, critics suggested that the neutrality principle represented a moral failure for humanitarianism. This is not exactly a new debate. Writers often cite the highly emotive example of the ICRC's approach to concentration camps in the Second World War. According to the writer Adam Shatz, 'the ICRC's strict code of political neutrality led directly to abject moral failure. During World War II, it kept silent about the horrors of Auschwitz for fear of being evicted by the Nazis. Haunted by this example, a number of humanitarian agencies adopted a more activist approach' (Shatz 2002). The departure of the group of ICRC doctors in 1969 to form MSF, as described above, was based on a similar criticism. Whereas neutrality is of fundamental importance to the Red Cross, many other humanitarian organisations have rejected this principle. Humanitarian agencies were criticised for remaining silent in the face of genocide in Rwanda in order to adhere to their principle of neutrality. For Rony Brauman and MSF, 'neutrality ratifies the law of the strongest' (As quoted in Terry 2002: 22). Gerald Martone of the IRC argues that neutrality is an obsolete principle: 'the slow death of the word neutrality from the lexicon of beleaguered relief agencies is a welcome evolution. This shameful and dispassionate notion connotes abstention not engagement, abandonment not involvement' (Martone 2002: 2).

Similarly, Paul O'Brien, the advocacy coordinator for CARE in Afghanistan argues, 'humanitarianism is and should be political, humanitarians should speak out on the justice of war and obligations of belligerents in war, and humanitarians should consider taking funding from belligerents' (O'Brien 2004: 32). 'New humanitarians' say aid is inherently political and principled humanitarian action must necessarily engage at the political level through advocacy and even embargo. They believe that refraining from speaking out against injustices is akin to endorsing the behaviour of a

belligerent regime and that neutrality should be replaced with advocacy. These critics suggested a new approach to humanitarian assistance.

Finally, scholars and aid workers have reflected on the potential for aid to exacerbate conflict or support peace. One of the leading proponents of reflecting on the mistakes of the past and instilling protection principles into humanitarian work was Mary B. Anderson (1999). Her book *Do No Harm: How Aid Can Support Peace – Or War* suggests that assistance cannot be provided without considering protection issues because misguided assistance programs may increase the level of insecurity to the intended beneficiary. Anderson was highly influential in the humanitarian sector. ‘Do no harm’ became a well-known catchphrase and training sessions on the approach were offered around the world. Others, such as Mark Duffield have written about how foreign aid can empower predatory regimes that then go on to further disempower disadvantaged groups. According to Mark Duffield (1994: 63):

Humanitarian intervention provides a significant amount of political and especially economic support, albeit often indirect, for the dominant political and commercial groups. When these groups are themselves allied in a predatory or sectarian structure...then relief intervention itself can become an organic part of the political economy or internal warfare.

Such scenarios can be seen for instance, in the 1995 withdrawal of MSF and IRC from Rwanda because Hutu leaders were manipulating their aid to strengthen their militias in an attempt to massacre the Tutsis (Terry 2002: 195; Branczik 2004: 5). While MSF saw the potential for aid to aggravate conflict, other groups saw the flipside of the same scenario, whereby their aid could strengthen capacities for peace. The following quote from Catholic Relief Services (CRS) illustrates the case in point:

Over time we learned that the way we do our emergency and development programming helps prevent or transform conflicts. If we ignore conflicts and their underlying causes then our work prolongs the conflict by providing new resources to the warring parties (like food and supplies)...If we help our partners address the injustices in their society that cause conflict and facilitate respectful relationships between conflicting parties then our work together builds sustainable peace (Catholic Relief Services, 2006).

Peace-building was borne out of the logic that if aid can exacerbate conflict, it might also be used to manage conflict. From the perceived failings of humanitarianism, aid workers realised that they needed to better understand the ‘root causes’ and the

political economy of conflict. The aid worker was transformed from a medic, shelter construction specialist, or water engineer to a human rights advocate, protection worker and peace builder.

Perceived failings of traditional humanitarianism and the growing consensus that human rights are an essential part of assistance saw the marriage of humanitarianism and human rights consummated. According to Martone, the contrived categorisation of human rights and humanitarianism as separate spheres 'works against a holistic engagement to political crises; it is compassion without understanding, and means that the cumulative impact of these disparate actors is not realised' (Martone 2002: 1). New humanitarianism demands practitioners and scholars to question the very nature of the impacts of foreign humanitarian assistance in disaster zones.

c. Expansion and institutionalisation

Concomitant with perceived failures of traditional humanitarianism, as well as in order to identify ways to improve humanitarian action, the humanitarian sector also grew in size, wealth and sophistication in the 1990s. Official humanitarian assistance almost tripled from \$2 billion in 1990 to \$5.9 billion in 2000 (Macrae 2002: 11). The rise of global NGOs was exponential. Yet it should be noted that NGOs were already on the rise throughout the 1980s. According to Abby Stoddard, between 1980 and 1990 the number of northern NGOs grew from 1,600 to more than 2,500, and to between 3,000 and 4,000 in 2003 (Stoddard 2003). According to Barnett (2005), MSF 'grew from a two-room office in the 1970s into an international network of 19 semi-independent branches, with a combined annual budget of \$500 million, running programs in over 70 countries, with 2,000 international and 15,000 national staff' (Barnett 2005: 723). As NGOs grew in numbers and wealth, they became more sophisticated and bureaucratized, expanded in their activities and opened new departments devoted to specific sectors such as shelter, health, livelihoods, protection, peace building and advocacy. It is this emergent institutionalisation of humanitarian NGOs that is really new (Barnett 2005: 723-730).

There are a number of reasons for this unprecedented growth. One argument, in line with the state-sponsored humanitarianism described above is that states are providing

more assistance through bilateral, multilateral and NGO channels. Donors are increasingly seeing operational NGOs as the logical implementing agency 'on the ground'. According to Andrew Rigby (2001: 957):

States have turned increasingly to NGOs and other agencies to take up the challenge (of intervening in conflict-affected areas that are perceived as non-threatening to their strategic interests). Thus by the late 1990s, most OECD countries were disbursing at least 25 per cent of emergency assistance through NGOs, and by 1998 over 60 per cent of the budget of the European Commission Humanitarian Aid Office was being spent through NGOs'.

The increasing attraction of states toward international NGOs can also be explained by the fact that, as pointed out by Fearon (2008: 71), 'the end of the cold war has been followed by a series of high-profile interventions and post-conflict reconstruction projects by the United States and other major powers'. The UN and individual governments did not have the capacity to manage such interventions alone and saw NGOs as best equipped to assist in this sphere.

Simultaneous to this trend, another development in the 1990s was that scholars, policy-makers and aid-workers identified a 'third force' in the form of NGOs and civil society in general. In 1997 Jessica Mathews asserted that the state was a declining force in international relations: 'The steady concentration of power in the hands of states that began in 1648 with the Peace of Westphalia is over' (Mathews 1997). Others also claimed that the international system was being reconfigured by global networks of humanitarian and human rights activism, with non-state organisations playing an increasingly influential role in politics. Throughout the 1990s, academics and policy advisors championed 'civil society' as a powerful 'third force', which could monitor, constrain and complement the state and the market (Florini 2000; Keck and Sikkink 1998). Again, this was a particular trend of the 1990s, as Jude Howell and Jenny Pearce (2001) observe, 'with foreign policy no longer governed by Cold War imperatives, donor governments began explicitly to place governance issues on the development agenda, making human rights, democracy, and accountability conditions for aid' (Howell and Pearce 2001: 4).

This focus on civil society did not simply suggest that NGOs from wealthy countries were to come to the fore. It also suggested that civil society in developing countries were to have an important role. It is thus crucial to examine the role of local actors

because of the central position they play in humanitarian and development contexts throughout the world. In 1995, worldwide US ‘strengthening civil society’ programs constituted almost US\$4 billion, almost ten per cent of total US governance aid (Van Rooy and Robinson 1998: 59). Carothers suggests that ‘civil society became a key element of the post-cold war zeitgeist’ (Carothers 1999/2000: 19). Civil society encompasses all organisations and associations beyond the state (including political parties) and the market. It includes NGOs, labour unions, professional associations, chambers of commerce, ethnic associations, religious organisations, student groups, cultural organisations, sports clubs and community groups (Carothers 1999-2000: 19-20). The importance of civil society for USAID (2005) is as follows:

As the nexus for participation in governance, civil society is essential in a democracy for political expression and influencing government policy choices...The role of civil society becomes important in advancing the reform agenda through advocacy: informing public opinion, mobilizing constituencies and coalitions for reform, and engaging government and political parties in policy debate.

For USAID, ‘leading CSO candidates are human rights and pro-democracy groups, professional associations, religious institutions, labour unions, and think tanks’ (USAID 2005). Thus it is a rather broad classification and extends beyond NGOs.

The distinction between NGOs and CSOs is an important one for international donors such as the Canadian International Development Agency (CIDA), ‘as new, non-NGOs arrive on CIDA’s horizon, the term ‘civil society’ has allowed the agency to encompass the new actors’ (Van Rooy and Robinson 1998: 33). This development reflects the trend in the 1990s and early 2000s of foreign aid agencies inclination to support political and social change, rather than purely economic development. In my analysis of Aceh later in this thesis, I focus mainly on NGOs and student groups.

It is widely acknowledged by the UN, governments, international NGOs and academics that local civil society plays a major role in responding to localised conflicts. As Catherine Barnes of the Global Partnership for the Prevention of Armed Conflict notes:

The UN secretary-general has made it clear that the primary responsibility for responding to conflict rests with local actors. CSOs rooted in conflict-affected communities are crucial to this equation. While they often work in partnership with civil-society actors from other parts of the world, who help support their

efforts, the most crucial efforts are made by those within the societies concerned (Barnes, 2005: 15).

Scholars highlight the important role for civil society in overcoming conflict or crises (Barnes 2005: 12-23; Van Tongeren, Brenk, Hellema and Verhoeven 2005). Encarnación argues that international donors are attracted to civil society because of its perceived non-partisan nature: 'Generally viewed as more interested in doing good than in gaining political power, civil society organizations allow donors to play a central role in the politics of new democracies without becoming entangled in the work of state agencies and political organizations such as parties or unions' (Encarnación, 2003: 719). However, David Korten points out that NGOs operating as a 'third force' were in danger of becoming 'public service contractors' (As quoted in de Waal 1997: 141). Below, I further discuss the role of civil society below in regard to NGO relations.

Humanitarian practitioners expressed concern regarding the growth in the number of humanitarian NGOs responding to humanitarian disasters and the threat it posed for the integrity of humanitarian action. For instance, Bruce Biber (2004), the Red Cross Deputy Head of Division, Policy and Cooperation, notes that '(p)arallel to the growth of existing agencies, a host of new, mainly non-governmental organisations suddenly came into existence. Although all claimed to be 'humanitarian', many launched operations in the field according to questionable, vague, or sometimes inexistent ethical standards' (Biber 2004).

The perceived failings in places like Somalia and Rwanda, as well as exploitation of women and children by humanitarian personnel, especially in West Africa in the late 1990s, increased the sense of urgency to develop standards and rules of humanitarian action. Humanitarian agencies thus set about defining their working principles and developing codes of conduct in what Michael Barnett (2005) describes as the institutionalisation and rationalisation of the humanitarian field in the early 1990s. According to Barnett (2005: 730), 'Prior to the 1990s few humanitarian organizations even thought to measure the consequences of their actions, assuming that the mere provision of assistance was evidence of their good results'. One example of institutionalisation and rationalisation of the humanitarian field was the 1994 ICRC and International Federation of the Red Cross *Code of Conduct for the International*

Red Cross and Red Crescent Movement and NGOs. The *Code of Conduct* set out to guide humanitarian workers on the key principles of humanitarian work. According to Biber (2004):

Amongst such confusion, the Code of Conduct sought to establish common standards for disaster relief. It reaffirms the relevance and applicability of International Humanitarian Law in the event of armed conflict. It identifies the alleviation of human suffering as the prime motivation for humanitarian assistance, which must be provided on the basis of need alone and not as an instrument of government or foreign policy – ideals which correspond closely to the Red Cross/Red Crescent Principles of humanity, impartiality and independence (Biber 2004).

Many donors now require the international NGOs they fund to be signatories to the *Code of Conduct* or an equivalent set of codes, such as the Australian Council for Overseas Development or ACFID Code of Conduct.

A second example of ‘guardians of humanitarianism’ setting the standards for the field was the *Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response*, launched in 1997 by a group of humanitarian NGOs and the Red Cross and Red Crescent movement. The Sphere Project’s handbook is widely accepted by humanitarian agencies as providing the minimum standards in disaster response. The handbook also contains the *Humanitarian Charter*, which describes:

(t)he core principles that govern humanitarian action and asserts the right of populations to protection and assistance. Defining the legal responsibilities of states and parties to guarantee the right to assistance and protection, it is based on principles and provisions of international humanitarian, human rights and refugee law, and on the principles of the Red Cross and NGO Code of Conduct (Sphere Project 2006).

This thesis does not examine how particular NGOs performed in regard to the Code of Conduct or Sphere Standards. Yet these two documents do illustrate significant changes in the field of humanitarianism, including an orientation toward the *rights* of people affected by disasters, as well as the increasing bureaucratisation and standardisation of humanitarian NGOs.

While the roots of the new approach to humanitarian action may be traced back to the post World War II period, it was the political dynamic in the 1990s that was instrumental in fomenting change in the humanitarian industry. New humanitarianism

rallies around human rights, aims high to protect human dignity and ‘digs at the roots of violence’ to transform conflict. It is altogether ‘new’ since it is a product of post-Cold War politics, intensive introspection within the humanitarian field and significant institutional change in the humanitarian sector. As a combined result of this dynamic, according to Stoddard (2003: 32), ‘an important philosophical consensus has formed around a rights-based, as opposed to a needs-based or welfarist, approach to humanitarian action’. It is a major shift away from older styles of humanitarian relief that strove to be neutral and apolitical even in situations where human rights violations occurred, toward a more politically aware approach that not only considers the impact of aid on conflict, but sees humanitarian groups become conflict actors.

2.2 Classic humanitarianism strikes back

There is heated debate among scholars, practitioners and observers on the appropriateness and effectiveness of new humanitarianism. The debate revolves around three core concerns: politicisation of aid, avoiding expulsion, and the responsibility of states – not NGOs – to protect citizens and resolve conflict.

a. The politicisation of aid

The ‘new humanitarian’ approach is criticised for its politicisation of aid. As Duffield, Macrae and Curtis (2001) describe, ‘humanitarian assistance has always been a highly political activity, but the relationship between humanitarianism and politics is changing’ (Duffield, Macrae and Curtis 2001: 269). Critics of new humanitarianism, whom I refer to as classic humanitarians, argue that its consequences have abrogated core humanitarian principles. Critics say that the incorporation of human rights into humanitarian assistance has tainted humanitarianism, and that Dunant’s early vision of a humanitarian order has become overly politicised. They yearn for a return to the early humanitarian principles such as neutrality, impartiality, independence and universality.

David Rieff (2002), in his book *A Bed for the Night: Humanitarianism in Crisis*, suggests that human rights approaches are ill-conceived; that aid has become corrupted by politics and therefore lost credibility; and that humanitarians should get

'back to basics'. He argues that humanitarians felt compelled to embrace human rights because they were haunted by their past failures at alleviating suffering. However, he argues, the price paid for this shift may be humanitarianism itself, if donors withdraw aid because they find it morally unacceptable to provide aid that could undermine human rights and prolong conflict. According to Fiona Fox from the Catholic Agency for Overseas Development (Cafod), new humanitarianism, which 'demands that all aid be judged on how it contributes to promoting human rights' is flawed because it implies that aid which may undermine human rights or fuel war should be withdrawn (Fox 2001: 278). Fox argues that this practice goes against the principle of universality, which includes the right of everyone to receive humanitarian relief in times of crisis. Fox points out that even convicted serial killers on death row in the United States have the right to food and shelter. She admits that the 'new world order' requires a new humanitarianism, but the 'human rights approach, developmental relief and the rejection of neutrality amount to the politicisation of aid' (Fox 2001: 288).¹⁰

In calling humanitarianism intrinsically political, O'Brien argues that the classic principles of humanity, impartiality, independence and neutrality are essentially a part of a political ideology and that 'the politicization of aid... is a tautology' (O'Brien 2004: 33). He suggests that taking a position as to how humanitarian assistance should be delivered is a political decision and that therefore humanitarian action is inherently political. However, O'Brien does concede a point to the critics of humanitarianism. He suggests the argument is not about politicisation of aid but rather humanitarian independence: 'That independence has always relied upon belligerents accepting the notion that humanitarianism should not substantially alter the military outcome or political consequence of a conflict' (O'Brien 2004: 32). If belligerents perceive that humanitarians are interfering in the conflict, then aid workers not only risk their access to deliver humanitarian assistance, they are also likely to become military targets.

Despite the criticisms, in the 2000s many leading humanitarian NGOs continued to integrate human rights and political processes such as conflict transformation,

¹⁰ Developmental relief refers to linking relief to longer-term development objectives.

alongside humanitarian assistance. In this way, many NGOs had begun to rethink the past approach of 'political agnosticism'. According to CARE's *Benefits – Harms* handbook (2001: 8),

We have been forced to abandon the sanctuary of political ignorance. As political opportunists, both in the donor community and in host countries, have used us for their own ends, we have learned hard lessons about the price of blindness. Today, agencies increasingly recognize that when their aim is to reallocate resources or decision-making power to marginalized populations, their work is profoundly political.

The debate led to an increased awareness of the impact that humanitarian aid had on recipient communities, especially as NGOs expanded, whereby with increased power came increased responsibility. However, there was also increased caution regarding the risks that more politically-oriented humanitarian activities might carry.

b. Avoiding expulsion

One of the main concerns held by critics of new humanitarianism relates to humanitarian access. According to this view, new humanitarian approaches – especially advocacy – cause aid to become overly politicised and hence endanger aid itself. Critics fear that incorporating human rights issues into humanitarian assistance may attract unwanted political attention from state and non-state actors. For instance, public advocacy by an NGO about human rights violations committed by a state against its citizens may be seen by that state as taking sides against it. This may result in that NGO being expelled by the state authorities, which is then forced to abandon its on-the-ground relief effort. Hence, human rights-based approaches may lead to the withdrawal of aid from oppressive regimes. A related concern is that it could lead to the targeting of aid workers because they are seen to be 'taking sides'.

Another scenario is that aid groups will withdraw from a region in protest of human rights violations. This is epitomised by Tony Vaux's claim that during Taliban rule in Afghanistan, Oxfam's 'human rights policy resulted in the loss of 1,800 lives as Afghans were forced to drink polluted water when Oxfam suspended the project' (as quoted in Fox 2001: 283). The suspension of the Oxfam project was in response to Taliban edicts restricting women's rights. Here we see the clash between basic needs and political rights, including women's rights. The concern is that the new

humanitarian ‘abandonment of neutrality’ clashes directly with humanitarian access. For critics such as Rieff, humanitarianism is ‘neutral or it is nothing’ (Rieff 2002: 330). New humanitarians challenge the classic humanitarians’ concern that denunciation of human rights abuses by NGOs may lead to expulsion of the aid agency. Martone provides several instances whereby MSF’s public protest in Burundi and Angola drew little official reaction and in fact had some unforeseen benefits, including improved access and improved conditions (Martone 2002: 36).

c. The responsibility of states

The third critique is particularly relevant to humanitarians engaging in conflict transformation and protection, but is pertinent to new humanitarianism in general. The power attributed to NGOs – to protect citizens from human rights violations and resolve deadly conflict – as an alternative to the state and an antidote to political, economic and social woes has been widely criticised. Critics argue that there should be more emphasis on strengthening the state, rather than NGOs to establish the rule of law or democracy through elections and legislation. Rieff (1999: 14) argues that it is a mistake to believe that civil society can achieve what states could not. Critics of new humanitarianism also argue that making humanitarian agencies responsible for human rights issues detracts from their core work – delivery of humanitarian assistance to people who need it – whereas human rights or other political issues should be the responsibility of states.

Scholars argue that relief groups should stick to relief, not politics. According to Barnett (2005: 732), ‘as many agencies have increasingly emphasized advocacy, rights and peace building, they have not maintained their capacity for emergency relief’. The increasingly broad mission of new humanitarian NGOs and loss of specialised focus may be part of the problem which humanitarian action is supposed to resolve. Other scholars argue that humanitarians lack the expertise and capacity to resolve conflicts and protect human rights, which anyway should be the work of governments. As a result, Macrae and Leader (2001: 290) contend that, ‘political humanitarianism, as opposed to active engagement by political and military actors, is flawed ethically and technically’. For them, political responsibility to uphold rights and resolve conflict lies with the state, not relief groups.

On NGOs engaging in conflict transformation activities, Fiona Terry's (2002) analysis on the side-effects of humanitarian interventions in a range of settings including Rwandan camps in Zaire, Afghan camps in Pakistan, Salvadoran and Nicaraguan camps in Honduras, and Cambodian camps in Thailand, found that humanitarians should not get involved in conflict resolution and peace-building. Similar to Macrae and Leader, Terry maintains that conflict resolution activities should primarily be the responsibility of states.

Many scholars have also raised concerns about the danger of states not fulfilling their duty to protect citizens. Daniel Warner (1999: 3) suggests that the shift in humanitarianism into political territory 'is an abnegation of responsibility by those in power' because it allows states to avoid their responsibility to force a political or military solution on complex political emergencies and instead label civil wars and other outbreaks of violence as humanitarian crises. Joanna Macrae and Nicholas Leader of the Overseas Development Institute support this view:

(A)s the differences between aid and politics are made to disappear, there is an effective withdrawal of those bodies with a conventional political mandate – the diplomat is masked. Aid, becomes the primary form of political engagement, but is confined in its mission largely to conventional instrumentation (Macrae and Leader 2001: 295).

Similarly, Cornelio Sommaruga, the former President of the ICRC notes that 'Politicians and governments have abused humanitarianism to disengage from their own responsibilities, and, in doing so, have provoked an enormous and grave confusion' (as quoted in Rieff 2002: 26). The confusion is not only on the part of humanitarian NGOs as to what they expect of themselves, but also among conflict and disaster-affected populations and concerns who they should turn to for assistance.

A similar concern is reflected in regard to humanitarian protection, which emerged in part because humanitarians themselves identified a fundamental flaw in the protection of IDPs and refugees in humanitarian crises, or the so-called 'protection gap' in their work. Yet, Marc duBois of MSF Holland argues:

Talking about this gap causes identity problems for humanitarian action... [and] a distortion of the true role of humanitarian organisations... This brings the concomitant problem of allowing the true perpetrators to slip out of view

whilst organisations focus on their own failure to close the dreaded gap (MSF 2006).

In a paper presented at the World Conference of Humanitarian Studies in 2009, duBois argued that rather than humanitarians focusing on how they can improve the human rights situation, or the ‘protection deficit’, the international community should be focusing on how to reduce violence around the world: ‘it is not the lack of protection activities or legal protections, it is the surplus of violence that should be fingered as the primary problem’ (duBois 2009: 3).

Conclusion

Much of the debate between new and classic humanitarianism is about conflicting principles. As James Darcy (2004: 4) flagged, the key question concerns ‘what happens when protection goals come into conflict with humanitarian principles?’ For instance, protecting civilians from one ethnic group, or withholding aid from groups seen as sympathetic to a belligerent party, might be seen as taking sides in the conflict and jeopardising impartiality. Commentators also identified a middle ground between the two broad schools of thought, acknowledging that humanitarian organisations cannot escape from the global geopolitical paradigm of state interests and that NGOs should ‘deal with the political world of states without becoming overly politicised and losing their independence in the process’ (Barnett 2003: 413). There is a common theme shared by both those who favour and those who criticise a more ‘politicised’ approach: the need to be realistic about the limited power of aid. As Slim (2005: 24) notes, ‘the power and interests (or disinterest) of political actors are usually much stronger than the interests of humanitarian agencies’. While there is consensus among experienced aid workers of the need to maintain the balance between idealism and realism, in the challenging context of war, there is often less opportunity for idealism and the balance is usually in favour of making highly pragmatic decisions.

Having identified the key problems in the debate regarding the perceived politicisation of aid, humanitarian access and the risk of expulsion, and the concern of state versus civil society responsibility to uphold rights, we are now in a position to look in detail at how humanitarian actors deal with these dilemmas in practice.

Chapter 3. War, tsunami and peace in Aceh/Rencong

Aceh provides two distinct contexts in which to study the interplay between humanisation action and human rights: the conflict and the tsunami. The long-running off-again/on-again civil war between Indonesia's government and the Free Aceh Movement (GAM) began in 1976 and ended in 2005. The conflict was one of the most violent in the world, with an estimated 150,000 deaths and 500,000 displaced people. The tsunami of 2004-2005 was a natural disaster that killed over 200,000 people and displaced millions more. The tsunami was a major turning point in the conflict, as it led to a ceasefire and the start of peace negotiations. The book examines the impact of the tsunami on the conflict and the role of humanisation action in the aftermath of the tsunami. It also explores the role of humanisation action in the conflict and the role of the tsunami in the conflict.

The book is divided into two main parts. The first part, 'War and Peace in Aceh', examines the conflict and the role of humanisation action in the aftermath of the tsunami. The second part, 'The Tsunami and the Conflict', examines the impact of the tsunami on the conflict and the role of humanisation action in the aftermath of the tsunami. The book is written for a general audience and is intended to provide a comprehensive overview of the conflict and the tsunami in Aceh. It is also intended to provide a critical analysis of the role of humanisation action in the conflict and the tsunami.

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Chapter 3. War, tsunami and peace in *Tanah Rencong*

Aceh provides two distinct contexts in which to study the intersection between humanitarian action and human rights: the conflict and the tsunami. The ‘on-again, off-again’ low-intensity civil war between Indonesian government security forces and GAM began in 1976 and ended in 2005. This thesis focuses on a latter phase of the conflict that emerged in 1998 and extends through to the post-conflict period until 2008. The tumultuous year of 1998 is an appropriate starting point for a number of reasons. It was the year that former President Suharto was forced to resign from office amid economic collapse and social upheaval in Indonesia. The anti-Suharto movement was present throughout the archipelago. In Aceh, a broader anti-Jakarta sentiment was also felt, due to ongoing conflict and long-standing dissatisfaction with Jakarta’s policies toward Aceh.

Civil society emerged as a powerful force throughout Indonesia, including in Aceh, not only helping to bring Suharto down but in formulating the post-Suharto political *reformasi* (reform) landscape. Specifically relating to Aceh, student and NGO activists who led the anti-Suharto rallies became a ‘third force’ in the conflict. They demanded that human rights violators be brought to justice and campaigned for a political solution – a referendum on Acehnese independence – to settle the conflict. Activists also became some of the leading figures in the humanitarian response to the conflict.

Also in 1998, in response to public pressure, Indonesian government leaders cancelled Aceh’s ‘unofficial’ status as a ‘military operations area’ (*Daerah Operasi Militer*, or DOM), which had begun in 1989. Greater openness in Indonesia, and particularly Aceh, after 1998, led about a dozen international humanitarian, human rights and conflict transformation groups to start humanitarian programs in Aceh. Yet, 1998 was also the year that violent conflict re-emerged with more force than ever and spread beyond the ‘traditional’ conflict areas of the northeast coast into urban Aceh, the southwest coast and the central highlands. As explained below, military operations were more widespread and more lives were lost in the post-DOM period compared to

DOM. When the conflict ended in 2005, it had claimed between 15,000 and 30,000 lives.

The 26 December 2004 Indian Ocean tsunami had a deep impact on Aceh. At the time, the tsunami was the world's worst natural disaster in living memory and Aceh suffered the greatest human and material losses among all the tsunami-affected countries, claiming some 170,000 lives and causing another 500,000 to flee their homes. Little-known Aceh became global headline news for weeks. The tsunami had a significant transformative influence on social, economic and political structures in the province. Socially, the tsunami was a new identifying characteristic of the lived experience of the Acehnese. As one respondent put it, 'the tsunami made Aceh famous' (Listening Project, November 2005). The magnitude and timing of the disaster, a day after Christmas, as well as the fact that Western holidaymakers were affected in southern Thailand, meant that the worldwide funding response to the tsunami was unprecedented. How much of the total amount of money for Aceh and Nias (an island in North Sumatra province also badly affected by the tsunami) reconstruction (USD 8.85 billion between 2005 and 2009) went to tsunami victims and how much went to government officials, contractors and highly paid international aid workers is not the subject of this thesis, yet the economic impact does inform other aspects of this study (BRR 2005: 186). This thesis is thus broadly divided into pre-tsunami and post-tsunami periods.

The fact that the tsunami hit a conflict zone meant that the tsunami and the conflict were highly interconnected. The tsunami affected the conflict outcome and the conflict affected the tsunami response. Yet it was precisely this interconnectedness that led to a false division by international NGOs and donors between the conflict and the tsunami. Fearing that the tsunami response would draw undesired international attention to the conflict, the Indonesian government made sure that the humanitarian response in Aceh was in terms of a 'natural disaster', juxtaposing it against a 'man-made' conflict. To ensure humanitarian access to tsunami survivors, international aid groups responded in a 'purely humanitarian' and 'apolitical' manner, and avoided raising the issue of the politically charged separatist conflict. Many groups stayed clear of any form of humanitarian response to the conflict for reasons including maintaining access, security, funding, and personal preferences among NGO leaders.

The division and duality of tsunami-affected Aceh and conflict-affected Aceh is a constant theme in this thesis. Still, overall, the tsunami had a positive influence on establishing peace in Aceh. While discussions were already underway regarding a return to peace negotiations, the tsunami arguably accelerated this process and created certain conditions conducive to peace. After five rounds of negotiations beginning in February 2005, the Government of Indonesia and GAM signed a MoU in Helsinki on 15 August 2005. Thus within the post-tsunami period emerges a ‘post-conflict’ context, which raised a new set of issues and required a different international development ‘toolbox’. The variety of different, yet often overlapping, situations makes Aceh a unique case study for examining the politics of local and international humanitarianism.

This chapter contains three main sections. I begin by providing a brief background to the situation in Aceh, examining some of the historical and social elements that I argue are important for understanding local and international humanitarianism there. Second, I explain the emergence of local humanitarian and human rights groups in Aceh, as well as the arrival of international agencies, in responding to the conflict after 1998. Finally, I look at how local and international agencies adapted to a new context in late 2004, following the Indian Ocean tsunami, and how they supported or avoided the transition from conflict to peace in post-tsunami Aceh. The first section provides the historical background to this study, while the second and third sections introduce the period which are its focus.

This chapter also introduces the two main ‘actors’ in this thesis: Acehnese and international civil society organisations. The main protagonists in this study are human rights and humanitarian organisations, particularly those that work on human rights advocacy, humanitarian protection and conflict transformation.

International civil society groups set the norms, standards and approaches in international humanitarian and human rights engagement. They are also the gatekeepers to sources of finance for local groups and thus hold a position of power in determining the types of activities that local groups engage in. Many have been responding to conflict and natural disasters for over 60 years, evolving to become highly professional outfits, some resembling multinational companies. Many have

thousands of employees in the field, both expatriate and locally hired staff, including technical specialists such as water and sanitation engineers, lawyers, and doctors and nurses, as well as accountants, logisticians, human resource specialists and publicists. Large NGOs have national chapters or country offices in cities such as Geneva, New York, London and Melbourne out of which corporate decisions are made (often in close cooperation with field offices) and highly sophisticated fundraising and advocacy campaigns operate. International aid work is a profession and many workers have a broad experience, often in several countries with NGOs, UN agencies and donor government agencies.

In Aceh, many local activists were well versed in Indonesian law, international humanitarian law and human rights law. The work of their organisations is inherently political because advocacy is a major part of their work – they do human rights trainings and conflict transformation workshops alongside humanitarian relief. Most of them were impartial but were not neutral because they did engaged in political processes such as calling for a peace deal, demilitarisation or a referendum on Aceh's independence. The principles of humanity, universality and independence, as described in the previous chapter, were also espoused by these local NGOs. Indeed, they believed in the right to give and receive aid wherever it was needed and the right for everyone to receive humanitarian relief in times of crisis and they strongly protected their independence. Thus, many local organisations work on very similar principles to the 'new humanitarian' international NGOs, yet they are often considered as overly 'political' and thus threaten the reputational risk of their international sponsors, the very groups that espouse a 'new humanitarian' approach. Yet, local NGOs are largely neglected in studies of new humanitarianism with most studies focusing on international groups.

A focus on local groups are important because the NGO movement was booming in Aceh and Indonesia more broadly during the late 1990s to early 2000s. In Aceh, local NGOs gained extensive experience responding to man made and natural disasters, and were well versed on a range of rights issues. There is a noticeable 'local-international divide' in regard to both humanitarian scholarship and humanitarian action. In terms of scholarship, much of the discussion on contemporary humanitarianism is centred on Western-based international NGOs. There is a growing cottage industry of books,

journals and university courses dedicated to the subject. While examples of local NGOs are sometimes provided as a rare success story of grassroots civil society transforming conflict, international agencies are the main protagonist in developing theoretical and operational strategies for international assistance work. Local NGOs often operate as an extension of international NGOs, as 'local partners'. They do not participate in the debate on the direction of humanitarianism to the same degree as international NGOs do.

It is also necessary to examine the nature of the relationship between local and international NGOs and their differing approaches to human rights, humanitarian assistance and peace work for two main reasons. First, local NGOs in Aceh were fundamentally interested in human rights. Most of them emerged precisely because of the authoritarianism and human rights violations suffered during the conflict. International NGOs, on the other hand, saw the importance of a human rights-based approach in the early 1990s. This research seeks to uncover how local and international NGOs related to each other given the differing origins of their respective human rights discourse and practice, in addition to the inherent power imbalance between them. Second, comparing local and international approaches is not often done. Aceh provides a good opportunity to contribute to this field given the important role of local NGOs there. While most existing research on humanitarian action has focused on international agencies and approaches, this thesis also scrutinises local actors and their activities. Investigating the way local NGOs implement human rights and peace activities will contribute to and support greater understanding of this approach.

It is important to note that neither local nor international NGOs are a homogenous group. In Aceh for instance, there are a good deal of rivalries among Acehnese activists centred on political, ideological and personal divisions. There is also a plethora of differences among international NGOs, including between those who see their main mission as humanitarian relief, development, conflict resolution and protection. Organisational culture is an important factor for the way programs are implemented, not to mention for their approach to and understanding of human rights in humanitarian work.

As a result, besides considering the relations between local and international NGOs and the challenges of operationalising human rights and peace related programming, this research also seeks to consider inter-agency differences. It should be borne in mind that local NGOs are a very different type of institution compared to their international counterparts. Local activists are often the unarmed targets of belligerent parties, survivors of abuse, and subject to intimidation, detention, torture and even extra-judicial execution. In contrast, international human rights and humanitarian workers are often career professionals, protected by their international status (although some argue that is changing), and have a safe home to go back to at the end of their contract.

The role of both local and international NGOs is underrepresented in the literature on the conflict between GAM and the Indonesia government. Since the 1990s, there has been substantial research on contemporary Aceh politics, most of which focuses on explaining the history and causes of the conflict (see for example Kell 1995; Robinson 1998; and Aspinall 2007). Activists are typically portrayed as victims of human rights violations, human rights data collectors, political analysts or GAM supporters and rarely are they depicted as catalysts for structural change in the politics of Aceh. For instance, Edward Aspinall (2006: 169) identified that revelations of human rights abuses in 1999 was a major turning point towards public sympathy for a political solution to the conflict. Kirsten Schulze (2006: 253-54) highlighted that the targeting of human rights activists and NGOs was a part of Indonesia's counter-insurgency strategy. These writers usually mention human rights issues and the role of local NGOs feature in passing in analysing the situation in Aceh, from the security forces covert strategy of targeting, intimidating and killing human rights activists to GAM's advance toward and creation of links with civil society groups since 1999. Human rights organisations such as Amnesty International (AI), Human Rights Watch (HRW) and Tapol (the Indonesia Human Rights Campaign) have also widely published the findings of their investigations in Aceh since the 1980s. Shane Barter's *Neither Wolf Nor Lamb: Embracing Civil Society in the Aceh Conflict*, published in 2004 by the Asian Forum for Human Rights and Development (FORUM-ASIA), describes local and international civil society actors. However, in the literature on Aceh, there are few in-depth analyses of the role of human rights NGOs and civil society in general in responding to the conflict.

Civil society organisations working on human rights, humanitarian and peace issues in Aceh were categorised into two broad groupings: students and NGOs. Further distinctions can be made along ideological and sectoral or thematic activity-based categorisations. I divide ideological orientations into pro-independence and neutral attitudes. Within those two broad groups include additional ideological sub-categories, such as Islamic, pro-democracy and feminist orientations. Thematic activity-based categories include humanitarian assistance; developmental; human rights and legal; political; environmental; women's and children's rights; and conflict transformation. Different groups employed a variety of strategies, partly based on their ideological and thematic orientation, including various forms of advocacy, mobilisation and *pendampingan* (accompaniment, as explained in chapter five), and open as well as clandestine activities. There is significant cross-over within the category of advocacy, which may include human rights advocacy, humanitarian advocacy as well as specific advocacy campaigns to settle the conflict. I elaborate on the different groups, including what interested them and the strategies they employed in the following chapters, as they relate to human rights advocacy, humanitarian protection and conflict transformation activities. The focus is on groups that engaged in human rights advocacy, humanitarian protection and conflict transformation activities in Aceh.¹ One major element of Acehnese civil society – the religious leaders or *ulama* – is absent in my analysis.²

While the Indonesian government and GAM were the main conflict actors, student organisations and NGOs were simultaneously the central humanitarian and human rights actors, as well as targets of military abuse. The civil society relationship with GAM was grey. Some groups worked closely with GAM, while others had less formal relationships. Few were highly critical of the rebels. International NGOs and donors were the main backers of local civil society in Aceh and played an important role in delivering humanitarian assistance, advocating for human rights and promoting

¹ I devote significant portions of my analysis to GAM because 'rebel' and 'activist' positions in regard to human rights and humanitarianism were sometimes blurred.

² While every Acehnese individual I interviewed during my field research is a Muslim, very few of the organisations espoused 'Islamic objectives' in their name or humanitarian or human rights mission statements. The *ulama* were not a significant humanitarian or human rights actor in Aceh between 1998 and 2008. The GAM conflict did not seek to establish an Islamic state. Islam is so 'every-day' in Aceh that it is a given and Islam hardly receives a mention throughout the rest of this thesis.

a peaceful resolution to the conflict.

The strength of Acehnese civil society is debated. Sami Lahdensuo of the Crisis Management Initiative notes, ‘when looking at societal development of Aceh, it has to be underlined that the local civil society has played a pivotal role already through the years of conflict. They have been actively searching for different ways to bring peace to Aceh’ (Lahdensuo 2006: 27). Similarly, Sultan Barakat et al writing in 2002, observe that ‘the (Acehnese) population has at the moment trust in only three groups, the students, NGOs and the Ulama, which they see as their spokespersons and guardians’ (Barakat, Connolly, and Large 2002: 16). Yet Edward Aspinall (2008) suggests that Acehnese civil society was vocal but also unable to transform the situation in Aceh. For Aspinall, ‘human rights groups and other civil society organizations which existed in Aceh and elsewhere in Indonesia...have been a prominent and vocal part of the post-Suharto political landscape. But despite their influence on public debate, their real political leverage measured in terms of the outcomes they have been able to achieve, is very limited’ (Aspinall 2008: 5). Thus, Acehnese civil society activities had mixed results: they were a legitimate voice of the Acehnese population and positioned themselves to promote creative solutions to the conflict. However, the deeply entrenched and intractable positions of the Indonesian government and GAM left little space for civil society to act.

In addition to examining local and international civil society groups, this thesis also analyses the conflict between the Indonesian government and GAM. Both groups are relevant to this study because the angle from which I approach the analysis of humanitarian action is primarily in relation to the Aceh conflict. GAM directed the conflict toward creating a ‘humanitarian situation’ that would attract international attention. The Indonesian government later responded by taking control of the humanitarian response. It is thus important in the pages that follow to take into account some aspects of GAM and Indonesian government strategy in regard to its impact on humanitarian action in Aceh.

3.1 A history of on-again, off-again conflicts in Aceh

This thesis examines ‘new humanitarianism’, an approach to humanitarian assistance which attempts to respond to the so-called ‘root causes’ of conflict. It is therefore necessary to provide a brief background and analysis of the Aceh conflict before considering the specific humanitarian approaches applied there in later chapters. The most important part of Acehnese history, at least for the purpose of this thesis, is the Acehnese folk history of war and rebellion. Acehnese nationalist propaganda had a major impact on contemporary Acehnese attitudes toward local and international human rights and humanitarian action in Aceh. Aceh’s martial history – as perceived by many Acehnese as continuous – is particularly relevant to my critique of humanitarian responses since the threat of a return to conflict was pervasive in the post-tsunami and post-conflict period. A glimpse at Acehnese history shows the Acehnese have engaged in a number of significant conflicts in the past three centuries, prior to the most recent GAM conflict.

One of the earliest recorded conflicts in the region are the Acehnese naval battles against the Portuguese in the sixteenth and seventeenth centuries in which Acehnese armada fought off Portuguese ships near Penang in modern day Malaysia. Aceh’s location at the gateway to the Melaka Straits, partially explains a number of conflicts Aceh was involved in and the strategic value of the region for international shipping and trade.³ The nineteenth and early twentieth centuries saw the ‘Aceh War’, a bloody anti-colonial resistance struggle against the Dutch that began in 1873. The Dutch already secured control of most of the rest of the East Indies with the exception of Aceh and Bali. There is some dispute regarding when the Aceh War ended. Some scholars indicate that resistance continued up until the Dutch withdrawal and the arrival of the Japanese in 1942.⁴ The Aceh War produced national heroes including Teuku Umar and his wife, Cut Nyak Dhien, who commanded Umar’s troops after his death and proved to be a successful warrior until her capture in 1901.

³ Aceh’s geo-political strategic location is as relevant today as it was in the colonial period. Geography is thus another key factor in explaining conflict in Aceh. Domestically, Indonesia did not want to lose control of the straits. The main global power, the United States, did not want instability and insecurity that an independent Aceh would create. Aceh’s proximity to the Malaysian peninsular, around eight hours by speed boat, provided a passage for smuggling arms into Aceh and a place of refuge for GAM members. Malaysia was a fertile breeding ground for GAM. 1997 return of many GAM members from Malaysia because of domestic Malaysian and Indonesian policies. See Aspinall 2009: 163.

⁴ For more on the Aceh War against the Dutch, see: Reid, A., (1969) *The contest for North Sumatra: Atjeh, the Netherlands and Britain 1858-1898*. London, O.U.P.

The Dutch ruled in Aceh for about 35 years, then following the World War II defeat of the Japanese, there were a number of significant developments in Aceh. While the Dutch attempted to re-assert control over their former colony, leading to the Indonesian independence struggle between 1945 and 1949, they did not attempt to re-take Aceh. Aceh was left to run its own affairs under the Military Governorship of Teungku Daud Beureuh, giving the Acehnese a taste of political autonomy. Beureuh, who was also head of PUSA (*Persatuan Ulama Seluruh Aceh*, All-Aceh Association of Ulama), led a 'social revolution', ousting the local chieftains, the *Ulee Balang*, from positions of political power that they had enjoyed in collaboration with the Dutch and the Japanese (Reid 1979). Beureuh supported the Indonesian independence struggle, encouraged the Acehnese to donate their gold to purchase an aeroplane to support the Indonesian revolutionary army, and sent arms and troops to the border with North Sumatra (Drexler 2008: 56). In the post-tsunami period, many Acehnese still talked about the revolutionary period as an injustice whereby the Acehnese generously supported the Indonesian struggle, while getting little in return.

After formal independence in 1949, President Sukarno incorporated Aceh into North Sumatra province. This move undermined Aceh's independent history and reduced Aceh's political authority over local affairs in the new republic. It failed to reciprocate Aceh's role in supporting the Indonesian independence struggle and repelling Dutch forces on the North Sumatra border (Drexler 2008: 56-67). Many Acehnese actors interpret this move as being the first major political injustice by the Indonesian state against the Acehnese. Beureuh, undoubtedly angered by attempts to undermine his political power, declared Aceh 'separate' from Indonesia and joined the *Darul Islam* (Abode of Islam) movement in 1953 (Drexler 2008: 67; Aspinall 2009: 32). The *Darul Islam* movement was initially started by Sekarmadji Maridjan Kartosuwirjo in West Java in 1949, and aimed to establish an Islamic State of Indonesia (*Negeri Islam Indonesia*) under Islamic Law. Groups in Sulawesi and Kalimantan also joined, making *Darul Islam* a loosely affiliated nation-wide movement (Van Bruinessen 2002). Beureuh sanctioned *Darul Islam* as a 'Holy War' (*Prang Sabil*) and gained widespread support among the Acehnese (Sjamsuddin 1990). The aim of *Darul Islam* was not an independent Aceh, but rather to establish an Indonesian Islamic State.

In an attempt to resolve that conflict, President Sukarno established *Propinsi Aceh* (Province of Aceh) in 1957, and in 1959 upgraded the offer to *Daerah Istimewa Aceh* (Special Region of Aceh), including autonomy in the fields of religion, education and *adat* (customary law). However, limited autonomy led to further grievances as the new status proved to be disingenuous and many Acehnese perceived that it provided no tangible social or economic improvement for Aceh (Bertrand 2004: 34-36). Furthermore, Indonesia's second president, Suharto, who took control in 1966, exercised highly centralised control over the sprawling state. His secular nationalist policies and his government officials' and cronies' corrupt practices negated any promise of significant political or economic autonomy for Aceh (Drexler 2008: 155-156).

I now briefly turn to the role of Islam and Acehnese identity in the conflict. While Islam is not the focus of this thesis, Islam is central to Acehnese history. Islam is a key feature of Acehnese identity and the Acehnese have a reputation for being among the most pious Muslims in the country. Islam is said to have come to the Indonesian archipelago via Aceh in the thirteenth century. Aceh became an important centre of Islamic scholarship, and because of its geographic location on the northwestern most tip of Sumatra, was the launching point for Muslim pilgrims on the *Hajj*. Over time Aceh gained the Indonesian moniker *Serambi Mekkah* (Verandah to Mecca). Up until the 1980s, taking a ship from Aceh to Medina in Saudi Arabia was the cheapest route out of Indonesia to make the pilgrimage (*hajj*) to Mecca.⁵

Some scholars suggest that the long history of armed conflict informed a strong martial tradition in Aceh. In addition to Aceh's '*Serambi Mekkah*' identity, Aceh also earned the name *Tanah Rencong* (Land of the *Rencong*; a *rencong* is an Acehnese dagger). *Tanah Rencong*, according to Silvia Tiwon (2000), 'is a reference to the dagger that took the lives of many Dutchmen in the *Aceh Moord* (Aceh murders) that continued to plague the Dutch even after the war had ended'. *Tanah Rencong*

⁵ Furthermore, the role of Islam in the Aceh conflict is relevant in regard to humanitarianism and human rights. A major weakness in Aceh's human rights advocacy efforts was the lack of support for the Acehnese cause in the rest of Indonesia. Indonesians did not want Aceh to secede because they saw Aceh as playing a central role in Indonesia's historical nation building and Islamic narrative. In comparison to East Timor, one may argue that the cost of letting 'Islamic Aceh' secede would have been far greater to the Indonesian nationalist psyche than that of letting 'Catholic East Timor' split from Indonesia. Acehnese national advocacy strategies are discussed in greater detail in chapter four.

communicates a warlike character of the Acehnese in the local popular culture. Jacqueline Siapno (2002: 146) suggests that Acehnese parents encourage their children to grow up striving in the path of Allah, defending Islam and Islamic values from Indonesian state violence. She describes how certain Acehnese customs, such as rituals around the time of birth, tales and lullabies cultivate this sense of striving and militant identity in the Acehnese. According to this view, Acehnese society is infused with militant cultural norms and codes of behaviour, which may continue to permeate the social order well after the belligerent groups have signed a peace deal and put down their guns. Professor M. Hasbi Amiruddin, the Vice Rector of the Islamic State University IAIN Ar-Raniry, Banda Aceh, confirms this observation. One of the challenges of the post-conflict period, he says, is reformulating the Acehnese identity, which is strongly associated with heroism (Amiruddin 2007). He explained that Acehnese mothers, in raising their children, encourage them to go to war: 'Every mother raising her child will sing lullabies that give her child a fighting spirit to, *jak peu ek prang bela naggroe* (go and fight for your country)' (Amiruddin 2007).⁶

Continuing on the subject of identity, any regular visitor to Aceh will attest that many Acehnese pride themselves on their self-perceived internationalism and cosmopolitanism. This, I argue, had an influence on Acehnese expectations from the international community in regard to both the conflict and the tsunami. In numerous meetings with Acehnese, I often heard stories, with a certain amount of predictability, of Aceh's cosmopolitan and 'outward-looking' history. Acehnese explain with delight that the name 'Aceh' is an acronym, which stands for 'Arab' (Arabic), 'Cina' (Chinese), 'Eropa' (Europe) and 'Hindia' (Indian)', and that those groups represent the four main ethnic origins that make up the Acehnese.⁷ I also often heard of the blue-eyed Acehnese, who are the supposed descendants of a Portuguese colony and live mainly around Lamno, a small town on Aceh's west coast.⁸ Indeed, Aceh's geographic location on the gateway to the Melaka Strait made it an important port of

⁶ *Setiap ibu yang membesarkan anaknya pasti akan mendendang dengan dendangan memberi semangat berperang*

⁷ Aceh has also been known by names including Atjin, Acheen, Achin, Atjeh, and Acheh.

⁸ On visits to Aceh and Malaysia between 2001 and 2004, I did in fact meet several Acehnese with blue eyes and red or brown hair that originated from Lamno. At a meeting with Acehnese refugees in Malaysia, I met a man named Junaidi, who was of such a strong European appearance that I assumed he was a fellow student or researcher and addressed him in English. As it turned out Junaidi could not speak Indonesian, let alone English. Lamno was all but wiped out in the 2004 Indian Ocean tsunami.

trade for passing ships and no doubt contributed not only to Aceh's former prosperity under the sultanate, but to Aceh's ethnic make-up. Among my closest Acehnese friends a number claim Gujarati and Yemeni heritage. Aceh's sixteenth century relations with the Ottoman Empire are the most widely recorded. The Aceh flag, which GAM used as a symbol of their struggle, consists of a white crescent moon and star on a red background with two horizontal black and white stripes at the top and bottom sections. The similarity with the Turkish flag vividly illustrates Aceh's past links with that country.⁹ Aceh also had foreign relations with Great Britain, which would later be celebrated and used to argue in nationalist propaganda as justification for an Aceh independent from Indonesia.

The GAM Rebellion

A period of peace in the 1960s and early 1970s was disrupted when Hasan di Tiro established the Aceh Sumatra National Liberation Front (ASNLF).¹⁰ The GAM conflict is usually classified into three distinct phases (Schulze 2004: 4-5). The first period began with Hasan di Tiro's 're-declaration' of Acehnese independence on 4 December 1976, and ended in around 1979 when most of his followers were killed, imprisoned or fled from Aceh. Second is the DOM (*Daerah Operasi Militer*, Military Operations Area) period, which saw GAM fighters, many of whom had received military training in Libya, return and take on the Indonesian security forces between 1989 and 1998. A key feature of the third period (1998 to 2005) is GAM's resurgence and the Indonesian security forces response of numerous military operations and declaration of martial law (*Darurat Militer* or Military Emergency) in May 2003. Although martial law was downgraded to civil emergency (*Darurat Sipil*) status in May 2004, reports suggest there was no improvement in the situation. Importantly, the 26 December 2004 Indian Ocean tsunami struck Aceh in the midst of armed conflict. The civil emergency continued until May 2005. In August 2005 the Government of Indonesia and GAM signed a peace accord in Helsinki.

⁹ GAM used the Aceh flag in its nationalist propaganda from 1976 until shortly after the 2005 Helsinki MoU. In 2008 the GAM-led Aceh Party replaced the crescent moon and star the word 'ACEH', in white capital letters, as the party symbol.

¹⁰ Also known as *Aceh Merdeka* (Free Aceh, AM) and later as *Gerakan Aceh Merdeka* (Free Aceh Movement, GAM). See Drexler 2008.

Some literature (Seigel 2000; Siapno 2002; Drexler 2008), along with many Acehnese, suggest self-reinforcing norms between Acehnese history, culture and conflict, whereby successive conflict has moulded Acehnese culture to be militant, and that militancy makes Aceh prone to fight against ‘outside’ authority. Apart from cultural, economic or historical forces, one key personality – GAM founder Hasan di Tiro – is crucial for explaining the conflict in Aceh. When Beureuh urged the Acehnese to join *Darul Islam*, the twenty-something Hasan di Tiro was working as a diplomat with the Indonesian mission to the UN in New York. Hasan di Tiro ‘defected’ to *Darul Islam* and the Indonesian government cancelled his passport. With help from American anti-communist friends, Hasan di Tiro was granted permanent residence in the US and became involved in a range of businesses, as well as supplying arms to support *Darul Islam* in Aceh (Aspinall 2009: 42-43).

Hasan di Tiro claimed that Aceh was a sovereign state when the Netherlands East Indies invaded Aceh in 1873 and that the transfer of sovereignty from the Dutch colonialists to Indonesia in 1949 was illegal. He said his objective was to ‘recreate Acehnese group consciousness and political/historical awareness’ for the people of Aceh, and rightfully reclaim the ‘Kingdom of Aceh Sumatra’, that had been controlled by the ‘Javanese/indonesian’ (sic) colonialist regime’ (di Tiro 1982: 23-29). Therefore, unlike the *Darul Islam* rebellion, Hasan di Tiro wanted the world to see the GAM struggle as a continuation of the anti-colonial resistance dating back to the late nineteenth century. Hasan di Tiro’s early exposure to the UN system and his exile cast him into a world that undoubtedly shaped the movements ‘internationalisation’ policy and strategic use of humanitarian and human rights issues in the 1990s, which I examine later in this thesis.¹¹

The importance of history and earlier phases of the conflict certainly influenced humanitarian and human rights strategies after 1998. The following pages examine some factors, or ‘root causes’, that shaped conflict in Aceh, including a popular sense

¹¹ Hasan di Tiro’s was the great-grandson of the famous war hero and *ulama* Tengku Cik di Tiro, who led Acehnese forces against the Dutch in the late nineteenth century. His grandfather and uncles died in battles against the Dutch in the early twentieth century. Hasan di Tiro also attended a *madrasah* (religious boarding school) established by Daud Beureuh and members of his family were close with Beureuh.

among the Acehnese of unfair distribution of resources and ongoing political and human rights injustices.

Earlier struggles were surprisingly relevant to the contemporary GAM struggle. Although not necessarily institutionally linked, there was a common sense of injustice passed down from old to new conflicts. Such seemingly perennial injustices were a source for contemporary grievances and remained fresh in the minds of many Acehnese. In Aceh, one often hears stories of discontent with the central government regarding economic issues. Complaints about economic inequality usually include the financial contributions made to the Indonesian independence war effort by the Acehnese, and the rich gas and oil deposits that contribute to the Indonesian economy. This is in contrast to the perceived absence of a meaningful monetary return and the poor living standard of the Acehnese. In conversations with Acehnese between 2001 and 2005, I consistently heard that the reason the Acehnese were rebelling against Indonesia was because of ‘injustice’. Many Acehnese often referred back to Indonesia’s independence struggle as the earliest examples of Jakarta’s deception of Aceh in political and economic spheres. Acehnese nationalist ideology, as espoused in contemporary popular culture, also suggested that Aceh’s role in securing Indonesia’s independence by providing soldiers, aircrafts, and gold to buy supplies in the struggle against the Dutch forces, was not repaid in kind. Indeed, this period has implications relating to contemporary Acehnese notions of justice, as noted by James Siegel (2000: 339):

It is not just that wrong by any standard was done to Aceh. In Acehnese thinking, the injustice is measured against what Aceh did for the nation. Acehnese frequently repeat nearly the same words: ‘Aceh was the province that financed the revolution, but what has it gotten in return?’

My experience in Aceh suggests something similar, whereby Acehnese friends and acquaintances would often point out to me the Dakota aeroplane fixed on stilts in the middle of Banda Aceh’s main park – *Blang Padang* – saying, ‘we sold our gold to Indonesia to buy weapons and that plane to defeat the Dutch. All we got in return is violence’.

The discovery of massive oil and natural gas deposits around Lhokseumawe in North Aceh in the early 1970s, and the subsequent inequitable re-distribution of natural

resource profits, became another source of tension in Aceh. Ordinary members of the Acehnese community, not only GAM propagandists or student activists, linked Jakarta's exploitation of natural resources with earlier stories of Acehnese giving away their gold to Indonesia in a narrative of ongoing economic injustice.¹² For Tim Kell (1995), the exploitation of resources was a central economic issue in the conflict. The discoveries in the early 1970s, Kell argues, led to numerous discontents: peasants' land was confiscated to build processing plants; those living in villages nearby the plants suffered from pollution and gas leaks; the majority of employment opportunities did not go to Acehnese; local Acehnese businessmen were not granted lucrative development contracts; and 'virtually the entire oil and gas revenue from Aceh accrues to the central government', with very little of the benefits returned to Aceh (Kell 1995: 13-22, 15). In 2001, much of the talk among activists in Banda Aceh was about how Jakarta and Exxon Mobil were cheating the Acehnese out of the profits of their natural resources.¹³

Many in the Indonesian government and security forces held the position that private interests were the chief motivation for joining the struggle. On countless occasions police and military officials expressed this sentiment to me. For instance, in a meeting in October 2001, the then TNI field operations commander for Aceh, General Djali Yusuf, suggested that all GAM members were criminals and motivated by economic return. He used the then GAM field commander, Abdullah Syafi'ie, as an example, saying that he had little schooling and he was merely a truck driver before he became a 'commander' with three wives (Djali Yusuf, Personal Communication, November 2001). In Aceh, having more than one wife is a symbol of prosperity, and Djali Yusuf wished to imply that there were perceived private interests accrued by joining GAM.

The everyday experience of poor villagers in North Aceh gave rise to a popular perception throughout the province of Jakarta's pillage of Aceh's natural wealth.¹⁴

¹² Some scholars emphasise economic motivations for di Tiro launching the struggle, citing that di Tiro's company, Doral, was unsuccessful in its tender application as a contractor to assist the state oil company Pertamina exploit newly found gas and oil deposits in North Aceh district (Barter 2008: 46).

¹³ Exxon Mobil Oil Indonesia a joint venture between the US owned Mobil Oil Incorporation and the Indonesian state oil company, Pertamina. Exxon Mobil Oil Indonesia exploits gas and oil in the area and later processed at the nearby PT Arun.

¹⁴ In October 2001, I twice visited the conflict-ridden communities within the Exxon Mobil site, near Lhokseumawe, an industrial town in North Aceh district. The contrast between industrial wealth and rural poverty that could be seen on the outskirts of Lhokseumawe was striking. The villages in the area

One young GAM leader told me of the terrible pollution of the topsoil and waterways around his village near the site (Email communication with Alex, 2 August 2004). Indeed, GAM recruited many fighters based on this popular perception of economic injustice and their propaganda stressed Aceh's natural wealth, which should be defended against 'Javanese-Indonesian' colonialists. GAM broadened its support base, attracting many young Acehnese men living near the industrial zone in North Aceh who were motivated by their sense of poverty in contrast to the riches they saw surrounding them, as well as what was flowing from the oil and gas pipes. It is no wonder then that some people decided to join GAM, nor is it a surprise that GAM and other Acehnese political groups called for justice in their argument for independence.¹⁵

However, perspectives that focus only on economic gain or on the control of resources simplify the complex nature of the conflict. A more nuanced analysis of the relationship between resources in Aceh and the rise of GAM is evident in Geoffrey Robinson's (2001: 225) work:

This is not to say that Aceh Merdeka emerged directly in response to the LNG boom in the 1970s, but rather that the changes set in motion by the state-capital link, and the extreme centralization of economic decision-making, stimulated a consciousness of shared fate that reinforced existing ideas of Acehnese identity and increased the credibility of Aceh Merdeka in the area.

It is not just economic factors that propelled the Acehnese to struggle against the state, but others such as political centralisation and state violence, that were 'root causes' of the Aceh conflict. Robinson argues that in addition to economic factors stimulating the conflict, from the perspective of Acehnese experiences, 'it becomes clear that the degree and nature of the violence in Aceh after 1990 was even more closely related to the behaviour of Indonesia's armed forces' (Robinson 2001: 225).

were very poor, yet within the Exxon-Mobil compound, there was a top-class restaurant, swimming pool, tennis courts and fine living quarters. People living in the area told me that most of the well-paying jobs went to a small number of expatriate staff and Javanese managers; meanwhile, Jakarta stifled most of the wealth coming out of the Exxon Mobil site with as little as three per cent returning to Aceh. People living around the site lived in fear.

¹⁵ The site was not only a contest between the Acehnese resistance and Jakarta, it was also a lucrative source of income for the security forces hired to protect the site and reports of gunfights between the Indonesian army and the Indonesian police were not uncommon. Exxon-Mobil has been implicated in a long-running human rights case filed by Acehnese villagers against the multinational company in the US for Indonesian security forces, hired by Exxon-Mobil who killed a number of civilians and used Exxon-Mobil equipment to dispose of the bodies in a mass grave.

Military conduct during the GAM rebellion added human rights violations as a cause of grievance. People became more receptive to GAM's cause, largely driven by a cycle of violence and revenge. According to Human Rights Watch, during the worst phase of DOM over one thousand Acehese civilians were killed:

So many people were affected that, today, virtually every Acehese in the hardest-hit areas can cite a family member who was the direct target of a human rights violation – and who had no link to GAM at the time (Human Rights Watch 2001: 8).

Indonesian state violence, with the TNI and Polri as its main instruments, in Aceh has been well documented in various media. Most scholars (Sjamsuddin 1984, Kell 1995, Robinson 2001, Siapno 2002, Aspinall 2002) agree that while military operations aimed to annihilate GAM, they had the opposite effect, in fact serving to fuel support for GAM. GAM also recognised this:

But the harder the oppression the stronger will be the resoluteness of the Acehese people to fight for their independence from Indonesian colonialism (Mahmud 2004).

Thus, in addition to forfeiting their gold for the revolution and getting only broken promises in return, in GAM's view, the Acehese suffered gross human rights violations at the hands of the Indonesian state.

GAM engaged in a rather intensive strategy to 'internationalise' the conflict by regularly attending and putting its case forward at the UN Human Rights Commission in Geneva. Yet, aside from military training support from Libya in the 1980s, GAM received no support from any foreign government or government body. International NGOs were not sympathetic to GAM's cause. The only international solidarity for Aceh was framed as concern for human rights violations in the province. Of course there are some exceptions, but they only represent individual, as opposed to institutional, support for GAM. Examples include the Australian academic Damien Kingsbury who became an advisor to GAM during the Helsinki talks and the American photojournalist William Nessen who made a film about Aceh's struggle.¹⁶

¹⁶ The closest form of international organisational support I witnessed was at William Nessen's 2004 photo exhibition launch where a member of the International Committee of Jurists (ICJ), John Dowd spoke about Acehese sovereignty and even suggested that the Acehese are not ethnically related to other Indonesians, but rather (erroneously) are 'Gujarati people'. The ICJ example may illustrate a level of sympathy for GAM-affiliated refugees in Sydney but hardly equates to 'international support'.

GAM largely failed, while Acehese human rights groups were more successful in promoting the Aceh cause overseas.

Acehese nationalists will explain to the willing listener that politically, economically and militarily, Aceh has been historically more connected with foreign lands and seas to the north and west, rather than to the south and east, which make up today's Indonesia. This outward-looking internationalist character combined with a lack of faith in the Indonesian government found in Aceh created high expectations of what would be given by the international community.

3.2 Indonesian civil society

Protest and resistance in Aceh not only found an outlet in armed struggle, but also in non-violent civic action. The main element of civil society working on human rights and humanitarian issues in post-1998 Aceh was two groups: NGOs and students. Before going into more detail on the background of the Acehese NGO and student movement, it is necessary to examine aspects of the pre-1998 Indonesia-wide New Order context in which both emerged.

Local organisations engaging in some form of social activism identify themselves in a number of ways, sometimes changing to reflect the situation. Philip Eldridge (1995) notes that in 1983, Indonesian NGOs abandoned the literal Indonesian equivalent for 'NGO' or 'ORNOP' (*Organisasi Non Pemerintah*) in a 'rhetorical shift, motivated by political necessity and designed to avoid appearance of confrontation with the Indonesian government' (Eldridge 1995: 13). Indonesia is not unique in this regard, as Van Rooy and Robinson (1998: 35) note, '[UNDP] were receiving feedback, especially from our Middle East posts, that the term 'NGO' was seen to mean 'anti-government', whereas 'civil society' was seen to be more neutral'. The distinction between NGOs and civil society organisations (CSO) is an important one because, in the words of Van Rooy and Robinson, 'the policy and power implications are very different. Rightly or wrongly, NGOs are often described in service-delivery roles, whereas CSOs are depicted as political agents (1998: 35)'. However, I classify NGOs as an element of civil society but NGOs alone certainly do not constitute civil society.

Indonesian civil society groups are also known as *Lembaga Swadaya Masyarakat* (self-reliant community institution, LSM). *Swadaya*, a Sanskrit word, emphasises 'self-reliance' and is linked to traditional *gotong royong* (mutual cooperation). According to Aspinall (2005: 92), the adoption of term LSM suggests that 'most NGOs in fact emphasised a role that was complementary, not in conflict, with the state' (Aspinall 2005: 92). The term LSM remains in use today but not all organisations like to be referred to as such because it is seen as too conservative.¹⁷

The term 'NGO' saw a comeback in 1998 when opposition to the government, especially in Aceh, became the norm. One of the main Acehese human rights NGOs, *Koalisi NGO HAM Aceh* (Acehese Human Rights NGO Coalition) uses the English form in its name. In particular situations in Aceh, such as when introducing themselves to military or police checkpoints, some individuals choose to refer to their organisations as '*yayasan*' (foundation). A *yayasan* means they have registered with a notary and gives them a legal status. Some of the NGOs I worked with in 2001 and 2002 perceived that *yayasan* solicited a more positive response from the security forces. According to these NGO workers, if they said they were an 'NGO' the military would see them as oppositional to the government (Nani 2001, field notes with Women Volunteers for Humanity (RPuK) worker, 27 August 2001). Other popular names are 'community-based organisations' (CBO) for advocacy and service delivery groups usually found outside major urban centres, and connotes perhaps the most 'grassroots' in orientation. The term CSO and its Indonesian translation *organisasi masyarakat sipil* and *organisasi masyarakat madani* are also common. Finally, *organisasi massa* (*ormas*, mass organisation) refers to political organisations, whether they are part of the student movement or align with a particular issue such as women, justice or a referendum and may have a mass base consisting of thousands of members. I use the terms 'LSM', 'NGO' and 'CSO' depending on the context in which it is raised, unless otherwise specified.¹⁸

¹⁷ I observed in Aceh in 2001 and 2002 that the New Order roots of LSM, conservatism, elitism, past practice of collaboration with the government and certain profit-seeking activities tarnished that categorisation in the eyes of the community and other civil society groups.

¹⁸ The approach to terminology changed again after the 2004 Indian Ocean tsunami when the proliferation of international NGOs in Aceh altered the categories, with 'NGO' largely reflecting the 'international' and 'LSM' or 'CSO' representing the 'local'.

The broader context of Indonesia-wide NGOs provides a background to the emergence of NGOs in Aceh. The growth of Indonesian NGOs in the last 30 years is astounding, from 152 registered foundations and institutions in 1981 (Eldridge 1995: 4) to an estimated 70,000 NGOs in Indonesia in 2000 (Hadiwinata 2003:1). Indonesian NGOs play a key role in community development, mobilising rural and urban poor, human rights advocacy and humanitarian assistance. Philip Eldridge (1989; 1990; 1995) has written a comprehensive history of Indonesian NGOs and I primarily draw upon his work in this section. I am specifically interested in three overlapping aspects of Indonesian NGOs in the pre-1998 period: the context in which NGOs were operating; the types of activities NGOs engaged in; and the legal arrangement under which they worked.

According to Eldridge (1990: 506), Indonesian NGOs in the 1970s and 1980s adopted two broad, overlapping orientations: 'development' and 'mobilisation'. Suharto's 'New Order' government (1966-1998) saw an opportunity in NGOs to complement the state through community development work, but also suppressed political opposition. The importance of rural development in New Order Indonesia cannot be overstated. As a part of Suharto's national development program, the government supported LSMs, Eldridge (1990: 506) notes, 'in fields such as irrigation, drinking water, health centres, agriculture, animal husbandry together with handicrafts and other income generating programmes'. These types of community development activities date back to the 1970s when the government saw LSMs an effective and low cost alternative to the state. According to Bob Hadiwinata (2003: vii), 'In the 1970s, amid the realisation that the government was unable to reach the poorest, NGOs received full support from the New Order government as they were expected to help the government in providing low cost health care, small credit and training on micro-enterprises. By the early 1980s major development programmes were underway, bringing economic progress throughout Indonesia. Indeed, in 1983 the People's Consultative Assembly (MPR) bestowed upon President Suharto the official title of '*Bapak Pembangunan Indonesia*' (Father of Indonesian Development) (Antlöv 2003: 196).

Indonesian NGOs gradually evolved from community development orientation through to environmental and human rights issues. In an effort to exert control on a

range of social organisations including NGOs, religious organisations and student organisations, Indonesian parliament passed the 1985 Law on Social Organisations. This law made it obligatory for NGOs and other registered CSOs to incorporate the *Pancasila*, Indonesia's 'Five Pillars' national ideology as their 'sole foundation (*azas tunggal*) guiding all their activities'. The 1985 law gave 'government powers to disband organisations whose activities are considered to be detrimental to values of social harmony and national unity enshrined in *Pancasila*' (Eldridge 1990: 511). By the late 1980s, according to Aspinall (2005: 122-127), Indonesian NGOs (taking the lead from students, as discussed below) working on legal aid, labour rights and environmental issues, took on a more radical and confrontational stance toward the government.

Advocacy became an increasingly important tool to raise community concerns and influence policy. In the 1980s, according to Eldridge, there was a move among LSMs toward 'educating and mobilising poor people on broad issues relating to ecology and human rights' (Eldridge 1990: 506). A major advocacy oriented NGO, which would later be relevant for its work in Aceh, was LBH (*Lembaga Bantuan Hukum*, Legal Aid Foundation). Established in 1970, LBH's approach to legal aid was thoroughly human rights and pro-poor based, as it investigated and advocated on human rights violations, as well as influencing government policy around issues of poverty. According to its website, LBH was set up to 'provide legal assistance and protection to disempowered Indonesians including those living in poverty, victims of forced eviction, marginalized communities, victims of partial dismissal and victims of human rights violations'. To achieve this goal, LBH undertakes both litigation and non-litigation based responses; the latter including organising demonstrations and public advocacy.

Now, turning to funding arrangements. Eldridge (1995: 52-54) identifies six forms of funding for Indonesian NGOs: government funding for participation in official programmes; private donations; income generation programmes and cooperative enterprises; revolving funds; consultancies and training programmes; and

international funding assistance.¹⁹ One form of funding I identified in Aceh, which may be considered a sub-category of some of the above forms, is the larger NGOs, coalitions or forums as funding channels for small NGOs. While I do consider aspects of all the above types of funding arrangements in this thesis, it is the latter that will take up the bulk of the discussion regarding funding and is discussed in more detail below.

Eldridge's six forms of funding can be further broken down into internal and external funding arrangements. A situation where an NGO can raise money for its own activities is ideal. A concern with any external funding source is dependency. This is especially relevant and seems to contradict the 'self-reliance' (*swadaya*) philosophy of Indonesian NGOs and potential loss of independence in the mission of NGOs. As noted by Eldridge, 'the Indonesian government is more likely to exercise leverage [...] through funding support than are foreign agencies which, by comparison, operate more at arms length' (Eldridge 1995: 52). Yet the Indonesian government (or other competing groups) may accuse NGOs in receipt of foreign funds as 'undermining national unity' (Eldridge 1995: 52). While others may suggest that dependence on foreign funding dilutes NGO capacity for militant action and mass mobilisation (Eldridge 1995: 54). A better model would be a combination of financial self-sufficiency with external technical assistance.

International support for Indonesian NGOs since the late 1970s included not only funding but also the provision of ideas. International financial assistance allowed Indonesian NGOs to be more independent, and thus critical of, the state. In 1985, leading Indonesian NGOs and the Netherlands Organisation for International Development (NOVIB) established the International NGO Forum on Indonesian Development (INFID), to influence the Indonesian government's donors, which came together under the Inter-Governmental Group on Indonesia (IGGI), later known as the Consultative Group on Indonesia (CGI).²⁰ International agencies were also a critical element in conveying key ideas, in regard to development and advocacy, to local

¹⁹ There is a strong tradition of voluntarism across Indonesia as exemplified by the culture of *gotong royong*. Though, according to Eldridge, 'unpaid labour cannot be sustained for any length of time [and] foreign funding agencies have been found to be the most reliable vehicles for guaranteeing basic payment for field workers and cadres' (Eldridge 1995: 51).

²⁰ INFID was initially known as Inter-NGO Conference on IGGI Matters and became the International NGO Group on Indonesia (INGI) in 1988 (Riker 2002: 185).

NGOs (Aspinall 2005: 93). By the early 1990s, according to Aspinall (2005: 93), 'many international agencies were funding projects on themes like gender, civil society development, and even governance reform'.

The main legislation relating to international financial assistance is the 1973 Regulations Governing Overseas Technical Cooperation and Assistance. The law 'requires international NGOs to sign an agreement covering the general objectives and operating procedures with relevant government departments... [and] all projects must be reported and cleared by a special Coordinating Committee within the Cabinet Secretariat' (Asian Development Bank 1999: 12).

Indonesian student groups

Before looking at civil society groups in Aceh, I turn to the role of national student groups and their relationship with national NGOs in the pre-1998 period. The Indonesian student movement has influenced Indonesian politics since the colonial era. In 1928 students pledged themselves to the nation, homeland and language in the *Sumpah Pemuda* (Youth Oath), which is celebrated in Indonesia today as one of the main harbingers of Indonesian nationhood. Anti-communist students were influential in the ushering in of Suharto's New Order government in 1965-66 and pro-democracy students famously brought down the authoritarian government 32 years later. Aspinall (2005: 117), the main source on student opposition during this period, describes how under the New Order, 'student activists played an important role in moving new issues onto the political agenda and exploring new forms of political action. In doing so, they laid the ground for the mass student unrest of 1998' (Aspinall 2005: 117). In the early 1970s students applied soft 'moral force' on the Suharto regime, accusing it of corruption and calling for institutional and development policy reform (Aspinall 2005: 118). According to Aspinall (2005: 119), the late 1970s also saw more radical action 'explicitly antigovernment, antimilitary and anti-Suharto', and in a prelude to May 1998, calls for the removal of Suharto from the Presidency. Protest was met with military occupation of campuses, student trials and tighter control of student activities. The repressive political conditions ultimately led to the politically 'sterile campus' atmosphere of the 1980s (Aspinall 2005: 118-120). The 1985 Law on Social Organisations led to greater restrictions on membership based mass organisations,

including student organisations, while NGOs were largely able to deflect government control. During the 1980s, ‘critically minded students found refuge in three types of alternative political vehicles’ including study groups, the student press and NGOs (Aspinall 2005: 121). The third vehicle is my primary interest here.

The relative immunity of NGOs was attractive to students who volunteered and worked on NGO community development programmes, and later in a mobilising capacity. As described by Aspinall (2005: 121-122), NGOs assisted in connecting the students with the *rakyat* (common people) especially poor people, and helped create student radicalisation in the late 1980s. Progressive NGOs linked radical, including Marxist students with the problems of the poor and a new focus on issues such as land disputes and human rights. Students joined up with NGOs such as the Legal Aid Foundation, playing an increasingly visible and vocal advocacy role in rights issues. According to Aspinall (2005: 129), student activists who joined NGOs acted as ‘the most confrontational wing of the NGO movement and as informal coordinating centres for student activists’.

Three related national student groups of particular relevance because of their links with student groups in Aceh, include PRD (*Persatuan Rakyat Demokratik*, People’s Democratic Union) established in May 1994, PRD’s student wing SMID (*Solidaritas Mahasiswa Indonesia untuk Demokrasi*, Student Solidarity for Democracy in Indonesia) founded in August 1994 and LMND (*Liga Mahasiswa Nasional untuk Demokrasi*, National Student League for Democracy). These three groups share considerable institutional links and cross-membership so some of their activities may be referred to collectively. PRD and SMID emerged from study groups and were informed by Marxist literature. They were the most radical student organisations of the 1990s in Indonesia and were unprecedented in their opposition to Suharto (Aspinall 2005: 130). These radical students linked themselves to the Indonesian labour movement and helped organise major protests and strikes. In 1996, PRD re-launched itself as a political party (though illegal at the time) changing its name to *Partai Rakyat Demokratik* (People’s Democratic Party) while maintaining the acronym ‘PRD’. The Secretary General of SMID, Nezar Patria, himself an Acehnese, was perhaps the single-most influential figure on left-leaning student activism in Aceh. The son of the founder of the Acehnese daily newspaper *Serambi Indonesia*,

Patria was educated in Yogyakarta where he became involved in student politics.²¹ His influence on the Acehese student scene is discussed further below.

To conclude, NGOs and students in Indonesia have historically played a critical role in both community development work and political opposition to the government. By the 1990s, international agencies increasingly supported Indonesian civil society groups. As discussed below, Indonesian NGOs and student groups later made significant contributions to the development of Acehese groups.

3.3 Acehese civil society: pre-1998

The Acehese activists I study in this thesis are essentially part of the 1998 *reformasi* movement across Indonesia. However, Suharto's fall was not the end of their struggle. They continued to fight against injustice for another seven years until the conflict was finally settled in 2005. Most Acehese activists identified themselves as '*aktivis HAM*' or human rights activists, while very few, for example, defined themselves as a 'peace activist' (*aktivis perdamaian*), 'democracy activist' (*aktivis demokrasi*), let alone 'humanitarian worker' (*pekerja kemanusiaan*).²² In the context of the armed conflict in Aceh, it is not surprising that human rights advocacy became a dominant part of the broader social justice movement found there than in the rest of Indonesia. Before looking at the *reformasi* period, it is useful to trace the evolution of NGOs and the student movement in Aceh to better understand the character and orientation of these groups.

Little has been written on the subject of Acehese civil society in general, let alone on the pre-1998 period. The main sources are in the form of assessments of local NGOs conducted in the early post-DOM period. One such report, Tiwon and Bunyamin's (1999) 'Human Rights and NGOs in Aceh', commissioned by the Dutch NGO Hivos (*Humanistisch Instituut voor Ontwikkelingssamenwerking*, Humanist Institute for Development Cooperation), is based on a visit to Aceh in November 1998 and lists

²¹ Prior to Suharto's downfall in May 1998, the Indonesian Army's special forces (Kopassus) abducted and tortured a number student leaders including Nezar Patria. A number of other activists abducted at the time were never seen again.

²² Among human rights activists in Aceh, there was no clear dividing line between the work they engage in to advocate on behalf of victims of human rights violations, demilitarisation campaigns, protests against rises in fuel prices, participation in peace processes, or pro-democracy campaigns.

over sixty ‘NGOs’.²³ It includes a very broad range of groups that focus on issues including environmental, legal aid, human rights, as well as women’s and children’s rights. Also included are associations and collectives of fishing and farming communities, quasi-government agencies, media and education training centres, as well as religious associations and traditional Islamic boarding schools. One international NGO – Save the Children – is also listed. It is worth noting that almost all of the groups listed are members of larger umbrella organisations such as Forum LSM Aceh (Aceh LSM Forum) and Koalisi NGO HAM (Coalition of Human Rights NGOs). The report represents a snapshot of the circumstances in 1998, whereby there was a sudden engagement in humanitarian and human rights activities, as many groups joined umbrella organisations and consortia at the time. For the purposes of this section, I am more interested in the NGOs established prior to the DOM revelations, rather than those that emerged in reaction to the events of 1998.

The issues that Acehese NGOs raised before 1998, including economic development, provision of health infrastructure, education and environmental protection, tended to be ‘in line with the grand development strategy of the New Order’ (Tiwon and Bunyamin 1999: 12). Funds were channelled to Aceh NGOs through Jakarta-based NGOs including *Bina Desa* and LP3ES (*Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial*, Institute for Social and Economic Research, Education and Information). Key international sources of funding included YAPIKA (*Yayasan Persahabatan Indonesia-Kanada*, Indonesia-Canada Friendship Foundation), Terre Des Hommes, USAID, NOVIB and The Asia Foundation.

An early influential group was *Forum LSM Aceh* (commonly known in Aceh simply as ‘Forum’), established in 1991 as a member-based organisation to support Acehese civil society organisations by consolidating advocacy efforts and providing other services, such as management, institutional and network development. The main activities of member organisations emphasised ‘basic needs’ such as social welfare, income generation, training and education. Importantly, Forum provided access to funding for other Acehese organisations. According to Tiwon and Bunyamin,

²³ While the report was written in the early *reformasi* period, it provides an indication of the range of groups established in the pre-1998 period.

'Forum LSM Aceh was able to facilitate the rise of a number of NGOs in Aceh, primarily because the forum offered access to funds' (Tiwon and Bunyamin 1999: 12). With over 80 members in 1998, this was a crucial link for other NGOs, especially those located in the rural areas.

The founders and early leaders of Forum were leaders of two existing Aceh-based LSMs with close Jakarta ties. One was the Indonesian Planned Parenthood Association (*Perkumpulan Keluarga Berencana Indonesia*, PKBI). PKBI Aceh, a branch of the central PKBI in Jakarta, is a member-based organisation established throughout Indonesia in 1957 to promote maternal and child health, and headed up by an economist, M. Yunus Ilyas. Interestingly, it was a PKBI health professional that first documented human rights abuses in 1989-91 by preparing autopsy reports of the dead (Tiwon and Bunyamin 1999: 36-37). While not a human rights NGO as such, PKBI does highlight the role of individuals, in this case a medical doctor, in engaging in sensitive human rights issues. The second key organisation was Yadesa (*Yayasan Pembinaan Masyarakat Desa*, Rural Community Development Foundation), which was established in 1987 by Abdul Gani Nurdin, an engineering lecturer at Aceh's Syiah Kuala University. Yadesa focused on income generating activities for rural communities and was closely linked with Bina Desa and LP3ES in Jakarta. The identity and activities of Forum closely resembled other Indonesian NGOs and the broader Indonesian New Order development strategy, with a focus on rural development, poverty alleviation, health and education. The high level of control under the authoritarian 'New Order' system, and government funding, influenced the character of Indonesian NGOs at this time. However, Forum began to change in the mid-late 1990s as more radical groups emerged onto the scene and became members, as explained further below.

Aceh also had a fledgling women's movement. Aceh's premier women's organisation was Flower Aceh (commonly known in Aceh as 'Flower'), which began working to empower women in the province in 1989. Flower's founders include female intellectuals Suraiya Kamarruzaman and Khairani Arifin, both of whom were lecturers, respectively in engineering and economics at Syiah Kuala University. Kamarruzaman was well-connected with the women's movement in Jakarta and Flower's initial funding was from LP3ES. They were also largely self-sufficient with

around 70 percent of funds and resources coming from Flower staff, family and friends. According to Kamarruzaman, ‘we borrowed office equipment such as type writers, I used scholarship money, someone else was doing some paid research and another had a chicken farm’ (Interview with Suraiya Kamaruzzaman, 10 April 2007, Banda Aceh). Flower’s activities included organising women’s community groups and development in agriculture, as well as education programs. One of Flower’s programs was in harvesting traditional medicine. Flower’s work was mainly in Aceh Besar and Pidie regencies. Pidie is known as the GAM heartland and Flower staff came into contact with women victims of the conflict. During the DOM period, Flower brought together women from around Aceh, and documented cases of rape and other forms of sexual abuse committed during the conflict. This was highly sensitive work and Flower used the cover of traditional medicine trainings to bring women from rural areas to Banda Aceh for treatment and testimonials (Interview with Suraiya Kamaruzzaman, 10 April 2007, Banda Aceh).

Similar to other parts of Indonesia, environmental activism was a critical element in Aceh’s civil society development. Indonesia’s largest environmental NGO, the Indonesia Environment Network (*Wahana Lingkungan Hidup Indonesia*, WALHI) opened a branch in Aceh in 1993 and would later become a beacon for a range of Acehnese NGOs with a variety of programs. In the mid-1990s, WALHI Aceh and member organisations such as the South Aceh-based Forest Village Conservation Foundation (*Yayasan Gampong Hutan Lestari*, YGHL) attracted activists interested in rural empowerment, land rights, environmental education and preserving the environment.

Acehnese intellectuals also established study groups and research organisations which were key to the development of the student movement. One important such group was named Cordova, founded in 1990. Among Cordova’s founders was the sociologist Otto Syamsuddin Ishak, trained at Gadjah Madah University in Yogyakarta and later lecturer in sociology in the Faculty of Agriculture at Syiah Kuala University. Cordova conducted research on Islam and the peasant movement, and the group was later important for the development of human rights NGOs such as SULoH, described below.

Study groups like Cordova had a great impact on young students in Aceh, and on the human rights movement in Aceh. One such student was Budi Arianto, who would later be one of the main organisers of student demonstrations in 1998 and a leading civil society activist in the post-tsunami period. Arianto traces his ‘human rights awakening’ to a small, informal discussion group (*kelompok diskusi*) that emerged in 1994, and often held meetings under a tree on campus or in the office of a university professor. Arianto was born in Wonosobo, Central Java in 1972 and moved to Aceh for schooling and was later a student in the Faculty of Education at Syiah Kuala University. Budi recalls that it was the North Sumatran academic, Bahrein Sugihen, who led the discussions, along with other young scholars, Otto Syamsuddin Ishak, Risman Rachman, Saifuddin Bantasyam and Yarmen Dinamika. According to Arianto, ‘we were not talking directly about human rights violations as such. The discussions were of a sociological nature and usually focused mainly on social problems’ (Interview with Budi Arianto, 23 January 2010, Banda Aceh).

The first time social issues got the students attention in Aceh in the 1990s was a case of starvation in a ‘leper village’ (*desa orang kusta*) in 1996. The villagers in Podiamat, Alu Naga sub-district (not far from Banda Aceh), had a food shortage and were isolated from the broader community. The government was not providing any assistance and the media did not pick up the issue. Budi organised other students to:

busk (*mengamen*) from shop to shop carrying a banner explaining the situation of the leper community and why they were collecting money. We raised Rp500,000 in three days, which was quite a lot for the day. We had no funding but we had some talent that could be used to raise money. This was a totally new phenomenon in Aceh as previously busking was unheard of (Interview with Budi Arianto, 23 January 2010, Banda Aceh).

Arianto and other young students were drawing on ideas and experiences collected during their travels to other parts of Indonesia in the mid-1990s. At the time he joined the discussion group, Arianto was working with the student press and was regularly invited to different events between 1994 and 1996, such as the ‘Indonesian Arts Students Meeting’ (*Pertemuan Mahasiswa Sastra Indonesia*) in places like Gorontalo (Sulawesi), Yogyakarta and Jakarta. Every time he would leave Aceh he would stop in and visit university campuses and meet students from the student press at different universities and get new ideas. Budi would take these experiences back to Aceh and to the discussion groups, where they were highly valued. This is not an isolated case

and a number of other students brought new experiences to Aceh. The university campus or faculty used to pay for these trips or provide a letter of recommendation for funding from the Governor's Office or from the local government.

While there was growing critical thinking around social issues and developing social and political action between 1994 and 1997, Banda Aceh students remained unaware of conflict-related violence and the conflict was not on the student radar. Indeed, as described above, the worst of the DOM period was between 1989 and 1991. Even then, the cause of the conflict was 'shadowy'. At the time, it was more common to hear of *Gerakan Pengacau Keamanan* (Security Disturbance Movement), which was usually blamed for violence, rather than GAM. In addition, Arianto suggests that they were not well informed because they did not go to the 'field'.

However, by the mid-1990s there was increasing consolidation and sharing of information among the study groups and NGOs, as well as increasing antagonism among activists toward the central government in Jakarta. Another central character in this development was Nezar Patria who, as mentioned earlier, was the Secretary General of Student Solidarity for Democracy in Indonesia (SMID). Patria, although studying in Java, regularly returned to Aceh with 'revolutionary' ideas of class struggle and peoples' movements for the future students leaders in Aceh (Interview with Aguswandi and Nezar Patria, 29 June 2011, Jakarta).

By 1997, student activists had started studying how to conduct investigations and collect data on violence, as well as studying law. Students began to travel to outlying villages, where they would sit in coffee shops and engage the villagers in conversation. In order to avoid problems with the authorities, they would identify themselves as students, because at the time students were still well-respected in the villages, and they would ask about the economy and explain that they wanted to understand the problems the people in the village faced.

One NGO that embodied the change in the movement towards human rights-related issues in 1996 and 1997 was SULO (Jaringan Informasi dan Pemberdayaan Rakyat, Peoples Empowerment and Information Network). SULO was established in 1996, 'partly in reaction to Forum LSM Aceh, which, at the time, was seen as an

indiscriminate network of organizations, including many that worked closely with the regional government' (Tiwon and Bunyamin 1999: 28). SULoH was made up of 11 local NGOs from throughout Aceh that saw the need to raise the peoples' political awareness and increase community participation in light of economic development projects being non-inclusive (Yunis 2000: 53) SULoH was one of the few NGOs monitoring and documenting human rights violations during DOM and was the only NGO to put human rights advocacy on its program before the lifting of DOM. SULoH worked 'underground' in documenting human rights abuses and establishing links with human rights NGOs in Jakarta.

The discussion of Acehnese NGOs and student groups illustrates the critical importance of linkages with groups outside of Aceh, not only for sources of external funding, but more importantly for the development of ideas. New NGOs developed new ways of working, often in reaction to groups seen as being close to the government. Activists became increasingly aware of the rights and needs of the poor and marginalised groups in society, and at the same time were increasingly oppositional to the government. Human rights concerns were not limited to conflict issues, but also related to development projects that brought harm to peoples' lives and livelihoods. The revelations of human rights abuses during DOM would later set in motion a much greater focus on conflict issues.

3.4 *Reformasi* in Aceh: the end of DOM and a new beginning

The year 1998 is a significant transitional moment in the politics of Aceh, not to mention the rest of Indonesia. As explained above, human rights-related activities in Aceh only really began in the years leading up to 1998. Yet the student protests that swept across Indonesia in 1998, combined with a fundamental concern for human rights among some in the Acehnese intelligentsia, gave birth to a new grassroots political movement in Aceh. When the activists that led this movement talk about this period, they convey a sense that they were on the verge of bringing down the state. Indeed, they did contribute to the Indonesia-wide student movement that forced President Suharto to step down. After the fall, the struggle to transform the Indonesian state quickly developed into a local political movement calling for change in Aceh. Activists made a lasting impact on the political landscape in Aceh. This section

describes the context in which some of the main local, Acehnese NGOs and civil society organisations emerged, and the pressures under which they worked.²⁴ In the immediate post-Suharto period, Acehnese students and NGOs were most active in the human rights, humanitarian and political arena.

Between 1998 and 2004, Indonesia had five presidents, each of whom deeply shaped the events that would follow in Aceh. The turbulent period began with the 1997 Asian fiscal crisis, which impacted on Indonesia particularly hard, leading to the collapse of the Indonesian Rupiah and an upsurge in opposition toward the government. Before the crisis, the rupiah attracted an exchange rate of approximately 2,500 for one US dollar; and by January 1998, the rupiah was up to over 14,000. The plummeting rupiah led to increased selling of the currency, increased debt and massive capital flows overseas, deepening the crisis. The opposition movement, general dissent and anger at skyrocketing inflation, found expression in the form of demonstrations and riots, which lasted from January to May throughout the archipelago. Amid the violence and price hikes, student protestors demanded that Suharto step down. At one demonstration, on 12 May 1998, Indonesian security forces shot dead four student activists at Trisakti University in Jakarta as they demonstrated for political reform. On 21 May 1998, Suharto resigned and was replaced by his vice-President, Bacharuddin Jusuf (B.J.) Habibie. After Suharto's 30 years as President, Indonesia would see a quick succession of leaders over the next six years, as outlined below.

President Habibie ruled from 21 May 1998 until 20 October 1999. On 7 August 1998, General Wiranto, the then commander of Indonesia's armed forces, travelled to Aceh and publicly apologised to the Acehnese for what they had endured at the military's hands. Soon after, President Habibie lifted the DOM status. The extent of the DOM-era human rights violations was not widely known in Aceh (and the rest of Indonesia) until after the fall of Suharto in May 1998. Television, newspaper and public testimonies revealed abuses that had occurred in Aceh, with images of mass-graves

²⁴ The relationship between students and NGOs in Aceh (as well as in the rest of Indonesia for that matter) is an intimate one. One can find examples of collaboration, cross-membership as well as tension between students and NGOs. The students of Aceh led political rallies in 1998, joining the chorus of students across the archipelago, demanding Suharto to resign. Students volunteered with – and established – NGOs to provide humanitarian assistance and protection in response to the worsening conflict situation in pre-tsunami Aceh. NGO work also offered a source of income for students to fund political activities that international donors would not fund.

and interviews with victims of extrajudicial executions, rape, torture and forced ‘disappearances’ shocking Acehnese and Indonesians alike across the country.

I examine the emergence of advocacy oriented organisations in greater detail in chapter four, yet it is important to note here the context in which human rights and humanitarian groups emerged and were operating in post-DOM Aceh. With the end of DOM and the new political openness in 1998, human rights oriented CSOs flourished. The economic and human rights injustices explained earlier continued to influence the conflict dynamic, at both the local and international level, in the post-1998 era. As discussed, the cycle of violence propelled many young men to join GAM’s ranks. While this continued in the post-1998 period, there was also a surge among students and intellectuals to join or establish CSOs. The testimony of human rights violations and witness of humanitarian crises encouraged many to join the rally for justice. According to a Human Rights Watch report, ‘With newfound freedom of expression, assembly, and association, many more people were mobilized, not by GAM, but by student and NGO organizations, to demand justice for their relatives and establish links with each other’ (HRW 2001: 8). However, very little was done to bring violators to justice (International Crisis Group 2001). Many Acehnese saw the path to justice via Aceh’s independence.

During his time as leader, Habibie’s most surprising act was to announce in January 1999 that East Timor would have a referendum on independence or special autonomy, angering many Indonesians. On 30 August 1999, the East Timorese voted resoundingly for independence, resulting in widespread violence instigated by the Indonesian security forces (Robinson 2010). The poll in East Timor inspired similar aspirations for the Acehnese, who called for a referendum on independence.

The two main pro-referendum student groups were SIRA (*Sentral Informasi Referendum Aceh*, Aceh Referendum Information Centre) and SMUR (*Solidaritas Mahasiswa untuk Rakyat*, Student Solidarity for the People). SIRA was founded in February 1999 by graduates of the Ar-Raniry State Islamic Institute (IAIN Ar-Raniry) and promoted a referendum on Acehnese independence as a means of settling the conflict. SMUR founders, on the other hand, were students from Syiah Kuala University, who were inspired by Marxist ideology and broke certain norms and set

new trends such as by wearing jeans to campus. Since their establishment as student organisations, SIRA and SMUR rivalled one another over Aceh's political future. SIRA, similar to GAM, was ethno-nationalist in orientation and its members were deeply moved by Aceh's past glory as an independent sultanate. In contrast, SMUR could be classified as social democrats. SMUR activists did not care much for Aceh's 'golden age' but were more concerned with social and economic justice. SIRA and SMUR were philosophically at odds but both had a vision for a future Acehese state.

At the same time, GAM stepped up its guerrilla warfare campaign against the Indonesian armed forces and terrorised Javanese transmigrants, forcing many to flee Aceh. The TNI responded with counterinsurgency operations against GAM and suspected GAM supporters in both rural and urban parts of Aceh. During DOM, the conflict was concentrated on three districts in the northeast corner of Aceh, Pidie, North Aceh and East Aceh. These districts were known as the traditional heartland of the conflict. From 1998 the conflict gripped the entire province, spreading down the southwest coast and into the central highlands.²⁵ Both parties to the conflict forced hundreds of thousands of people into internal displacement within Aceh and to other parts of Indonesia, while others sought refugee status overseas, including as many as 30,000 in Malaysia. Levels of displacement between 1999-2002 fluctuated dramatically, ranging from 12,000 - 180,000 people (Oxfam International 2003).

Although there were significant developments in Indonesia's justice sector after 1998, the rule of law ceased to function and a culture of impunity dominated in Aceh. Apart from the large number of ordinary civilians killed in the conflict, the Indonesian security forces and GAM also targeted intellectuals, legislators, humanitarian workers, and lawyers. Judges also felt threatened with intense intimidation causing many to flee the province. The courts ceased to function, with only one functioning court in Aceh, leaving not a single judge in five of the seven districts of Aceh.²⁶

²⁵ On numerous visits to South Aceh and West Aceh districts between 2001 and 2005, I often heard from people that they 'did not know conflict before 1999'.

²⁶ According to Human Rights Watch, 'the only fully functioning court in all of Aceh was on the island of Sabang, which as of June 2001 had not been touched by the conflict' (HRW 2001: 35). The five districts include Greater Aceh, Pidie, Bireuen, South Aceh, West Aceh and East Aceh. The other two districts in the political map of Aceh in 2001 were Central and Southeast Aceh. Between 2003 and 2006, the district boundaries in Aceh were changed and divided into smaller units under a process known as *pemekaran*, leading to seven new districts, including Aceh Jaya, Nagan Raya, Pidie Jaya, Gayo Lues, Bener Meriah, Aceh Tamiang, and Aceh Singkil.

In discussions with Acehnese, including with NGO activists, drivers, village officials and former GAM members, several well-known cases repeatedly emerged to highlight the impunity seen in Aceh during the conflict. In particular, they highlighted the untouchability of the security forces, as well as the danger human rights and humanitarian workers faced in post-DOM Aceh. Illustrating the impunity among security forces in Aceh are a series of massacres that occurred between January and July 1999 in various parts of Aceh during *Operasi Wibawa 99* (Operation Assert Authority 99). These massacres were critical for informing the collective identity of a generation of human rights activists (Tapol, 2000a). Not only was it the brutality of the Indonesian armed forces, but also the blatant impunity that followed that angered so many people and energised a non-violent movement for social change.

One of these incidents, the 'Bantaqiah Massacre' or 'Bloody Friday', was named after a raid on a religious school run by Teungku Bantaqiah in a township called Beutong Ateuh, in West Aceh district on 23 July 1999. The military, following a lead from a civilian informer, suspected Bantaqiah of storing weapons for GAM. Soldiers launched a raid from North Aceh district, which is across a mountain range on the other side of the province, and killed Bantaqiah and over sixty of his unarmed followers, as well as members of his family. Indonesia's National Commission on Human Rights (KomnasHAM) set up an independent commission to investigate the incident. Among the 25 defendants, 24 were soldiers, including three low-ranking officers, and one civilian (Tapol 2000b). Military and civilian judges tried the accused in a *koneksitas* (joint military and civilian) court. The commander did not stand trial although the prosecutor's indictment suggested the local military commander initiated and coordinated the operation. According to Tapol (2000c):

The court found the defendants guilty and passed down sentences between eight and a half and ten years. Following their convictions, the 24 soldiers were taken to an air force base and flown to Java, raising doubts in Aceh whether they will spend any time in prison. One of the convicted soldiers was caught at the airport by the customs carrying two kilos of marijuana, increasing the suspicion that the trial was a mockery of justice.

The Bantaqiah case highlights the impunity in Aceh in the post-DOM period. Such violations, and the impunity that perpetrators enjoyed in regard to those violations, helped create a new wave of human rights activists in Aceh. While there were a small

number of activists working on human rights issues in the pre-1998 period, there was an explosion of civil society activity in post-1998. *Himpunan Mahasiswa Indonesia* (HMI) activist Abdul Jalil investigated the Bantaqiah massacre (Interview with Abdul Jalil, 13 February 2007, Meulaboh). The findings of his investigations not only led to the case being taken to court, but the failure of the legal system to uphold justice inspired a new generation of activists to advocate for a change in the status quo.

As a sign of their frustration with Jakarta, student activists organised a boycott in Aceh of the June 1999 elections - the first free parliamentary elections since 1955. The main opposition party, the Indonesian Democratic Party – Struggle (PDI-P), which pushed for democratic reform during the Suharto period, won the most votes. PDI-P's iconic leader, Megawati Sukarnoputri – daughter of Indonesia's first President Sukarno, looked like she was finally going to be President. And she had promised peace and change for Aceh.²⁷ However, Megawati was not to be president. PDI-P won the largest share of the vote, yet due to the fact that the MPR elected the President, in September 1999 legislators elected the leader of PKB, Abdurrahman Wahid, commonly known as Gus Dur, to be president.²⁸ Even though many Acehnese were frustrated with Jakarta, they still followed events closely and continued to advocate for their cause.

The Acehnese had high hopes in Wahid, who indicated that he would offer a referendum to the Acehnese. However after acceding to the presidency, Wahid retracted this offer. Apart from his highly erratic style, Wahid's about-face can partly be explained by the ensuing power struggle with the military establishment.²⁹ Wahid

²⁷ In a speech given on 29 July 1999, Megawati Sukarnoputri cried as she spoke about Aceh: 'To my friends in Aceh, be patient. Later, when your older sister is leading this country, I will not allow another drop of the peoples blood to spill in the land of the *rencong*'. *Kepada saudara-saudaraku di Aceh, bersabarlah. Bila kelak Cut Nya' memimpin negeri ini, tak akan saya biarkan setetes pun darah rakyat menyentuh tanah rencong*. Source: Media Indonesia Online, 1999. Acehnese often recite this line among a litany of lies presented to them by various Indonesian presidents.

²⁸ Of the 48 parties that ran for 504 seats, PDI-P won the largest share of the popular vote with 33.7 per cent or 153 seats, followed by Golkar (*Golongan Karya*, Functional Groups) with 22.4 per cent or 120 seats, and third was the National Awakening Party (*Partai Kebangkitan Bangsa*, PKB) with 12.6 per cent or 51 seats. Eight per cent or 38 seats went to TNI and Polri (Honna, J. 2005: 215). Megawati Sukarnoputri was elected Vice President, but angry supporters rioted in her strongholds of Central Java and Bali for weeks after the result.

²⁹ Under Wahid, the Indonesian government officially put an end to the *dwifungsi* (dual function) doctrine, which endowed ABRI (*Angkatan Bersenjata Republik Indonesia*, Armed Forces of the Republic of Indonesia) with a political, as well as security and defence, role through an allotment of parliamentary seats and top positions in the civil service to ABRI, throughout Suharto's rule. This was

was another disappointment for the Acehnese and a further reason for distrust toward Jakarta. Wahid did favour a negotiated settlement of the conflict in Aceh, and did make some progress to that end (see chapter six), but was ultimately undermined by TNI generals who favoured a military solution (Huber 2004). Wahid lost his struggle for political survival in Jakarta and in July 2001, the MPR replaced him. Vice President Megawati was sworn in as president on 23 July 2001.

When Megawati finally became president, the image that she enjoyed as an oppositional leader against Suharto was soon tarnished, disappointing supporters of the democracy movement. Megawati did little to change the status quo. Anti-reformist elements of the TNI, briefly weakened under Habibie and Wahid, found support in the deeply nationalist leader. As I explain in chapter six, Megawati continued with the peace talks that began under Wahid. However, military officials eventually convinced Megawati that the path to conflict resolution through negotiations would lead to Aceh's separation from Indonesia. They convinced her that the only viable solution to the Aceh problem was through military operations.

As discussed above, several NGOs existed in Aceh prior to 1998, including Flower Aceh, Forum LSM Aceh, Cordova and SULoH. In the years that followed, numerous new human rights NGOs, solidarity groups and coalitions were created, such as Peoples Crisis Centre (PCC), Women Volunteers for Humanity (RPuK), Rehabilitation Action for Torture Victims in Aceh (RATA), the Brotherhood of Human Rights Victims (SPKP-HAM), Forum Peduli HAM (Human Rights Care Forum) and Koalisi NGO HAM. Many groups adopted the Indonesian acronym for human rights or 'HAM' (*hak-hak asasi manusia*) in their names. Also in 1998, national human rights NGOs such as Kontras (Commission for the Disappeared and Victims of Violence) and LBH (Legal Aid Institute) established local branches in Aceh, such as Kontras Aceh and LBH Banda Aceh to investigate and conduct advocacy on human rights cases. Chapters four, five and six explain in detail the nature of the work that NGOs and student groups engaged in.

Despite Aceh being an apparent hive of civil society activity, in the post-DOM period,

done through MPR Decree No. VI/2000 regarding the Separation of the TNI and Polri, and MPR Decree No. VII/2000 regarding the Role of TNI and the Role of Polri.

the human rights situation went from bad to worse.³⁰ Not only was impunity for past violations the norm, those that challenged the impunity enjoyed by security forces were themselves targeted with violence. While the situation did permit human rights and humanitarian workers to deliver humanitarian assistance to IDPs and investigate human rights abuses, they did experience intimidation, office raids, death threats, arrest, beatings, disappearance and extra-judicial killings. They lived in danger and established a network of ‘safe-houses’ and continuously monitored the situation; fleeing Aceh when necessary, only to secretly return again. Activists described what they were experiencing as ‘shock therapy’.

Acehnese activists faced major day-to-day challenges ranging from inability to work, death threats and extrajudicial killings. The security forces suspected some civil society organisations of being linked to GAM and some activists were arrested or detained. Groups targeted include those that worked on issues ranging from human rights, peace, empowerment of women, humanitarian relief, rehabilitation for torture survivors, to more political issues such as demands for a referendum on independence. Local NGOs also faced difficulty in doing their work because of the threats of office raids. This fear emerged following a series of raids conducted by the Indonesian security forces on local NGO offices during 2001 and there was a general fear among human rights workers that their office could be next.

A case that underlines the hazards of humanitarian work in Aceh is that of the ‘RATA killings’. RATA (Rehabilitation Action for Torture Victims in Aceh) was a well-known humanitarian organisation founded in 1998 and a member organisation and funding recipient of the Denmark-based International Council for Rehabilitation of Torture Victims (ICRT). RATA provided medical and psychosocial support for people who had suffered torture during DOM. Yet RATA workers themselves were targeted with politically motivated violence and lived in a state of fear and vigilance.

In December 2000, soon after representatives of the Indonesian government and GAM signed a ‘Humanitarian Pause’, four RATA workers were abducted while delivering humanitarian assistance in a clearly marked RATA vehicle in North Aceh.

³⁰ In 2001, I repeatedly heard from human rights activists that the post-DOM period is worse than the DOM period itself (*paska DOM lebih bahaya daripada masa DOM*).

Three were subsequently tortured and summarily executed by a gang of TNI informers. The fourth man miraculously escaped and later identified the killers as a group of known thugs and military informers who occasionally participated in military operations (Tabloid Kontras 2001). The security forces targeted these humanitarian workers for their work in providing psychological, medical and material assistance to victims of the conflict. It is likely that the elements of the security forces wanted to scare humanitarian workers away from conflict victims in order to silence witnesses to their own violations. Since RATA was assisting victims of state abuse, the state security apparatus saw them as supporting GAM and as an enemy of the state. Indeed, the director of RATA at the time, Nurdin Abdul Rahman, had been jailed and tortured in the late 1970s for being a supporter of 'Free Aceh' and again in the early 1990s for eight years for suspected GAM-related activities.³¹ The case received widespread international attention and police arrested and charged eight people for the killings, including four civilians and four military officers. The case was to be the first to be tried in a human rights court, under the newly passed Indonesian Law No. 26 for Human Rights Courts. However, the four civilians 'were mysteriously released from the Brimob [Indonesian Mobile Police Brigade] barracks on 22 March, 2001' (HRW 2001: 34).

As the RATA case shows, even though an eyewitness to the RATA killings could identify the perpetrators, leading to the arrest of eight people, the killers walked free, maintained military protection and continued to intimidate humanitarian workers. On a visit to the North Aceh district capital Lhokseumawe in October 2001, Cut Samsurniati, the head of the North Aceh branch of RATA told me that she had seen the leader of the gang, a man named Ampun Thaib, in Lhokseumawe just weeks earlier and that he tried to run her down with his car. She said that Thaib moved freely around North Aceh and that he received military protection. Cut was repeatedly hospitalised because of the stress she faced. On that visit, aside from witnessing the great danger humanitarian workers faced, I also got a sense of the impunity that members of the security forces enjoyed in Aceh at the time.

³¹ In 2001 and 2002, I often visited the RATA centre in Banda Aceh and travelled with RATA workers in some of the worst affected areas of the conflict, including North Aceh, East Aceh and Bireuen districts. The majority of RATA's patients whom I met at the centre and in the field had severe mental or physical disabilities caused by torture and they depended on RATA's assistance. Most were civilians but it is likely that some were former or active GAM combatants either injured during clashes or captured and subsequently tortured by the security forces.

Intimidation against activists was largely successful and hampered their ability to function professionally. Humanitarian workers were prevented at some check posts from accessing displaced populations and many feared being beaten, arrested or even 'disappeared' when in the field in light of their colleagues' experiences. Activists also received death threats by telephone, short message service (sms), in person and were intimidated by symbols posted or painted at their offices.

The post-DOM humanitarian action and human rights advocacy campaigns targeting the security forces and the government between 1998 and 2001 resulted in a clamp down on those activities. Rather than demilitarisation, which Acehnese activists called for, the GAM insurgency triggered the exact opposite in the 're-militarisation' of Aceh.

The role of international NGOs in post-1998 Aceh

The post-1998 period also saw increased international attention given to the Aceh conflict, as Indonesia opened up to foreign assistance following the Asian financial crisis and the fall of Suharto. Prior to 1998 there was only one international NGO working in Aceh, Save the Children, which had supported income generation and health care programs in Aceh since 1976. The worsening humanitarian situation in Aceh resulting from a return to intense fighting, as well as greater openness on the part of the central government to foreign assistance, facilitated the entry of more international humanitarian, human rights and peace agencies. As Aceh received more international media attention, a small number of international NGOs, the UN and the ICRC, most of which already had a presence in other parts of Indonesia, identified the serious humanitarian need in Aceh and soon set up a presence there. Other international NGOs sent staffers for short visits, for instance to conduct human rights trainings for Indonesian police, or to discuss programs with local NGOs that they funded.

The three main groups of international NGOs, matching the three core activities under examination in this thesis, include advocacy, humanitarian protection and conflict transformation. Organisations working in Aceh in the post-1998 period included

Oxfam Great Britain, the International Rescue Committee (IRC), Save the Children, PBI, Jesuit Refugee Services (JRS), International Catholic Migration Commission (ICMC), the Henry Dunant Centre for Humanitarian Dialogue (HDC), OCHA, and the ICRC.³²

The key human rights organisations active on Aceh include Tapol, HRW and AI. These organisations did not maintain a permanent presence in Aceh, but their staff made regular visits from their European headquarters. In addition, a number of small, yet key independent and highly influential groups working with local NGOs included the Cafod, Terres des Hommes (TdH) Germany, and a number of Dutch organisations including Oxfam Netherlands (Novib), Hivos, Interchurch Organisation for Development Cooperation (ICCO), *Kierkenactie* (Church in Action). These small donors typically provided technical and material support for local NGOs working on human rights issues in Aceh. NGOs such as ICMC ran a ‘human rights and women’ program and was the lead agency to assist in evacuating threatened individuals, including human rights defenders. ICMC and JRS also worked on local NGO capacity building.

International NGOs working on conflict transformation and peace issues range from ‘track one’ (official diplomacy) mediation outfits such as HDC, to third party interventions such as PBI. HDC, a Swiss NGO, attempted to facilitate a peace agreement inspired by humanitarian principles between the Indonesian government and GAM. PBI aimed to have a small, yet positive peaceful impact on the conflict. They did this, as explained above, by providing ‘protective accompaniment’ to human rights and humanitarian workers who were threatened with politically motivated violence PBI also conducting advocacy with the Indonesian security forces and facilitating conflict transformation trainings. Aside from specific advocacy, humanitarian assistance and protection, and conflict transformation activities, all international groups provided moral support, legitimacy and protection to local activists, simply by being there ‘on the ground’ in Aceh.

³² IRC worked through the Consortium for Assisting the Refugees and Displaced in Indonesia, or CARDI, which later changed its name to Consortium for Assistance towards Relief and Development in Indonesia because of Indonesian government sensitivity to the words ‘displaced’ and ‘refugee’.

The major donors during this period include the aid departments of international governments. The United States Agency for International Development (USAID), Japanese International Cooperation Agency (JICA), Canadian International Development Agency (CIDA), Dutch, United Kingdom Department for International Development (DfID) and the Swedish International Development Agency (SIDA). I cover the activities of the agencies in more detail in chapters four to six.

The number of expatriates based in Banda Aceh between 2001 and 2003 fluctuated from around 12 to 15 people. Most of these organisations had one expatriate staff member, who typically managed the program, and anywhere between five and 20 local staff. The ICRC had two or three expatriate staff. PBI had the largest representation of internationals with six people. HDC had four staff working out of their Banda Aceh office, while other NGOs, UN agencies and the ICRC comprised of one or two expatriates each.

The Indonesian political dynamic described above made international aid work in Aceh highly sensitive. International groups had to navigate through options for humanitarian assistance and human rights advocacy, ensuring neither the Indonesian government nor GAM were offended. It was important for international NGOs to be neutral and impartial for the sake of humanitarian access. At no stage did any foreign government donor or NGO donor support self-determination for Aceh. Foreign governments recognised Aceh as integral to the unitary state of Indonesia. All international NGOs maintained formal and cordial relations with the Indonesian government. Most secured a MoU with a relevant ministry in Jakarta, such as the Ministry of Health or Education. International NGOs were also always extremely cautious about which organisations to work with. PBI for instance, deliberately selected a mix of partners including local humanitarian and human rights NGOs in order to soften the appearance of PBI as being over-political and focusing only on human rights issues. Such an appearance could have jeopardised PBI's access to Aceh. Perhaps more importantly for the day-to-day operations, NGO staffers would cultivate personal relations with police, military and local government authorities in Aceh.

International NGOs sometimes avoided sensitive programs if they carried the risk of being expelled from the country. Expulsion could jeopardise delivery of aid in other programs or to other parts of Indonesia, might not sit well with the donor, and could cause a blemish on the professional experience of the country director of the NGO in question, as explained below. In order to ensure access, international NGOs had to tread carefully in terms of the language they used to describe their work. The Indonesian authorities were highly sensitive of human rights and even humanitarian language. International NGOs used terms such as ‘human rights’, ‘refugee’ and ‘IDP’ very carefully because there was a perception among the small international community in Aceh that the Indonesian government and security forces would see such terms as potentially threatening government legitimacy and challenging their ability to control the situation.

GAM’s strategy was to attract international attention and presence to Aceh. Most international NGOs would maintain an informal and fluid relationship with GAM. For example, PBI held a position that they would have meetings with the GAM leadership only when they were considered ‘legal actors’, that is, during and between periods of official negotiations with the Indonesian government. Indeed, when the Indonesian government recognised GAM as a ‘legal actor’, PBI and other international NGOs followed suit. However, when the GAM negotiators were arrested or declared illegal, PBI would distance itself. PBI would also avoid arranging official meetings with GAM commanders in the field, but would take advantage of chance meetings and make sure that GAM knew PBI activities.

International NGOs faced two main problems working in pre-tsunami Aceh: maintaining humanitarian access and safeguarding security, both of which are interrelated. Central to both was the goal of promoting an image of neutrality in their work. The Indonesian authorities were wary of human rights issues and distrustful of local NGO activities. International NGOs steered clear of official relationships with student groups and local NGOs perceived as being close to GAM. Others steered clear of any association with human rights altogether because civil society groups collectively accused the Indonesian armed forces of being the main violator of human rights, and international alignment with this position would automatically have suggested an anti-government position. Moreover, one way that GAM attempted to

internationalise the conflict was through the language of human rights (Lindorf-Nielsen 2002: 25). As described in chapter four, GAM and some elements of Acehese civil society grew closer over time and the Indonesian government was afraid that international NGOs would be ‘tricked’ into GAM’s internationalising strategy by local NGOs ‘fronting’ for GAM.

The targeting of local humanitarian workers and human rights activists, as discussed above, had a lasting impact on international NGOs, which were not immune to explicit and implicit threats. This threat was very real. In August 2000, some locally engaged Oxfam staff were tortured by Brimob officers. According to Yanti Lacsana, the Oxfam Indonesia director at the time, ‘it was a matter of being in the wrong place at the wrong time, rather than systematic targeting of Oxfam workers’ (Interview with Yanti Lacsana, 8 November 2008, Jakarta). As a result, international organisations put in place tight security measures and policies and generally attempted to stay onside by building key relationships with senior Indonesian officials in Jakarta and Banda Aceh.

International NGOs maintained generally good relations with their respective Indonesian ministerial sponsors for almost five years. This changed on 16 May 2003, when President Megawati authorised Aceh to be in a state of emergency under Presidential Decree 28/2003 (Aspinall and Crouch 2003; and Huber 2004).³³ That day also marked the end of the peace process. GAM peace negotiators were arrested on the morning they were to board a flight to Japan for peace talks and the TNI launched a wide scale ‘shock and awe’ offensive against GAM (Huber 2004: 1).

The Military Emergency imposed restrictions on international NGOs working in Aceh. Presidential Decree 43/2003 on the Regulation of Foreigners, Nongovernmental Organisations and Journalists in the Province of Nanggroe Aceh Darussalam, passed on 16 June 2003, banned tourists and imposed severe restrictions on foreign NGOs and journalists working in Aceh, including both temporal and spatial limitations. According to Article 1.2, ‘For the success of the integrated operation in the State of Emergency with the status of Martial Law in the said territory, foreigners are allowed to visit or do activities with the permission of the

³³ Keputusan Presiden Republik Indonesia Nomor 28 Tahun 2003 Tentang Pernyataan Keadaan Bahaya Dengan Tingkatan Keadaan Darurat Militer di Propinsi Nanggroe Aceh Darussalam.

Minister of Justice and Human Rights on behalf of the President as the Central Martial Law Administrator'. Furthermore, according to Article 2.1, 'Nongovernment Organizations, both overseas as well as Indonesian, are not allowed to carry out any activity against the aims of the State of Emergency with the status of Martial Law in the said territory'. And article 2.2 states: 'Any humanitarian aid coming from the other countries, World Organizations, and Non Government Organizations, both foreign as well as national, in the Province of Nanggroe Aceh Darussalam is coordinated by the Coordinating Minister for Public Welfare on behalf of the President as the Central Military Emergency Administrator'.

In this context, most international NGO workers were forced to leave Aceh by July 2003. Some international NGOs continued to operate under the coordination of national staff, although that was also severely restricted. During martial law, through to the scaling down to a Civil Emergency (*Darurat Sipil*) in May 2004, the foreign personnel presence was limited to the OCHA coordinator, an ICRC delegate and an ILO representative. The downgrading to 'Civil Emergency' was mostly nominal, as local human rights and humanitarian workers reported that the intensity of military operations remained the same (Field notes Banda Aceh, Lhokseumawe, Langsa, January 2005).

Most local activists went 'underground' or fled the province, while international aid agencies were effectively forced out of Aceh by July 2003. Most international NGOs had made certain compromises, such as not raising human rights issues, in the interest of maintaining a presence in Aceh. However, these compromises were not sufficient to garner the support of the government to remain in Aceh during the military emergency (2003-2004). In the ensuing eighteen months, during some of the worst fighting ever seen in Aceh, groups including Oxfam GB and Novib engaged in a number of coordinated advocacy efforts in Jakarta, London and Brussels, putting pressure on the Indonesian government to open Aceh to much needed international humanitarian assistance.

Indonesia's first direct presidential elections held in July 2004 led to a run-off election in September, and finally resulted in the victory of Susilo Bambang Yudhoyono as President of Indonesia, and Jusuf Kalla as his Vice President. Yudhoyono, a former

TNI General and Coordinating Minister for Political, Legal and Security Affairs in Megawati Sukarnoputri's government, had a reputation for wanting to settle the Aceh conflict through a peace settlement, rather than through military means alone. Jusuf Kalla, a highly successful businessman, and former Minister of Social Affairs had been instrumental in settling ethnic conflict in Poso, Sulawesi in December 2001. Immediately after taking office, Yudhoyono made a commitment to peace in Aceh and set about tasking Kalla, who had a reputation of being highly energetic and having a 'can-do' approach, with this job.

As we move toward the end of 2004 and the coming of the tsunami it is useful to take stock of a number of critical elements, which give a baseline picture of the situation in Aceh on the eve of the tsunami. The military emergency and the government's commitment to annihilate GAM made little distinction between combatants and non-combatants. In this increasingly repressive and violent environment, some formerly committed non-violent activists saw their non-violent alternatives reduced and moved towards increased support for armed struggle in Aceh.³⁴ The Indonesian government isolated local NGOs from their international partners during martial law, reducing their morale, and the funding and sense of security they gained from an international presence. The Indonesian authorities made it impossible for international NGOs to operate in Aceh and donors based overseas could not visit the projects they were funding. Local NGOs faced difficulties in reporting to their donors as all forms of communication were monitored. Thus the quality and volume of work decreased (Utrecht 2007).

The conflict had taken a toll on the lives and activities of the nascent local civil society that flourished after 1998. By 2004 many activists had fled Aceh to Java, Malaysia, Europe and the USA, where they continued to organise from afar. Others stayed and would be personally affected when the tsunami struck Aceh, which at the time was a highly militarised conflict zone. Still, the domestic political situation had taken some steps in a positive direction in regard to the Aceh conflict with the election of Yudhoyono and Kalla.

³⁴ Based on interviews with student activists in Kuala Lumpur and Jakarta in June 2004.

3.5 2005-2008: Post-tsunami assistance, relief and peace

On the morning of 26 December 2004 an underwater earthquake to the west of Aceh unleashed massive tsunamis that slammed into 14 countries around the Indian Ocean. The tsunamis killed a total of 227,898 people in Indonesia, Sri Lanka, India, Thailand, Somalia, Maldives, Malaysia, Myanmar, Tanzania, Seychelles, Bangladesh, Yemen, South Africa and Kenya. Citizens from 40 other countries were reported to be killed, including many Europeans on holiday in Thailand and Sri Lanka. 1.7 million people were displaced across the affected region. In Indonesia, coastal areas of Aceh and Nias (an island in North Sumatra province), were the worst affected with 167,540 lives lost. The economic cost of the damage was estimated at US\$9.9 billion across the region. The global response produced an estimated US\$13.5 billion in humanitarian and reconstruction assistance (Telford, Cosgrave and Houghton 2006: 16-17, 33).

After being closed to foreign NGOs and journalists for a year and a half, there was pressure on the Indonesian government to open Aceh to much-needed foreign assistance. There was short-lived resistance by national authorities until news of the scale of the disaster emerged and the government opened Aceh to foreign assistance. The response included some 124 international NGOs, 430 local (and national) NGOs, eleven foreign militaries, donor and UN agencies, IFRC, ICRC and the Indonesian Red Cross (BRR 2005: 14). Embassy staff, foreign dignitaries, doctors, journalists and independent volunteers could also be seen in Aceh in the first months after the tsunami. With immediate threats of disease, starvation and exposure, these groups provided food, potable water, medicine, and shelter for tsunami survivors.

The scene that I witnessed arriving in Banda Aceh, the capital city of Aceh, in mid-January was devastating. Entire suburbs, from the edge of the city to the northwest (towards *Ulee Lheue*, about 5 kilometres away) were flattened, making the previously obstructed horizon visible from the city. Suburbs to the northeast (towards Darussalam, about 3 kilometres away) were gutted. The landscape in some parts of the city resembled a post-apocalyptic image. By the time I arrived, the clean-up was well underway. Most of the main roads had been cleared of corpses, rubble and the

thick black sludge that the retreating waters had left behind. For three months after the tsunami, six-tonne trucks loaded with corpses in orange body bags rolled through the city on a daily basis toward mass gravesites. The powerful stench lingered long after the trucks had passed. Friends narrated their stories of survival and loss. One friend told me how the waves came from three directions, converging in the city and how he climbed a power pole to survive, while he watched people around him drown. The roads to west coast towns including Calang and Meulaboh, which I frequently travelled on years earlier, were destroyed and in some places submerged by the sea. The only way to get to those towns was by air or sea, or to travel first down the east coast and then cross the mountainous interior. From the air, one could see swathes of previously fertile land scarred by the salt water; entire villages gone, only the foundations of houses visible; and iron bridges that the wave had tossed like playthings into inland fields.

The Tsunami Evaluation Coalition (TEC), a multi-agency learning and accountability initiative, conducted several studies into the international response. One of the studies found that the tsunami appeal was the largest international response to a natural disaster and involved the largest number of donors and humanitarian agencies (Flint and Goyder 2006: 7 and 24). It was also the fastest financial response: ‘the response from the general public was also extremely rapid. A record of £10 million in 24 hours was donated via the UK DEC website’ (Flint and Goyder 2006: 7 and 24).

In financing the Aceh and Nias reconstruction, commitments to the reconstruction program for 2005 to 2009 totalled US\$8.85 billion (BRR 2005: 186). This figure includes funds from the domestic government, donors (multilateral and bilateral) and NGOs. NGOs had more funds (US\$2.5 billion) at their disposal than multilateral donors (US\$2 billion). Oxfam alone had US\$95 million in its tsunami fund for Indonesia in the period December 2004 to September 2007, the biggest ever Oxfam program (Oxfam 2007c). Enayet Madani, the former head of OCHA in Aceh (2001-04), and later the Government Liaison Officer (2005-07), suggested another key feature in Aceh after the tsunami was that NGOs had more money than the UN, which thus reduced the UN capacity to coordinate the NGOs (Interview with Enayet Madani, 3 May 2007, Lhokseumawe). Illustrating the unprecedented scale of funding is the case of MSF. Less than a week after the tsunami, MSF made international

headlines when it made a highly controversial and widely publicised decision to stop accepting tsunami funds. MSF found that they were over-funded for the tsunami response and saw great need in other parts of the world which received far less media attention and funds. MSF contacted each of its donors and asked for their permission to de-restrict their donations so that they could be used for other emergencies and forgotten crises. According to MSF, ‘of all the people contacted, one per cent asked for their money to be refunded rather than redirected’, which meant that MSF programs were driven by need alone, ‘and not by a desire to spend surplus funds’ (MSF 2005b).

The contrast with the recent past was striking: there was a sudden jump from several expatriates working in Aceh at the height of the conflict in 2001, and virtually none in 2004 to literally thousands in early 2005. During the UN-facilitated weekly coordination meetings I regularly attended in 2001 and 2002, international NGO, UN and ICRC representatives could sit around one table in one office, totalling up to 15 people at any one time. In comparison, the first coordination meeting I attended in post-tsunami Aceh in January 2005 had perhaps 200 people in a hotel dining room cleared for the meeting and was standing room only. In Banda Aceh alone, there were about 30 meetings per week, including, among others, open humanitarian briefings, sector specific meetings relating to shelter, water and sanitation, food and nutrition, child protection, education, media and security issues. Many of these meetings attracted upward of 30 agency representatives and very few local Acehnese humanitarian workers attended. Naturally, these contrasts also reflect the scale of the pre-tsunami conflict response and the tsunami disaster.

The international tsunami response, especially during the so-called ‘emergency phase’, was widely hailed as a success. There were no major outbreaks of disease; food, clean water and shelter were provided promptly. The tsunami required a vast and rapid response. Many agencies launched their biggest response ever and faced major difficulties due to the scale of the disaster.

However, a general criticism the TEC made in both Indonesia and Sri Lanka was that ‘local ownership... was undermined and some local capacities were rendered more vulnerable’ (Scheper, Parakrama and Patel 2006: 9). While the local NGO scene in

Aceh was vibrant and had been responding to humanitarian crises since 1998, international NGOs largely overlooked local NGOs in favour of direct implementation. Kirsten Schulze notes that local NGOs that did not have an international 'partner, felt they could not compete with the vast resources of the INGOs and were thus being pushed out of the relief effort' (Schulze 2005: 11). In February 2005, OCHA created a directory of local NGOs based on extensive mapping throughout Aceh. Although the directory does not claim to be comprehensive, it lists 189 local NGOs operating in Aceh (OCHA 2005). The report does not state how many NGOs were working on the conflict and how many were working on the tsunami.

Amidst this influx of foreign humanitarian workers, local civil society responded significantly to the tsunami. Some activists who had fled the conflict returned immediately and worked openly, while others returned but remained 'underground' until the political situation improved. The Koalisi NGO HAM offices transformed into a meeting point and camping ground, accommodating dozens of volunteers from around Indonesia who came to Aceh to assist in collecting corpses. The Peoples Crisis Centre offices (PCC) became a hive of activity as a food and blanket distribution centre. Women's NGOs such as Flower Aceh, Women Volunteers for Humanity and Beujroh attended to specific women's needs – often overlooked or seen as not important by local authorities. Legal aid groups such as LBH Banda Aceh and Tamasya, who had previously devoted all their energy in defending GAM suspects and NGO activists in Banda Aceh's courtrooms, started provided legal advice to the hundreds of thousands of people who had lost their legal documents. The experience that local NGOs had gained in humanitarian response during the conflict was invaluable and they were well equipped in terms of human resources to respond to the needs of tsunami victims.

Despite the variety of NGOs, the tsunami had a truly devastating impact on local NGOs. Many leading activists were killed. A leading human rights activist, Syarifah Murlina, who was an important human rights lawyer from LBH Banda Aceh, was never found after the tsunami and was presumed dead after her family, friends and colleagues searched for several weeks. Cut Agustina, a women's rights activist and chemistry student was visiting her home-town in Meulaboh, on Aceh's west coast,

when the tsunami destroyed much of the area and she was killed. Dr Aidarus, Aceh's only forensic scientist and head of RATA, was killed in Banda Aceh. The Executive Director of WALHI Aceh, Mohammad Ibrahim, was also killed. Other activists were so traumatised that they were rendered immobilised and unable to help others in the days after the tsunami.

The tsunami also destroyed the physical infrastructure of many local NGOs. For instance, the offices of Flower Aceh, the long-running women's rights NGO, were washed out, all their equipment was destroyed and they lost most of their documentation they had collected over the past 15 years including an important research thesis on human rights violations committed against women during the conflict (Interview with Ephie Candra, 24 January 2005, Banda Aceh). Most local human rights NGOs were forced to recover both personally and organisationally, while simultaneously responding not only to the tsunami, but also to the ongoing conflict.

However, the tsunami also presented opportunities for local activists. Many activists who had fled to Java, Malaysia and Europe returned to Aceh – some openly, others clandestinely – to search and care for family and friends and respond to the enormous needs of the disaster. Others remained hesitant about returning because they still felt threatened by the Indonesian security forces. An early challenge for local NGOs was the fact that the TNI was coordinating the emergency relief efforts. As suggested in the previous section, the Indonesian armed forces were highly suspicious of Acehnese civil society and their links with GAM. According to PCC coordinator Tarmizi, who fled to Malaysia during martial law, police were monitoring who was going into hospitals, as they suspected this would be a good chance for wounded or ill GAM members to seek medical assistance. When Tarmizi fell ill with dengue fever, he requested PBI to accompany him to the hospital. Former student leaders on 'wanted lists', such as Kautsar, who was on the run from the police for almost a year returned to Aceh soon after the tsunami but remained in hiding. Aguswandi, who fled to the UK almost four years earlier, returned in mid 2005. Both men were prominent leaders in the 1998 student uprising.

Many local NGOs benefited from the new funding and opportunities presented to them. For example, Kontras Aceh was able to purchase a new office in Banda Aceh. Similarly, the women's NGO, Yayasan Anisa bought an office in Meulaboh with the assistance of its donors. Other NGOs such as LBH Banda Aceh, Koalisi, Flower Aceh, Beujroh, and many others had access to funding that would last for years after the tsunami. Yet this positive impact was also problematic for some groups. One of the most active groups providing humanitarian assistance since the conflict period was PCC, which, as explained in chapter five, in 1999 operated 7 or 8 branches throughout the province and eventually collapsed after the tsunami due to financial mismanagement and corruption (Interview with Juanda Djamil, 29 January 2007, Banda Aceh).

Some representatives of local NGOs reported that there was smooth cooperation and coordination between civil society and the military, especially regarding the collection of corpses in Banda Aceh in January and February 2005. Other groups reported a return to intimidation of local aid workers and of the general population, mainly in areas where foreigners were absent (Field notes, Banda Aceh, January 2005).

For many Acehnese, the tsunami caused another layer of suffering over an existing crisis. The tsunami was an environmental event compared to the conflict, which was man-made and brought terror into every day life for many Acehnese. Despite a unilateral ceasefire declared by GAM on 27 December, violent confrontations continued. In the aftermath of the tsunami, the 50,000 Indonesian security forces that were stationed in the province initially continued counter-insurgency operations. On 20 January 2005, TNI chief of staff Ryamizard Ryacudu announced that the military had killed over 120 GAM members in the previous two weeks (Antara 2005). The dynamic of the conflict had been transformed. In the aftermath of the tsunami, TNI counter-insurgency operations continued and Aceh was now afflicted by dual disasters. A ceasefire was announced by GAM, but violent confrontations continued.

Rather than seeing the tsunami as another component of suffering in addition to the conflict, international donors and NGOs divided Aceh into 'tsunami-affected' and 'conflict-affected' geographic areas. This division was based foremost on villages' proximity to the coast. Most large international NGOs were restricted to 'tsunami-

only' areas and activities. There were two main reasons for this focus: access and funding.

First, access to rural areas was indeed a problem for the first three months after tsunami. The TNI was the main coordinating body of the tsunami emergency response. It imposed restrictions on international NGO movements, and insisted that all foreign aid workers had a military escort when providing relief beyond urban centres. Closely related to the issue of access is the issue of security. The TNI escorts mentioned above provided access, but also security for humanitarian workers. Since military operations continued, the security of foreigners was a real concern. Military officers did not want provisions to reach GAM, whose previous food and medical supply lines through the villages had been cut, causing significant losses to GAM and their retreat deep into the jungle. From early on, it was quite clear that foreign assistance was welcome to respond to the tsunami, but it was most unwelcome to respond to the conflict. In a meeting with a TNI official in Lhokseumawe soon after the tsunami, I was informed that foreigners were only permitted to work on tsunami-related activities, and should not get involved in the conflict (interview with TNI, 22 January 2005, Lhokseumawe).

There were also strong indications that all internationals would have to leave Aceh by the end of March 2005. Indonesia's Vice-President, Jusuf Kalla, stated in early 2005, just weeks after the tsunami that: 'It's not proper for us to keep on relying on overseas aid. If it is possible, starting from February 26 will be a transition period, and on March 26 we can handle all of this independently' (Moore 2005). The authorities in Jakarta were quick to explain to the alarmed international community that the statement only concerned international military troops, not humanitarian agencies (Oxfam 2005b).

Indeed, several foreigners known to the Indonesian authorities for their pre-tsunami links with Aceh were expelled from the province. The human rights NGO Amnesty International was denied entry and the UN Refugee Agency (UNHCR) was forced to withdraw on 24 March 2005 with millions of tsunami dollars unspent (UN News 2005a). UNHCR was invited back again to Aceh three months later, but without a protection mandate (UN News 2005b). If international NGOs ignored directives of

the Indonesian authorities, it could jeopardise their access to tsunami-affected areas. Several international NGOs went to great lengths to mitigate this risk. The stakes were high, with several billion dollars of aid money to be spent and hundreds of international agencies on the ground in Aceh. NGO chiefs did not want to risk losing millions of tsunami dollars by ignoring the directives of the Indonesian government and potentially facing expulsion.

Second, funding was another reason for the division between tsunami and conflict related activities. As explained earlier, NGOs raised billions of dollars from the public to respond to the tsunami and it was considered inappropriate to spend that money on the conflict. According to Eric van der Lee of Stichting Vluchteling, the Netherlands Refugee Foundation and supporter of CARDI and IRC, ‘people did not donate money for the conflict. They donated it for the tsunami. We have to be accountable to the public’ (Interview with Eric Van der Lee, 30 August 2007, The Hague). Senior managers within NGOs, responsible for reporting back to donors on how they spent their money, naturally did not want to be seen as misappropriating those funds for other purposes. The IRC were initially willing to respond to the conflict, but changes in human resources in mid-2005 meant that any conflict response would be postponed. IRC senior management in Aceh saw the conflict as too political and as having the potential to harm the tsunami response. It was not until September 2006 that IRC began including former rebels in community development programs. Other groups, such as MSF moved into conflict areas much earlier and are discussed in the following chapters.

My observations suggest that the early international tsunami response forged certain norms among aid workers in Aceh. When there is a high profile emergency it is normal for aid groups to bring in international experts. Due to the scale of the disaster, aid workers naturally went headfirst into a life-saving emergency response. Furthermore, recruitment was often internal to organisations to facilitate a rapid response, with most aid workers coming directly from so-called ‘permanent emergencies’ in the Horn of Africa and the Middle East. Aid workers were mostly technical specialists working on water and sanitation, health and shelter programs, bringing with them logisticians, warehouse managers, financial controllers, public relations and grants specialists, and monitoring and evaluation officers. Many of the

people I worked with knew each other from Kosovo, Afghanistan, Pakistan, Iraq and Darfur. Indonesia or Aceh specialists were not in high demand, nor were they thick on the ground.

However, the situation in Aceh was highly complex, with the conflict and tsunami. Furthermore, since the majority of these workers were based in Banda Aceh they did not get a sense of the militarised situation in Aceh during the first eight months of the tsunami response. According to Patrick McInnis, Oxfam Partnership Manager, 'if there were more people with Indonesia experience in the tsunami response there would have been a more clear tendency to look at the equity issues that later arose and find a way to address conflict related issues' (Interview with Patrick McInnis, 1 February 2007, Banda Aceh). Another observation of the emergency response period was that many under skilled staff were hired. According to Yanti Lacsana, 'everyone coming to Oxfam would get a job. Many were untrained, unskilled and yet suddenly held great responsibility. After several months in Aceh, out of 500 staff at Oxfam, only about 30 were skilled' (Interview with Yanti Lacsana, 8 November 2008, Jakarta). This led to constraints around monitoring issues and problems with humanitarian accountability. Indeed, several of my colleagues and acquaintances in the post-tsunami period were backpackers 'picked up' while holidaying on the nearby scuba diving spot on Weh Island.

Many internationals considered Aceh to be a kind of tropical paradise compared to Baghdad, Kabul or El Fasher. Indeed, many expatriates descended on the diving resorts on Weh Island most weekends. For some who had come from much more intense conflict situations, the conflict was a thorn in the side of the tsunami program. Aceh's low intensity conflict was simply not compelling.

In contrast to international NGOs, most local NGOs emphasised the context of the conflict, and attempted to integrate peace-building and conflict transformation measures within relief work. They saw the tsunami and the conflict as two inseparable problems. As one civil society leader's motto suggested: 'Peace for Reconstruction, Reconstruction for Peace' (Interview with Risman Rachman, 7 February 2006, Banda Aceh). Local groups attempted to raise awareness among international NGOs about

some of the most vulnerable groups, especially conflict IDPs and women. Local NGO workers perceived some aspects of the international response, namely by not providing assistance to conflict victims and providing generous cash allowances to community members to attend meetings. Local activists warned that such negative practices could destroy the social fabric of local communities and could even cause new forms of conflict. Several activists described that, however devastating the tsunami was, it was a one off phenomenon, whereas the conflict was deeply entrenched in the daily lives of individuals, families and communities all over Aceh (Interview with Hendra Budian, 16 April 2007, Banda Aceh). They argued that the conflict terrorised civilians and instilled fear in the populace, and, in that sense, it was a greater tragedy.

Despite the division between the tsunami and conflict response, there was ultimately a positive peaceful outcome to the conflict with the signing of the Helsinki MoU in August 2005. While it is true that the tsunami helped to create conditions for peace in Aceh, it is important to take stock of a quick succession of five political developments between 2004 and 2006. First, as described earlier, was the election of President Yudhoyono and Vice President Kalla.³⁵ Second was the 15 August 2005 Helsinki MoU between Indonesian government and GAM. GAM abandoned its independence platform and demobilised its armed forces while the Indonesian government withdrew 30,000 TNI and police.³⁶ The third breakthrough was a successful disarmament and demobilisation process that was completed by December 2005. Fourth, in July 2006 the LoGA, or the Law on Governing Aceh, was passed, cementing key provisions of the MoU into law. The LoGA provides the provincial government control over resources, local political parties and other concessions. Fifth, in December 2006, Aceh held its first-ever direct elections for governor and vice governor of the province, district heads and mayors. GAM-backed independent candidates throughout the province won landslide victories, sending a strong message to Jakarta of support for GAM and rejection of national political parties (ICG 2007).³⁷ These political

³⁵ Their leadership and influence on the peace agreement is detailed in chapter six.

³⁶ Other key points of the MoU include provisions to establish a Human Rights Court, a Truth and Reconciliation Commission for Aceh, amnesty for GAM prisoners and compensation for ex-combatants, former political prisoners and conflict-affected civilians.

³⁷ In February 2009, the Acehnese once again went to the polls for parliamentary and presidential elections. The result was an astounding vote for peace. The Aceh Party, which was made up of former GAM members won 33 seats of a total 69 seats in the Aceh parliament. GAM leaders endorsed

developments were important for peace in Aceh, and were also a signal for NGOs to guide their analysis of whether or not to engage in conflict related activities.³⁸

While a more detailed analysis of the peace process and peace activities is covered in chapter six, a number of multilateral organisations, warrant brief mention here with regard to a range of post-conflict programmes they developed in Aceh in 2005 and 2006.³⁹ The EU was the most prominent, fielding some 80 observers to Aceh on the day of the signing of the MoU to cover the period until the full deployment of the Aceh Monitoring Mission (AMM) on 15 September 2005.⁴⁰ The initial mission was set to deploy for six months, but this was extended three times, before concluding on 15 December 2006. The AMM had a mandate to monitor the implementation of the MoU, including the demobilisation of GAM, the decommissioning of GAM weapons, the relocation of non-organic military and non-organic police forces, and the reintegration of active GAM members, as well as to rule on disputed amnesty cases and to deal with complaints and alleged violations of the MoU (CMI 2005). In addition, it had a mandate to monitor human rights and to provide assistance in this area, yet this proved to be its weakest aspect, as discussed in chapter six (Interview with Mark Knight, 1 May 2007, Banda Aceh; Interview with Renate Korber, 1 May 2007, Banda Aceh; see also Schulze, 2007). Soon after the signing of the MoU, at the request of the Aceh provincial government, the IOM, UNDP, USAID and the World Bank developed a number of programmes to support the peace process, which are discussed in detail in chapter six.

To conclude, a panoramic view of Aceh's experience with conflict, including the 'Aceh War' against the Dutch from 1873 to 1903, the social revolution and Indonesia's independence struggle between 1945 and 1949, the *Darul Islam* rebellion

Yudhoyono, widely praised in Aceh for bringing peace to the province. Yudhoyono's Democrat Party won wide support in Aceh.

³⁸ In addition to the five political developments identified above, another sign was a December 2005 report on progress made in the first year after the tsunami, containing a foreword by Indonesian President Susilo Bambang Yudhoyono, called for tsunami recovery programs to be linked with conflict recovery and reconciliation efforts (BRR 2005).

³⁹ For a complete account on international engagement in the Aceh peace process see Barron and Burke (2008).

⁴⁰ The AMM consisted of 240 unarmed personnel for the first six months of the mission who came from EU states and five contributing Association of South-East Asian Nations (ASEAN) countries (Brunei, Malaysia, Philippines, Singapore and Thailand). Switzerland and Norway also contributed monitors through the EU.

from 1953 to 1958 and the GAM rebellion from 1976 to 2005, illustrates a seemingly perpetual conflict. Members of the *Darul Islam* rebellion comprised early recruits in the initial GAM uprising in 1976. Many present day human rights activists and former guerrillas' parents or grandparents were active in the 1950s rebellion. The conflict destroyed the possibility of a middle ground between the two sides. GAM and the Indonesian government refused to allow civil society to play a greater role in resolution of the conflict. International humanitarian actors largely followed suit during both the conflict and the post-tsunami periods. Furthermore, in the latter period, international NGOs over-emphasised the tsunami disaster, and many disregarded the conflict.

Chapter 4: Arise! in Aceh: human rights violations and humanitarian access

The chapter discusses the impact of the 2004 tsunami on human rights in Aceh, Indonesia. It highlights the severe human rights violations that occurred in the aftermath of the tsunami, including the displacement of millions of people, the destruction of infrastructure, and the loss of lives and property. The chapter also discusses the impact of the tsunami on the human rights situation in Aceh, which was already a conflict-ridden region. It notes that the tsunami exacerbated the existing human rights problems in Aceh, and that the Indonesian government's response to the tsunami was inadequate. The chapter concludes by discussing the need for a comprehensive approach to addressing the human rights situation in Aceh, including the provision of humanitarian assistance and the promotion of human rights.

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In the course of this chapter, I have been fortunate to interview a number of people who have been directly involved in the human rights situation in Aceh, and who have provided me with valuable insights into the complexities of the situation.

Chapter 4. Advocacy in Aceh: human rights violations and humanitarian access

This chapter questions the relationship between humanitarian action and human rights through the study of local and international advocacy efforts in response to the conflict in Aceh. Advocacy refers to attempts at changing abusive or disruptive behaviour. This chapter investigates, through case study material, how local and international NGOs advocated for human rights and humanitarian causes. There were three main types of advocacy actors in Aceh: the local student and NGO movement; international humanitarian NGOs; and international human rights groups. Acehnese activists and international human rights groups worked closely together and shared a similar approach to human rights advocacy – namely a highly vocal defence of international human rights standards. Most international humanitarian NGOs, especially those with an on-the-ground presence, were much more cautious and avoided any mention of the term human rights in order to maintain access to Aceh. The aim of this chapter is to shed light on the broader research question on the relationship between humanitarian action and human rights.

The chapter consists of three sections. The first section examines the relationship between advocacy, human rights and humanitarian action since the 1990s. Studying how human rights advocacy works alongside humanitarian action, in both cooperative as well as oppositional forms, helps to set the groundwork for this chapter. For classic humanitarians, advocacy can be a ‘dirty word’, as it relates to human rights campaigning and targets authorities that have the power to grant or deny humanitarian access to populations in need, and may thus be counter-productive to humanitarian objectives. In this view, humanitarian access and advocacy may be at odds with each other. However, as this chapter will show, advocacy can take many forms, from ‘soft’ to ‘hard advocacy’, and it may be strategically used in accordance with ‘classic’ forms of humanitarian action.

In the second part of this chapter, I trace the emergence of advocacy in pre-tsunami Aceh, including by the student movement, local human rights NGOs and humanitarian NGOs, as well as international advocacy networks. Advocacy was

important in the pre-tsunami period (1998-2004), after it emerged as a major activity in Aceh among both local and international NGOs in 1998 when Indonesian military abuses committed in Aceh were exposed in the mass media across Indonesia and the wider world. The period is characterised by widespread human rights violations and concerns over humanitarian access. Local activists managed to balance advocacy with humanitarian assistance, although they put themselves in danger by doing so. They did find support and solidarity among international human rights and peace NGOs. International humanitarian NGOs were mainly concerned about staff security and humanitarian access, and considered advocacy, especially human rights advocacy, to work against humanitarian ideals. Still, they did manage to provide humanitarian assistance to conflict victims in a politically volatile situation, unlike in the politically stable, post-tsunami period.

In the third section I look at some of the challenges and opportunities for advocacy in the post-tsunami and post-conflict period. The 2005-2008 period is significant because there was a surge in local and international groups working in Aceh, an unprecedented amount of money available to them, as well as increased international attention to the province. The August 2005 Helsinki MoU signed by the Indonesian government and GAM ended violent conflict and created a number of avenues to pursue justice for past human rights violations. The discussion is concerned with the division between tsunami and conflict relief, and provides examples of advocacy activities in response to both the tsunami and post-conflict environment. The relationship between humanitarianism and human rights advocacy in this period was strained, as international donors and NGOs associated humanitarian action with the tsunami, and considered human rights advocacy to be related to the conflict. They thus saw advocacy as political and as potentially jeopardising the tsunami reconstruction programs they prioritised.

Overall, the 1998 to 2008 period is one of great social and political change, requiring significant shifts in advocacy strategies, and leading to changes in the nature of the relationship between local and international human rights and humanitarian organisations. In addition to analysing the relationship between human rights and humanitarianism from an advocacy perspective, the chapter also aims to follow and comment on the trajectory of local and international advocacy networks which began

with the democracy movement and moved through a low-intensity armed conflict, a massive natural disaster and ultimately a post-conflict scenario. Local and international NGOs had more in common during the conflict period than in the post-tsunami period. Local activists were sympathetic to the limitations international NGOs faced in terms of their ability to engage in human rights advocacy, but at least they were present in Aceh and were witness to the human rights situation. Yet in the post-tsunami period, international NGOs by and large refrained not only from human rights advocacy, but also from humanitarian assistance to conflict areas in general.

Human rights – the political catchcry for Acehnese civil society groups between 1998 and 2004 – presented a conundrum in Aceh: human rights abuses led to increased support for Aceh's independence, and support for Aceh's independence led to increased human rights abuses. Acehnese pro-independence groups used human rights advocacy to strengthen their argument for independence, while security forces saw any mention of the term 'human rights' by local or international NGOs as an affront against the Indonesian state. GAM's strategy was to 'internationalise' the conflict and one way to do that was through human rights rhetoric (Lindorf-Nielsen 2002; Schulze 2004). GAM played the human rights card to garner local and international support for its independence struggle and to draw criticism against the Indonesian government. International humanitarian NGOs based in Aceh were highly cautious of getting caught up in a domestic issue over human rights and thus steered clear of speaking of such issues. International human rights groups such as Amnesty International and Human Rights Watch continued to monitor and denounce both Indonesian government and GAM violations, while foreign government representatives travelled to Aceh and expressed their concern, usually in terms of the 'worsening humanitarian situation', which was sometimes code for human rights abuses. I expand on the role of each of these actors in the following pages.

4.1 Access or advocacy?

Advocacy was perhaps originally reserved for human rights NGOs such as Amnesty International and issues-based groups such as land mine eradication campaigns, but 'new humanitarians' are increasingly using advocacy in their expanding suite of activities. Given the range of actors and issues, I employ a broad definition of

advocacy relating to human rights and humanitarian access. According to Hugo Slim and Andrew Bonwick (2005: 84):

(a)dvocacy is simply about convincing decision-makers to change. Persuasion, mobilisation and denunciation are different types of advocacy. Any one of these approaches can operate on a spectrum that uses hard or soft messages, collaborative or confrontational postures, private or public pressure. It encompasses everything from persuading the village chief to allocate land to displaced families to influencing a senior General on the conduct of his army.

For the purposes of this thesis, the essence of advocacy is about changing abusive or disruptive behaviour and promoting human rights law and international humanitarian standards. The Indonesian concept of *advokasi* is similar to the Slim and Bonwick definition, but in daily practice, emphasises the role of NGO activists speaking out on behalf of victims who may not have the same access to government authorities, legal aid, the media or international networks. In Aceh, I often heard student or NGO activists say '*kita harus mengadvokasi mereka*' (we have to advocate for them), suggesting a position of solidarity with the victim. Advocacy in Aceh was very much about urban human rights activists bringing the situation faced by the mostly rural victims of the conflict to national and international attention in order to put pressure on the Indonesian government to change its behaviour.

As mentioned in chapter two, scholars, practitioners and observers debate the appropriateness and effectiveness of the new approach taken by humanitarian agencies. Since the early 1990s, international humanitarian groups have increasingly attempted to incorporate human rights activities into their work. This 'new humanitarian' approach may call for human rights advocacy alongside the delivery of material aid. For example, NGOs may deliver humanitarian aid to a displaced population, while at the same time making formal complaints – or encourage the UN or their government sponsors to do so – to a government that is responsible for causing that displacement. However, this is risky and may jeopardise humanitarian access. The situation of Darfur comes to mind, whereby on 4 March 2009, Sudan expelled 13 foreign NGOs from Darfur after the International Criminal Court (ICC) issued an arrest warrant against President Omar al-Beshir for alleged crimes against humanity and genocide in Darfur. Critics say that the new humanitarian embrace of human rights has obscured humanitarianism's founding principles and the 'humanitarian order' has become overly politicised. They argue that advocacy is

tantamount to taking sides and say that states, not NGOs, should be primarily responsible for protecting human rights (Fox 2001; Macrae and Leader 2001; Rieff 2002). Such critics call for a return to original humanitarian principles such as neutrality, impartiality and universality. In response, new humanitarians suggest that aid is inherently political and that principled humanitarian action must necessarily engage at the political level through advocacy. For them, neutrality is an irrelevant and obsolete principle. Yet this approach may not work in all contexts since humanitarian access to populations in need usually depends upon international groups securing and maintaining amiable relations with the host government. In contrast, human rights advocacy may seek to change the behaviour or shame the government in question, and could jeopardise the advocate's relationships with that government and thus humanitarian access itself.

The question then is this: how do humanitarians deal with the challenge of speaking out against gross violations of human rights while maintaining humanitarian access? To answer this question it is useful to return to MSF, as it is an important global humanitarian and advocacy actor. MSF's core activity, besides providing medical assistance, is to raise awareness about the plight of the people they help. Its dual function is quite clear in its slogan, '*soignez et témoignez*' (care for and testify). MSF was a contemporary pioneer of 'humanitarian advocacy' as it challenged the 'reserve of traditional humanitarianism' (Pupavac 2006: 255). MSF's departure from the way the ICRC and other international agencies engaged in humanitarian action is epitomised by its name, *Médecins Sans Frontières*, or 'Doctors without Borders', which, as discussed in chapter two, challenges traditional notions of sovereignty. The ICRC, in contrast, always works through formal government channels and only speaks out in exceptional circumstances.

Fiona Terry (2002) deals with the question of advocacy versus access based on her personal experience working in Rwandan refugee camps in 1994. As the head of the French section of MSF, Terry and other MSF section heads faced a situation where *genocidaires* were using relief aid to finance their own control and militarisation of the camps. MSF could continue operating in the camps, providing essential medical assistance, or it could withdraw and by doing so send a forceful message to the 'international community' insisting that they intervene in the camps. In the end, Terry

and her colleagues decided to withdraw from Rwanda. MSF's withdrawal from the Rwandan refugee camps in 1994 and 1995 are testimony to MSF's position in making strong statements regarding human rights and humanitarian action.

As discussed in chapter two, a range of international humanitarian NGOs present themselves as a force for speaking out against human rights violations. CARE believes 'humanitarians should speak out on the justice of war and obligations of belligerents in war' (O'Brien 2004: 32). Similarly, the IRC states that NGOs should not be neutral but rather should take an engaged and involved stance in regard to human rights (Martone, 2002: 2). What's more Oxfam, 'ascribes equal importance to advocacy, to development work, and to emergency relief work' (Pupavac 2006: 255). Save the Children has always included child rights advocacy in its work and has fought for the ratification of the Child Rights Convention in all the countries where it works. International donors such as USAID also feature supporting civil society advocacy to influence government policy.

Humanitarian action and advocacy also interact on a much more subtle level than described above. According to Christophe Beau of the Internal Displacement Monitoring Committee, 'aid softens the community and helps with relations with authorities' (Interview with Christophe Beau, 27 September 2007, Geneva) which may help human rights advocacy on a number of levels. Humanitarian aid could be used as a way to get access to populations that have suffered human rights violations. As described below, this was a common strategy, especially among local NGOs in Aceh. Aid workers delivered food, blankets and shelter material to a community that suffered under conflict, and at the same time engaged community members in conversation and investigated human rights violations. Another common strategy that local and international NGOs adopted was to foster good relations with governments over a number of meetings with the aim of influencing the behaviour of belligerent authorities in a non-confrontational manner. All of this was in the name of access. The situation in Aceh was never as extreme as places like Rwanda or Sudan whereby the advantages of advocacy might surpass those of access. Indeed, maintaining access was critical to successful advocacy campaigns.

4.2 Human rights advocacy in Aceh

As explained in chapter three, the violent context of the DOM period and the opening up of democratic space in Indonesia after the fall of Suharto gave birth to a popular human rights movement in Aceh.¹ In August 1998, following the widespread media exposure of human rights violations in Aceh, human rights advocacy campaigns took central stage in Aceh. Following years of repression, a popular civil society movement finally had a voice in Aceh during the *reformasi* years. It called for an end to DOM and justice for past human rights violations. In the years that followed, human rights advocacy was the major political tool used by both local and international groups to raise awareness and bring about an end to the conflict. GAM and some civil society groups also saw conflict-related advocacy as a strategic path to independence. The importance of human rights advocacy in this period cannot be understated. As Aspinall suggests (2008: 7), ‘the defining issue of this Acehnese political renaissance was human rights’. Local media reports and victims’ personal testimonies transformed the lives of many Acehnese who went on to become human rights defenders as the war continued. Illustrating the profile of the human rights movement is the Human Rights Care Forum (*Forum Peduli HAM*, FP-HAM). Founded in Aceh in 1998, FP-HAM boasted 15,000 members, including government officials, university lecturers, students, and ordinary people (Tiwon and Bunyamin 1999: 57). In 1998-99, students and academics often spoke out about human rights abuses and formed new NGOs, activist groups and coalitions. Internationally, Acehnese activists joined East Timor rallies in places like New York (Interview with Lilianne Fan, 10 April 2007, Banda Aceh). Many Acehnese expected that by garnering international support for Aceh they would replicate East Timor’s 1999 split from Indonesia.

Clashes between the Indonesian security forces and GAM, as well as threats to humanitarian workers and human rights activists, made advocacy highly dangerous and virtually impossible in some areas. Both local and international NGOs developed strategies to overcome these obstacles to some degree, as explained in the following pages.

¹ DOM was not the name of any single ABRI operation and was never actually promulgated in Indonesian law. Yet Acehnese and international observers often refer to the 1989 to 1998 period of multiple military operations collectively as DOM.

International NGOs faced the following dilemma: how to support civil society while maintaining good relations with a host government that is in conflict with civil society? This is what happened in Aceh. In a democratic lower middle-income country such as Indonesia, whereby the foreign governments have a strong interest in Indonesia's stability and prosperity, the 'international community' position was quite clear. Oxfam summarised it well in 2003: 'there is a well-entrenched tendency for the international diplomatic and humanitarian community to tiptoe around the GoI's parameters of sensitivity to perceived foreign meddling in internal affairs; this is particularly the case with regard to armed conflict, human rights and humanitarian principles' (Oxfam 2003: 2).

Even most foreign donors continued to support local and international humanitarian groups, yet steered clear of being publicly associated with pro-independence groups. Foreign diplomats based in Jakarta, especially from countries like the USA, Netherlands, Norway, Britain, Japan, Australia and Canada made frequent visits to Aceh between 1998 and 2003 and would meet with leading activists, community members and government officials. Simply by visiting Aceh, ambassadors, political secretaries and military attachés were putting across a message to the Indonesian government that they were concerned about the humanitarian and human rights situation in Aceh. This section introduces human rights advocacy NGOs, illustrates the relationship between human rights and humanitarianism, and asks if humanitarian assistance provides a protective cover for human rights work.

a. The student movement, local NGOs and GAM

In explaining the relationship between human rights and humanitarianism it is useful to first look at the role of Acehnese NGOs and student activists and how they engaged in human rights promotion and humanitarian action. As described in chapter three, local NGOs in Aceh have a history dating back to the 1970s, yet it was not until 1998 that they burst onto the local and international scene through the anti-Suharto movement. Individuals and organisations came from a variety of backgrounds but were later united in their focus on human rights advocacy. The discussion of post-1998 NGOs in Aceh begins by looking at organisations engaged in human rights

advocacy. However, the history of local NGOs in Aceh must be understood in the context of broader Indonesian politics. As explained above, the emergence of human rights advocacy NGOs was rooted in the Indonesian pro-democracy movement and environmental activism, which were a vehicle for human rights organisations. In chapter three, I outlined the origins of the NGO movement in Aceh and here I aim to explain in more detail the challenges activists faced in their pre-tsunami human rights advocacy efforts.

When I began working in Aceh in 2001, I was struck by the number of young men and women I met who introduced themselves to me in the following way: '*Saya aktivis HAM*', or 'I am a human rights activist'.² This is telling of the times when a generation of students had become politicised in the pro-democracy and Acehnese independence movement. 1998 marked the beginning of a number of the political careers of a number of prominent young Acehnese men and women.

Student groups such as *Solidaritas Mahasiswa untuk Rakyat* or Student Solidarity for the People (SMUR) were the first advocacy actors in Aceh. SMUR placed itself outside the official state university structure of the *Badan Eksekutif Mahasiswa* or Student Executive Body (BEM), causing friction with other students, notably members of *Sentral Informasi Referendum Aceh*, Aceh Referendum Information Centre (SIRA). SMUR founders were left-leaning secular ideologues from Syiah Kuala University in Darussalam, the university district on the outskirts of Banda Aceh. SIRA activists, on the other hand, hailed from the Ar-Raniry State Institute of Islamic Studies (IAIN), also in Darussalam, and were commonly devout Muslims.

In 1998, SMUR was campaigning daily in demonstrations calling for the complete demilitarisation of Aceh. Activists from SMUR shot to fame in their hunger strikes on the streets of Banda Aceh, demanding the total demilitarisation of Aceh and withdrawal of DOM. Leading SMUR activists such as Tarmizi, Kautsar, Arie Maulana and Aguswandi went on a hunger strike to demand the government withdraw Aceh's DOM status.³ According to Aguswandi, 'the conditions in Aceh led SMUR to be transformed into a human rights entity' (Interview with Aguswandi, 16

² *HAM* is the abbreviation for '*hak asasi manusia*' or 'human rights'.

³ Indonesians commonly go by only one name.

April 2007, Banda Aceh). Activists often speak of the ‘euphoria’ of this period. One student leader described the following scene: ‘Everyday we were on the streets. In the evenings we would gather together, often in a hotel room. We would stay up all night discussing the day’s events and planning actions for the following day’ (Interview with Arie Maulana, 24 June 2004, Jakarta).

Indicating broader trends in the relationship between human rights and humanitarianism, SMUR and its subsequent incarnations soon transitioned from being an advocacy-oriented organisation to including humanitarian action in its toolkit. As counter-insurgency operations continued, SMUR students set up ‘communication posts’ or *posko* in remote parts of Aceh to assist in the delivery of humanitarian assistance to IDP communities. These *posko* served as data collection points on human rights violations and connected villagers with students and urban NGOs. These student activists lived among the IDP population, organised them, delivered humanitarian assistance to them, and advocated for them by accompanying them to Banda Aceh for demonstrations or lobbying, and by bringing their cases to the national and international arena. SMUR’s humanitarian wing, the Peoples Crisis Centre (PCC) that was formed in 1999, also provided IDPs with a form of ‘humanitarian protection’, which I discuss in the following chapter.

SMUR leaders were mostly in favour of Acehnese independence because they saw independence as the aspiration of the people. However, they did not agree with the GAM and SIRA rationale for independence, which had more of an ethno-nationalist flavour. Several SMUR activists I interviewed in 2004 said that they were not originally in favour of Acehnese independence, but the repression they faced and friends they lost in the Indonesian security apparatus’ targeting of activists forced them to reconsider their position. Many were thus radicalised by this process and began to support an independent Aceh. SMUR activists felt that the Indonesian state had lost its moral right to govern Aceh because of the state’s systematic abuse of the Acehnese. This stance can be explained by SMUR’s origins in the national Indonesian democracy movement. The struggle for SMUR, according to Erwanto, a SMUR leader, was not about ethnicity or sectarianism, as it was for GAM and SIRA, but rather, ‘how to build a popular democratic people’s movement, break free of the New Order and establish a new state’ (Interview with Erwanto, 1 September 2007,

Amsterdam). SMUR waged their struggle on a human rights platform at the local, national and international levels.

The 1998 public hearings and the media exposure of the scale of human rights violations brought NGOs to the fore in Aceh. As I explained in chapter three, there were a number of local NGOs operating in Aceh during the 1990s and more emerged after 1998. Students teamed up with human rights organisations Kontras Aceh and legal aid associations such as LBH Banda Aceh and Koalisi NGO HAM. Human rights activists from such organisations accompanied conflict victims from rural areas to Banda Aceh and Jakarta to get legal aid and attention. Activists would conduct human rights investigations and transmit the data directly via telephone or email to international human rights groups based in Banda Aceh, Jakarta and overseas. Lawyers visited military posts to advocate for the release of detainees being held under suspicion of being GAM members or being linked to GAM. Acehnese human rights activists travelled to Geneva to present their case to the UN Human Rights Council (formerly Commission on Human Rights). International human rights groups also invited them to the US to present the Aceh case to US senators. Human rights activists further mobilised their followers to participate in demonstrations in Banda Aceh and other provincial capitals such as Lhokseumawe in North Aceh district and Meulaboh in West Aceh. On occasion they also mobilised IDPs from their camps to district, provincial or UN offices in Banda Aceh to raise awareness about the IDPs plight and to seek some form of intervention on the part of the relevant authorities.

One of the most important human rights groups was Koalisi NGO HAM (hereon 'Koalisi'). Acehnese intellectuals formed Koalisi in September 1998 to unite and coordinate Aceh-based human rights NGOs working on civil and political rights. After receiving initial funding from the Asian Human Rights Council through Indonesian Jesuit priest Father Sandyawan Sumardi, Koalisi quickly secured the support of a Dutch NGO, Hivos. Hivos became an important actor and supporter of human rights in Aceh for some years. As the main donor of the largest human rights network in Aceh, it is necessary to look at the role and philosophy of Hivos in considering its motivation to support Koalisi. Hivos' Director of the Democracy, Human Rights, HIV AIDS and Gender Unit, Tini van Goor, says its 'rights-based approach tries to influence policy toward excluded and threatened groups such as sex

workers, gays, women and human rights defenders' (Interview with Tini van Goor, 30 August 2007, The Hague). Hivos' approach regarding human rights defenders is context specific, however the main issue is often impunity. According to a Hivos staff member who was involved in selecting Koalisi as a partner, 'we were interested in working with Koalisi precisely because they were investigating human rights violations from the DOM period' (Interview with Artien Utrecht, 30 August 2007, The Hague).

Koalisi extended its reach into rural Aceh after setting up Human Rights and Legal Aid posts (*Pos Bantuan Hukum dan HAM*, PB-HAM) in six districts in Aceh. Each PB-HAM office had a coordinator, often a lawyer, and a human rights investigation team. People seeking legal advice or wanting to report a human rights violation could do so at the PB-HAM office. PB-HAM staff also visited and investigated incidents occurring at locations around Aceh and responded to community complaints and accusations against the armed forces. PB-HAM officers sent data on human rights abuses to Koalisi for storage, compilation and analysis. Koalisi staff advocated with the authorities in Banda Aceh on certain cases, teams of Koalisi lawyers would represent victims and detainees, and share information on abuses with international humanitarian and human rights groups.

The need for human rights and legal aid posts in the outlying areas of Aceh was evident from 1998. The creation of PB-HAM South Aceh is illuminating of how NGOs were established. The founding of this NGO followed a September 1998 shooting incident in South Aceh involving police and people protesting against a major logging company. The only local NGO based in South Aceh at the time was the Forest Village Conservation Foundation (*Yayasan Gampong Hutan Lestari*, YGHL). Environmental activists from YGHL were also involved in the protest. According to a former YGHL activist in the South Aceh district capital, Tapaktuan:

Dozens of people were taken to hospital following the incident. Police then conducted a sweeping of the area and several people were forcibly disappeared. Until today their whereabouts is unknown. Although GAM was already active in South Aceh, this was the first incident that affected many people in the area' (Interview with Iksan, 9 March 2007, Tapaktuan).

However, YGHL's economic, social and cultural rights mission restricted its ability to provide adequate support to the victims and victims' families of the incident. Furthermore, the shooting incident reinforced the need for more attention to, and support for civil and political rights. As a result, some of those involved in responding to the incident decided to set up PB-HAM.

Indonesian and Acehese human rights activists often became targets of politically motivated violence when their advocacy efforts threatened to expose abuses committed by Indonesian security forces or GAM rebels.⁴ In such situations, those belligerent parties attempted to silence the human rights activists by means of intimidation, detention, torture, forced 'disappearance' or extrajudicial execution. My observations of the situation and conversations with Acehese activists confirmed that this was a dangerous line of work in a war zone. According to a 2003 Amnesty International report,

Since 2000, 13 Acehese human rights defenders are believed to have been extra-judicially executed – many others have been subjected to torture or ill-treatment, arbitrary detention and harassment or intimidation. As with the great majority of human rights violations in Indonesia, no one has been held accountable in any of these cases' (Amnesty International 2003b).

In international circles, human rights activists are sometimes referred to as 'human rights defenders' and some Acehese friends carried photographic ID cards identifying themselves as such. International human rights reports captured the state of affairs with titles such as 'protecting the protectors' (Amnesty International 2003a). In conversations with many Acehese activists, they described their vocation as part of a *gerakan* (movement) or *perjuangan* (struggle). Members of the *gerakan* were driven by strong ideals and some believed they were leading a revolution. They knew their activism exposed them to extreme danger and some were in fact murdered as a result. When martial law was declared in Aceh in May 2003, the situation worsened for local human rights defenders, with at least 24 of them being detained since the beginning of the military emergency, six of whom went to trial or were sentenced prison (Amnesty International 2004). In its 2004 Annual Report 2004, the Jakarta-based NGO Imparsial, 'reported that at least 165 HRDs [human rights defenders]

⁴ Non-Indonesian human rights activists and humanitarian workers are thought to deter the risk of violence against themselves because of their international status and the backlash any such attack would have on the Indonesian government.

became the victim of state violence in Indonesia. Imparsial viewed Aceh as the most dangerous area for HRDs in Indonesia' (Hivos 2005: 3). In other words, human rights activism was a very dangerous business.

Highlighting the danger of human rights advocacy in Aceh was the murder of Suprin Sulaiman, the PB-HAM South Aceh lawyer. In March 2001, Sulaiman, his client Teungku Kamal, an alleged GAM member and member of the 'Peace through Dialogue' monitoring team, and their driver were murdered in South Aceh. They were returning from a police station where Kamal had provided testimony about his involvement in a defamation case launched by police against human rights workers (Poulsen 2001). Aguswandi, former head of Kontras Aceh and student leader, suggested that Sulaiman's murder was probably a direct result of a case in which Banda Aceh-based human rights activists accused Brimob officers of raping three women in South Aceh (Aguswandi 2007). The accusation was based on testimony of the three women. Kontras Aceh staff accompanied the women to Banda Aceh and then to Jakarta. The women later changed their story, saying that they were not raped and that GAM forced them to say Brimob had raped them (Human Rights Watch 2001). According to Human Rights Watch (2001b) these subsequent murders 'suggested deliberate targeting of human rights defenders by the Indonesian security forces'. For years after the incident, a three metre wide banner telling the story of Sulaiman's murder, including a photograph of his face, hung in front of Koalisi's Banda Aceh office on one of the city's main thoroughfares.

This case highlights the extreme danger, not only of human rights advocacy work in Aceh, but the danger of using human rights issues for political ends. According to Human Rights Watch, the rape case was devastating for local civil society as it confirmed in the minds of the security forces that GAM and human rights NGOs were working together (Human Rights Watch 2001b). It also meant that human rights NGOs would be reluctant to investigate cases in the future. For one, they were concerned that human rights investigations could result in defamation charges, not to mention the danger of being caught in a political trap between GAM and the Indonesian security forces.

More broadly, the issue of balance in reporting human rights violations committed by GAM was a concern, in part out of fear of GAM retribution, and in part out of solidarity with the rebels. Very few local NGOs were brave enough to report on GAM abuses. At least with the Indonesian security forces, there was in theory the notion of state responsibility, whereas GAM was not accountable to any authority. As a result, Hivos decided to stop funding Koalisi and PB-HAM in 2001, partly because it believed that the local NGOs were not balanced in their reporting. Koalisi and PB-HAM were mainly reporting on violations committed by the Indonesian security forces, yet Hivos wanted to see more reports containing discussion of human rights abuses committed by GAM (Interview with Artien Utrecht, 30 August 2007, The Hague).

Critical to this thesis is how local activists often coupled humanitarian relief with human rights investigations and advocacy. Local NGO workers often conceived the delivery of humanitarian aid as a tool to gain access to communities and conduct human rights investigations. Some PB-HAM offices worked in this way. I witnessed this in May 2002 when PB-HAM East Aceh coordinator Nek Suh led a team of human rights investigators and members of the Indonesian Red Cross (PMI) to deliver humanitarian aid and investigate an incident that occurred some weeks earlier. Nek Suh requested the presence of PBI to accompany the group. The place visited was a very isolated community located on a narrow peninsula named Kuala Simpang in East Aceh district, a site where some 46 houses were burned to the ground two weeks earlier. The area was a GAM stronghold. After passing through a TNI checkpoint at the edge of the main road we travelled toward the coast. About 300 metres from the TNI checkpoint was a GAM checkpoint. The only bridge leading to the village was destroyed and we had to travel about one hour by boat through a maze-like network of estuaries. The group were laden with goods including mattresses, blankets and buckets. As they arrived on the scene the human rights investigators broke off into four teams to interview members of the community, while Nek Suh discussed the coordination of humanitarian assistance with the village leader.⁵

⁵ The PBI volunteers sat in an open-air coffee shop observing the situation. Several GAM soldiers moved freely around the area and questioned the presence of outsiders in the village. The GAM 'authorities' had a similar manner to the Indonesian authorities I had met on numerous occasions. They were rather formal and distant but soon warmed to the presence of the local NGO activists after it was

Local NGOs did not believe there was a conflict between their human rights and humanitarian activities. The two were not in conflict but rather were deeply interconnected. Human rights violations, such as extrajudicial killings in many of the areas described above would lead to people considering the situation to be unsafe and force them to flee, and in turn result in humanitarian needs such as food, water, shelter and protection. Likewise, the humanitarian exodus led to human rights violations as the security forces suspected GAM members of moving within the IDP community. Local activists used the humanitarian situation to reach their strategic objectives of investigating human rights violations, promoting the findings of such investigations, while remaining undetected by the security forces and, thus, staying alive.

Understanding the relationship between GAM and the student movement is important for understanding how humanitarianism and human rights may have been used to reach political ends. Since GAM had its major support base in rural Aceh and in fact was often moving within the IDP communities, this close proximity between students and IDPs also led to closer contact between GAM and the student movement. The fact that GAM bases were very much integrated with the local community meant that the Indonesian government was suspicious of local and international NGOs that independently delivered aid to rural communities.

A language of human rights promotion became the common ground shared by GAM and NGOs which led to the security forces categorising GAM and NGOs as one in the same.⁶ NGO activists bore witness to violations in Aceh and networked with internationals overseas. GAM and human rights activists strategically used human rights issues to establish human rights concepts in the Acehnese public consciousness and thus gain support for their movement. GAM realised it could successfully gain international attention by creating a humanitarian crisis and increase international pressure on the Indonesian government to resolve the conflict. In numerous meetings with Acehnese who had little formal education I found a strikingly high level of

clear what their purpose was and after seeing what material assistance was being provided. Personal observation, May 2002.

⁶ Indeed, in late 2001, some activists were conducting human rights trainings for GAM in the mountains. Personal observation, October 2001.

awareness about human rights and international relations.⁷ An understanding of human rights standards among farmers in rural Aceh indicates the centrality of human rights to the independence struggle.

The real and perceived blurring of independent civil society with GAM resulted in arbitrary arrest, threat, intimidation, extra-judicial killing and forced disappearance of human rights activists and their associates. According to Schulze, the TNI and police deliberately targeted human rights activists and NGOs, which was a 'direct response to GAM's strategy of drawing in and building "alliances" with NGOs' (Schulze 2006: 253).⁸

International humanitarian workers and human rights activists were also exposed to the relationship between Acehnese activists and GAM members. In fact, the relationship between GAM and civil society activists was mixed. According to Cafod's Henny Ngu, 'after meeting GAM, many from civil society felt disillusioned about GAM because it was patriarchal, hierarchical, was not participatory, all the while people in Aceh were dying for the struggle' (Interview with Henny Ngu, 22 January 2007, Banda Aceh). Liem Soei Liong from Tapol would also arrange for activists to meet GAM in Sweden. Liem admitted he was quite cautious in organising such meetings: 'the discussions were not easy. Many activists had strong views on GAM and were often anti-GAM' (Interview with Liem Soei Liong 28 August 2007, Amsterdam). Yet raising human rights and humanitarian issues was evidently a common ground shared by GAM and some human rights activists in Aceh. Humanitarianism and human rights were thus used by both civil society groups and rebels for political ends.

⁷ One such meeting was with a young farmer named Lukman Hakim, who along with about 20 others were beaten up by about 120 Indonesian soldiers in a revenge attack on residents who a few days earlier discovered two TNI members working for a security firm that Save the Children contracted to guard a new school construction site. Hakim expressed his frustration with the Indonesian government and its failure to protect his basic human rights (*pemerintah bertanggung jawab untuk melindungi masyarakat setempat*). Hakim's knowledge of the international system and his expectations of what the international community could do for him and for Aceh were captured when he asked me to 'pass on his greetings to Kofi Annan' ('*salam buat Kofi Annan*'), referring to the former UN Secretary General (Interview with Lukman Hakim, 27 April 2007, Alu Dua, North Aceh.).

⁸ One GAM member admitted to me that he was instructed by the GAM leadership to 'get close with the NGOs'. As a result, this GAM member married an NGO activist from a radical Acehnese women's advocacy group *Perempuan Merdeka* (Free Women) (Interview with Alex, 2 August 2004, Kuala Lumpur).

b. International and national advocacy networks

Indonesia's democratic transition from 1998 attracted a great deal of international attention. Indonesia's new-found openness meant that previous strains in bilateral relations between Indonesian and foreign governments could be resolved. For example, Dutch NGOs and donors had been restricted in their activities in Indonesia following the former Netherlands Minister Pronk's statements on human rights violations following the Santa Cruz massacre in Dili, East Timor in 1991. These restrictions were lifted in 1998. The United States government saw in Indonesian civil society a force for political change (USAID 2005).

As explained above, 1998 also saw the boom of local civil society as well as the arrival of international NGOs in Aceh. GAM and the civil society movement saw in the 'international community' a path to justice and Acehnese independence. In this vision, human rights advocacy would play a major role in Acehnese attempts to influence an 'East Timor-style' international intervention. One of the more exceptional pleas came in a July 2001 meeting in Banda Aceh between international NGOs, local civil society and the British Ambassador, when a young Acehnese man invited the Ambassador to 'colonise Indonesia and set Aceh free'. This was an extreme example, but it illustrates the sentiment felt in Aceh at the time. In my experience, at the time, many Acehnese have not only warmly welcomed foreigners, but also designated to them the role of messenger: In random meetings with Acehnese in villages and urban centres alike between 2001 and 2005, I frequently received the request to 'please tell your friends in your country what is happening here'. James Siegel notes a similar tendency: 'the request frequently made to me [was]... that I tell them what is happening in Aceh'. He points out that the 'them' in this phrase was imprecise, but most likely referred to the international community (Siegel 2000 n24: 395). Many Acehnese thus saw the international community as the main audience for human rights campaigns, and believed international actors would advocate for a change in the behaviour of the Indonesian armed forces and perhaps advocate for an independent Aceh.

In fact, there was very little serious international support for Aceh's secession from Indonesia. Nevertheless, the Acehnese who hoped for outside support were not entirely disappointed.

There were three main types of advocacy groups concerned with the Aceh conflict: donor-advocates, professional human rights monitors and solidarity groups. The first category, donor-advocates, refers to groups that fund local NGOs and engage in advocacy. One such agency was Cafod. Cafod first became involved in Aceh by supporting LBH Banda Aceh at the end of 2002 and early 2003 after learning that LBH was in serious financial trouble and Cafod had spare money that needed to be spent (Interview with Henny Ngu, 22 January 2007, Banda Aceh). Former Cafod Program Coordinator Henny Ngu recalls that, ‘at the time Papua had peace zones and was well connected internationally. CSOs in Papua were savvy and everyone was talking about West Papua. We saw a need for Aceh’ (Interview with Henny Ngu, 22 January 2007, Banda Aceh). Cafod did not have a permanent presence in Indonesia and therefore supported NGOs working in Indonesia from afar. Its Capacity Building of Civil Society program focussed on individuals and sent Acehnese human rights activists to pursue the Geneva Training Course run by the International Service on Human Rights, a school that runs a training course alongside UN Commission on Human Rights. Many leading Acehnese activists attended the Geneva Training Course, including Juanda Djamal, Raihana Diani, Samsul, Tarmizi and Aguswandi. Cafod previously worked in a similar way with East Timorese activists. Activists were trained on how to use international human rights instruments. The training was usually followed by an advocacy tour including the British Foreign and Commonwealth Office (FCO), the Dutch government, and other European governments. Ngu explains that ‘Acehnese activists had the opportunity to meet Palestinians, Moroccans and Cypriots and would start to learn about other conflicts and see where Aceh lies in relation to other places’ (Interview with Henny Ngu, 22 January 2007, Banda Aceh). This type of global civil society networking, while not the focus of this thesis, was undoubtedly useful for sharing strategies, and had a strong influence on Acehnese human rights advocates.

Cafod also accompanied Acehnese activists to meet with Indonesian Embassy officials on some of these visits. On one occasion, ‘the activists raised concerns about TNI abuses. The Indonesian Ambassador in Britain at the time, Juwono Sudarsono, responded by asking the activists about GAM abuses’ (Interview with Henny Ngu, 22 January 2007, Banda Aceh). According to Ngu, ‘Cafod found it difficult to ‘toe the

line' while both sides were committing abuses' (Interview with Henny Ngu, 22 January 2007, Banda Aceh).

Cafod decided to remain 'low profile' and made a strategic decision to work through St Ethelburgers Centre for Peace and Reconciliation for the Geneva Training Course, rather than using Cafod's own name. Cafod mostly engaged in soft, private advocacy and not 'megaphone advocacy', meaning they would raise concerns in private meetings with British government officials, rather than naming and shaming the Indonesian government, which could put their partners in Aceh in danger.⁹ For example, Cafod requested that MPs to put a motion in parliament on the use of British-made scorpion tanks in the military campaign in Aceh. To Cafod's credit, 'FCO staffers would have weekly meetings with Juwono Sudarsono whereby everything Cafod put forward [to FCO] the FCO would pass on to Juwono Sudarsono. It was all backdoor stuff' (Interview with Henny Ngu, 22 January 2007, Banda Aceh). The reason for this strategy was that it was important not to raise Cafod's profile because one of its main partners, Jesuit Refugee Services (JRS) was still delivering humanitarian assistance to IDP camps in Aceh. They maintained good relations with the FCO, MPs, and NGOs including Oxfam, AI and HRW. The Cafod case highlights the challenges that donor-advocates faced and the need to weigh up the costs of putting humanitarian workers in danger, versus the benefits of human rights advocacy. It also illustrates how international agencies developed strategies to support local NGO advocacy efforts while protecting their own name so as not to jeopardise humanitarian access.

The second category of international advocacy groups was professional human rights monitors, including HRW) and AI, both of which visited Aceh as early as 1991. HRW and AI advocate for human rights protection by 'naming and shaming' abusive governments and non-state actors. Both groups expose and condemn human rights violations committed by any party. In Aceh, this included reporting on both the Indonesian government and GAM.

⁹ Cafod did distribute press releases. For example, when martial law was declared Cafod sent out a press release to respect International Humanitarian Law.

HRW's (then known as Asia Watch) first report on Aceh in 1991 documented violations in the first years of the DOM period (Asia Watch 2001). Both HRW and AI have published hundreds of reports, urgent actions and briefings on human rights violations, military operations and IDP and refugee flows in Aceh between 1998 and 2005. AI adopted a number of Acehnese 'prisoners of conscience', that is, 'individuals who are detained solely on the basis of their peaceful and legitimate activities or beliefs' (Amnesty International 2004). They included political activists, such as from SIRA, as well as humanitarian workers, human rights defenders and environmental activists.

One of the main challenges these two international human rights groups faced was getting access to information and documenting human rights abuses. Indonesian government authorities 'blacklisted' former HRW Indonesia researcher Sidney Jones from the country in 1990 until 1992 supposedly because of the Asia Watch reports on abuses during the DOM period. AI also had difficulty getting access to Indonesia after a staff member was expelled from Papua in 2002. An AI team was also not allowed into Aceh shortly after the tsunami. Both groups got access to information on violations by maintaining contact with Acehnese human rights, humanitarian, student and political organisations through telephone, email and visits to Aceh. HRW engaged in some joint research projects with local NGOs in which they shared research methodologies. Acehnese activists also made regular visits to speak at HRW and AI-hosted events and international conferences in Europe, the US and Australia. HRW and AI were always very balanced in their reporting of human rights violations. Their reports contained detailed case material of abuses committed by the Indonesian security forces, as well as by GAM. Their reports included information on the humanitarian situation and called upon the belligerents to protect civilians from displacement.¹⁰ However, the challenges for groups like HRW and AI were how to gain access, safeguard their image and maintain credibility.

¹⁰ Some of the major reports include: Asia Watch (1990) 'Human Rights Abuses in Aceh', Asia Watch: December 27, 1990; Amnesty International (2000) 'Indonesia: Acehnese Human Rights Defenders under Attack', Amnesty International 23 February 2000 AI Index: ASA 21/06/00; Human Rights Watch (2001a) 'Indonesia: The War in Aceh'. Human Rights Watch Asia Division, Brussels; Human Rights Watch (2003b) 'Aceh Under Martial Law: Inside the Secret War', Human Rights Watch, December 2003, Vol. 15, No. 10.

HRW also engaged in humanitarian advocacy for Aceh during the martial law period. HRW researcher Charmain Mohamad interviewed humanitarian organisations in Jakarta and helped them to lobby for access to Aceh. Based on such information, HRW wrote a report on lack of humanitarian access to Aceh in 2003 (HRW 2003a). Mohamad describes how, ‘as all local human rights groups went underground during martial law it was very difficult to access information’ (Interview with Charmain Mohamad, 18 October 2007, London). Activists stated how their internet accounts were monitored and ‘intel’ agents were monitoring internet cafés (Interview with Juanda Djamil, 29 January 2007, Banda Aceh). In addition to reports relating to humanitarian access, HRW released reports on media freedom, military operations, a supplementary report on conditions of Acehese refugees in Malaysia, and a report on torture of GAM prisoners, which involved a visit to high security prisons in Java (HRW 2003b; HRW 2004a; HRW 2004b). Since Aceh was off-limits, Mohamad travelled to Malaysia ‘where thousands of Acehese were fleeing TNI abuses’ (Interview with Charmain Mohamad, 18 October 2007, London). According to Mohamad it was difficult to be balanced in this context of lack of access: ‘It was difficult to find those fleeing GAM abuses as they usually moved internally [within Indonesia]’ (Interview with Charmain Mohamad, 18 October 2007, London). Mohamad described how she went to the neighbouring province of North Sumatra to seek these people but was unable to track them down, highlighting a major challenge for HRW: ‘how to establish credibility with the Government of Indonesia to report on GAM abuses: HRW would investigate GAM abuses if the Government of Indonesia allowed them into the province [Aceh]’ (Interview with Charmain Mohamad, 18 October 2007, London).

The third important type of international advocacy group concerned with human rights issues in Aceh was solidarity groups. One of the first international human rights advocacy actors concerned with Aceh was Tapol, a small UK-based human rights NGO. Tapol (*tahanan politik*) means ‘political prisoner’ in Indonesian and was established in 1973 by an English woman, Carmel Budiarjo, a former political prisoner in Indonesia, and an Indonesian man, Liem Soei Liong. Tapol took a position of solidarity with the Acehese from the late 1980s when increasing reports of human rights violations came out of Aceh. During this period the conflict in Aceh became an

important concern for Tapol and the organisation campaigned on the issue in Geneva at the Human Rights Commission. At that time, according to Liem, ‘there were no civil society organisations or NGOs coming to Geneva, and Aceh was represented by ASNLF or GAM’ (Interview with Liem Soei Liong 28 August 2007, Amsterdam). GAM leaders would visit Geneva every six months and would regularly meet Tapol. According to Lieng, ‘we were the first NGO to develop good relations with GAM...we had all kinds of discussions, especially about democracy’ (Interview with Liem Soei Liong 28 August 2007, Amsterdam).

Tapol stood apart from other human rights NGOs in that they took a position by supporting Acehnese self-determination. Liem stated that ‘we never took a strong position about our mandate like Amnesty International or Human Rights Watch. We were quite relaxed about it. We understood that GAM and most of Aceh were in favour of independence’ (Interview with Liem Soei Liong 28 August 2007, Amsterdam). Individuals at Tapol, including Budiardjo and Liem were arguably a critical element in the development of human rights advocacy in Aceh. According to Liem, ‘the situation in Aceh was similar to East Timor, where aspirations were dominated by one movement – GAM in Aceh and Fretelin in East Timor’. He saw the need to support another movement in Aceh, ‘which was not pro or anti GAM’. Liem explained that, ‘as civil society started to strengthen after 1998 and reacted strongly to the exposure to DOM abuses, we immediately linked ourselves to them’ (Interview with Liem Soei Liong 28 August 2007, Amsterdam). In the late 1990s and early 2000s, Tapol attempted to bring a range of voices to the scene by building relationships with students and human rights activists. In broadening their support beyond GAM to include a range of civil society organisations, Liem suggests ‘there was quite a rainbow of civil society actors representing a broad range of interests, it was not always easy and sometimes led to conflicts with GAM’ (Interview with Liem Soei Liong 28 August 2007, Amsterdam).

Acehnese civil society groups gradually started representing themselves in Geneva, including human rights activists coming from Aceh, as well as pockets of Acehnese refugees, especially in Scandinavia. Tapol played a significant role in this growth. According to Liem, ‘Tapol employed a similar strategy applied to East Timor where the main objective was on capacity building by bringing activists to Europe, open

them up to the human rights networks, send them to all kinds of trainings, including workshops on how the European parliament functions and basic internet trainings' (Interview with Liem Soei Liong 28 August 2007, Amsterdam). Liem explained that he and other Tapol activists maintained a level of caution in the back of their minds based on their experience of 1960s solidarity movements which became so influential that they started to determine policy: 'We were very cautious to not go so far as to determine policy, which must be done by the Acehnese themselves, who have to develop their own views and strategies' (Interview with Liem Soei Liong 28 August 2007, Amsterdam).

Local NGOs made good use of international human rights organisations. Afridal Darmi, the Director of LBH Banda Aceh recalled, 'in 1998, internationals were mainly used as our voice. We would send information to Amnesty International and Human Rights Watch, and they would launch urgent actions, political reports and so on' (Interview with Afridal Darmi, 11 April 2007, Banda Aceh). Aceh-based advocacy groups also monitored and shared information on human rights violations and the security situation with groups including Tapol, the New York-based East Timor Action Network (ETAN) and PBI. These international links lobbied foreign embassies in Jakarta and the UN to apply pressure at the national level.

Acehnese and foreign activists also formed two transnational advocacy coalitions during this early period: the US based International Forum for Aceh (IFA) and the international network Support Committee for Human Rights in Aceh (SCHRA). Yet Acehnese activists were limited in terms of developing international support for Aceh compared with East Timor, forcing Acehnese activists to consider humanitarian action as a viable avenue to raise their concerns.¹¹ The role of such international human rights groups are also important to this discussion because they shed light on challenges in bridging the gap between human rights and humanitarian action.

¹¹ Unlike Aceh, many international groups were in favour of East Timorese independence. Henny Ngu notes that 'while many East Timor solidarity groups wanted to liken Aceh to East Timor, and GAM to Fretilin, Cafod's analysis was different. In East Timor Cafod was very political and clearly supported Fretilin. In Aceh, Cafod took an apolitical approach focusing on humanitarian issues' (Interview with Henny Ngu, 22 January 2007, Banda Aceh). Hivos' experience in East Timor was also influential on the decision to withdraw funding from Koalisi: 'We had a tendency to make comparisons between East Timor and Aceh and we felt that the Acehnese CSOs were very vague; they did not know if they want independence or not. We felt they had not thought about what they wanted' (Interview with Artien Utrecht, 30 August 2007, The Hague).

In the US, ETAN became involved in Aceh through their activism on East Timor. According to ETAN Director, John Miller, 'in 1999 we would organise demonstrations for East Timor in New York and the Acehnese would outnumber the East Timor activists. It would become combined protest' (Interview with John Miller, 13 November 2007, Brooklyn, NY). By 2001, activists from Nonviolence International and ETAN established the Indonesia Human Rights Network (IHRN) and had five 'roundtable' meetings on Aceh per year to coordinate lobbying at Capitol Hill in Washington DC.¹² The IHRN also organised tours of the US with Acehnese political activists.

Yet Acehnese activists still struggled to secure broad-based support for independence that the East Timorese enjoyed. Advocacy campaigns took place on local, national and international arenas, yet the national level was the weakest link in advocacy campaigns and, according to Huber, represented an obstacle to securing peace in Aceh: 'the lack of strong public opinion within the rest of Indonesia in favor of a non-violent resolution of the conflict [was a] debilitating handicap for peace in Aceh' (Huber 2004: 55). Novib (2003b: 3) further found that:

Only a handful of (always the same) Indonesian intellectuals/activists are concerned with the Aceh situation. Local NGOs and other actors need solidarity and support to make Aceh a national instead of a local issue. The internal dialogue between Acehnese and Indonesian civil society must be promoted, and the general Indonesian public should be involved.

Some Jakarta-based organisations such as Kontras Jakarta, YLBHI and Kalyanamitra developed close relationships with Acehnese groups, assisting in the evacuation and safe-house lodging for threatened Acehnese. Yet such groups were the exception, not the norm. Liem expressed the different attitudes toward the East Timor and the Aceh struggle in the following way:

¹² ETAN also never overtly supported self-determination for Aceh. The main thrust was human rights and their focus was to put pressure on US congress to cut off Indonesian military support. ETAN did not want to model the work they did on East Timor. They also followed the East Timor resistance who did not support self-determination in other parts of Indonesia. According to John Miller, 'Westerners and foreign governments perceived the struggles in East Timor and Papua to be a 'peaceful protest', with the armed struggle as something symbolic' (Interview with John Miller, 13 November 2007, Brooklyn, NY). Indeed, armed Muslims are perceived of differently to indigenous Papuans armed with only spears or Catholic East Timorese fighting against the might of the Indonesian state.

Unlike for East Timor, there was little sympathy among even the most advanced human rights activists in Jakarta, who would cry if Aceh split from Indonesia. Xanana (Gusmao) told the East Timorese students to mix with the Javanese and get them on side. The Acehnese had more difficulty among Indonesian groups' (Interview with Liem Soei Liong 28 August 2007, Amsterdam).

Cafod and their partners in Aceh also saw that in the rest of Indonesia there was so much prejudice and support for the war in Aceh that they funded Aceh Kita, a media organisation based in Jakarta, to set up a national information campaign focused on changing the minds of Indonesians.¹³ However, it took the 2004 tsunami to attract global and national sympathy for the Acehnese.

c. International advocacy 'on-the-ground'

The large aid agencies working in Aceh between 1999 and 2003 were sensitive to the subject of human rights promotion. Indeed, the former head of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Banda Aceh, Enayet Madani, confirmed the UN opened OCHA in Aceh in June 2001, 'under the condition that it would not get involved in human rights' (Interview with Enayet Madani, 3 May 2007, Lhokseumawe). Save the Children's position, as explained in chapter three, was that it was better to keep a low profile in order to maintain a presence in Aceh and keep its staff safe.

In their activities in Aceh, NGOs like Oxfam and IRC also avoided the sensitive issue of human rights. The most popular strategy international NGOs employed was to avoid public association with human rights or other sensitive issues. International NGOs distanced themselves from human rights activities and language, defining their work as 'purely humanitarian'. An illustrative example of adaptation was the change of name by one international NGO coalition. The IRC was working in Indonesia since the mid-1990s and in 2002 was the lead NGO in forming the coalition 'CARDI'

¹³ On a visit to Jakarta in June 2004 I stayed with a group of Acehnese activists who had fled Jakarta the previous year. They explained that they faced discrimination and suspicion from the local community and frequently moved from house to house. Some felt compelled to make false identity documents to hide their Acehnese origins, smoothen relations with local communities and evade the authorities. In major cities such as Jakarta and Yogyakarta in Java, the Indonesian police were searching for Acehnese activists on 'wanted' lists. With little support throughout the conflict from the international community and fellow Indonesians, Acehnese human rights activists increasingly looked toward humanitarian action as the avenue through which to voice their concerns.

(Consortium for the Assistance of Refugees and the Displaced in Indonesia). Soon after, the consortium changed the meaning of the acronym to ‘Consortium for Assistance and Recovery toward Development in Indonesia’ because of government sensitivity toward the words ‘refugee’ and ‘displaced’.¹⁴ International NGOs perceived that the Indonesian government was sensitive to these words as they might attribute responsibility to the government for unrest in Aceh and other conflict-affected parts of Indonesia, which had high numbers of displaced populations, including West Timor, North Maluku, Maluku, Papua, West Kalimantan and Central Sulawesi.¹⁵

On numerous occasions, in meetings with interlocutors from Ambassadors to the Indonesian police, international humanitarian NGOs were quick to distance themselves from human rights, including by making announcements such as, ‘we are a humanitarian organisation, not a human rights organisation’.¹⁶ Even PBI, an organisation doing ‘hands-on’ human rights protection work, needed to devise strategies so that it was perceived as moderate. This meant not working with some of the more radical groups, even though they were often in the most danger. The Indonesian security forces regularly warned international NGOs in private meetings not to do human rights work and not to get mixed up in local political issues.

Some international groups were able to work on sensitive issues for a number of reasons. PBI volunteers were especially adept at building relationships with Indonesian government officials and high-ranking members of the security forces. All PBI volunteers were fluent in Indonesian and had a good understanding of the local political and cultural context. PBI opened an office in Banda Aceh in January 2001, and by the end of that year, PBI had established good working relations with the Aceh Governor, Chief of Police, the Commander of Military Operations, as well as each district head, district police chief and district military commander, parliamentarians throughout the province.¹⁷ By mid 2002, PBI had also established a second office in

¹⁴ CARDI is a coalition of the International Rescue Committee, Norwegian Refugee Council and Stichting Vluchteling (the Refugee Foundation of the Dutch government)

¹⁵ According to the UNICEF Humanitarian Action Indonesia Donor Update, the number of IDPs in Indonesia in March 2002 was about 1,250,000 (UNICEF 2002).

¹⁶ Personal archives from international NGO meeting in Banda Aceh, August 16, 2001

¹⁷ The only district PBI did not establish such relations were in the districts of Central and Southeast Aceh. The conflict in Central Aceh had a different dynamic, in that there was horizontal, ethnic

the city of Lhokseumawe, near the ExxonMobil plant.¹⁸ Building strategic personal relationships was one of the keys to maintaining access to Aceh. This was a major focus of PBI's work and most other groups could not invest similar time and resources to this task. Thus, international NGOs felt they had to tread cautiously if they intended to work on human rights or protection issues. Working with local NGOs was also problematic since some (such as SIRA and their humanitarian and women's branches) were sympathetic to GAM's independence struggle or were actually fronts for GAM.

PBI engaged in 'soft advocacy' at the provincial level and stronger forms of advocacy at the national and international levels. An example of PBI soft advocacy in its relationship with Koalisi was when in August 2001 Indonesian police forces raided the Koalisi offices, detained staff and confiscated documents and computers.¹⁹ After receiving a call from a Koalisi staff member, two PBI volunteers made their way to the Koalisi office and accompanied the Koalisi staff to the police station. The PBI volunteers explained to the police that they were there to ensure that the Koalisi staff were not mistreated; an effective form of soft advocacy. After this incident PBI volunteers maintained a day and night presence at the Koalisi offices in Banda Aceh. The aim was to deter another raid on the Koalisi offices and to send a soft message to the security forces that Koalisi has an international advocacy network that would speak out about violations committed against its members. PBI would meet and network with police and military at all levels, from foot soldiers to generals and police chiefs. In this context PBI applied soft pressure on Indonesian military and police officials stationed in Aceh, raising human rights concerns and maintaining cordial relations with them. When members of local partner NGOs were targeted by the security forces, PBI applied stronger, yet indirect forms of advocacy, by alerting the

conflict, which was beyond the capacity of PBI to work there. Southeast Aceh was not affected by the conflict.

¹⁸ PBI volunteers would sometimes socialise with Police and TNI intelligence officers in cafés, restaurants, nightclubs and in their homes. According to Sidney Jones, who had frequently visited Aceh during this period with Human Rights Watch, another factor was that PBI was 'under the radar' and did not have the significant global reach such as that of Oxfam (Interview with Sidney Jones, 12 May 2007, Jakarta).

¹⁹ Following the killing of PB-HAM lawyer Suprin Sulaiman in South Aceh in March 2001, Koalisi requested PBI to provide 'protective accompaniment' so that Koalisi and PB-HAM lawyers and investigators could continue their advocacy work.

UN and friendly embassies in Jakarta, as well as an international support network, which raised awareness and applied pressure in home countries.

The situation in Aceh became untenable for international NGOs in May 2003 after President Megawati Sukarnoputri declared Aceh to be under martial law. Martial law regulations, as explained in chapter two, limited international NGOs relations with local advocacy NGOs. Not only were internationals prevented from working in Aceh, they were also restricted from funding local NGOs. In the ensuing 18 months, during some of the worst fighting ever seen in Aceh, groups including Oxfam and Novib engaged in a number of coordinated advocacy efforts in Jakarta and Europe, putting pressure on the Indonesian government to open Aceh to much needed international humanitarian assistance.

One example that illustrates an international advocacy effort to gain access to Aceh and hence worth analysing in detail is the case of Oxfam. In immediate response to the military emergency, Oxfam decided not to engage in any public advocacy on the Aceh conflict. According to an Oxfam report, 'all advocacy by Oxfam will constitute intensive private lobbying of selected influential targets and will endeavour to maximise relationships with partners and allies' (Oxfam 2003: 2). Oxfam's overriding concern was the security of its staff and partners. However, the organisation did develop distinct national and international advocacy strategies to re-secure access to Aceh.

Beginning with the national advocacy strategy, Oxfam used its long and successful history in Indonesia. Indeed, since establishing a presence in Indonesia in 1975, the organisation developed a good reputation for its work on poverty reduction, development work and disaster preparedness. Oxfam had also developed good relations in Jakarta with the Ministry of Social Affairs, the Ministry of Political Affairs, the State Intelligence Agency (BIN), and the TNI. However, in mapping out a plan to return to Aceh in the context of martial law, Oxfam had to further build connections and nurture government relations. Oxfam staff communicated to Indonesian officials their concerns regarding the conflict. When Oxfam made specific reference to the conflict, it did so in private, in non-accusatory 'letters of concern' to military and police officials. Oxfam's policy was not to make the letters public

believing that to do so would be counterproductive. Still, Oxfam was more vocal than other international NGOs, which in fact led to some international NGOs distancing themselves from Oxfam in 2003 and 2004. According to Oxfam Indonesian program manager Yanti Lacsana, ‘some international NGOs in Jakarta were not used to a vocal approach and they were simply protecting themselves’ (Interview with Yanti Lacsana, 8 November 2008, Jakarta).

In this context, Oxfam Indonesia identified that it was more strategic to focus on humanitarian, rather than political issues. According to Yanti Lacsana, ‘we faced a deadlock in advocating for justice in Aceh. The military would not ‘buy’ International Humanitarian Law (IHL) but they might ‘buy’ disaster preparedness law’ (Interview with Yanti Lacsana, 8 November 2008, Jakarta). Oxfam’s advocacy methods continued to promote IHL, although it toned down its approach, making reference to the situation in Aceh only in connection with other, ‘natural’ disasters affecting Indonesia. Local and international humanitarian NGOs, including Oxfam, SCF, CARE, ICMC, all concerned with natural and man-made disasters throughout Indonesia, set up a group to try and respond to the range of disasters faced in Indonesia. The group approached key people in Indonesia’s Ministry of Home Affairs and National Disaster Coordination Management Board (BAKORNAS), and the OCHA in Jakarta. On 3 March 2003, the group established the Indonesian Community for Disaster Management (*Masyarakat Penanggulangan Bencana Indonesia*, or MPBI). The MPBI states that ‘to feel safe and protected from disasters is a basic right of society’ (MPBI 2003). MPBI, supported by UNDP and Oxfam Indonesia, played a critical role in getting disaster risk reduction into Indonesian law.²⁰ Setting up the MPBI was partially in response to the situation in Aceh, whereby human rights and justice were politically sensitive, while the language of ‘disasters’ (*bencana*) connoted a close association with natural disasters (*bencana alam*) and was more politically palatable in Jakarta.

²⁰ In April 2007, Indonesian lawmakers passed Disaster Management Law 24/2007, which outlines the rights of victims of disasters, as well as penalties for responsible authorities for failing to protect citizens. According to the UNDP, ‘the scope of the law is far-reaching, affording Indonesian citizens individual rights to protection from and during disasters’. Furthermore, the law ‘lists penalties in the form of substantial fines and jail sentences applicable to individuals and organizations, including those of the government, public and private sectors, for failing to abide by the law’ (Upadhyay and Hollister 2008).

Regarding international advocacy, Oxfam Netherlands (Novib) led the advocacy strategy in Europe in 2004, including lobbying, raising concerns and calling for the Dutch and European Union Parliaments to apply pressure on Indonesia to allow international humanitarian access back into Aceh. Novib was in a good position to do this since it had a reputation in the Oxfam 'family' of being in favour of speaking out against injustices. Novib had worked with local and national civil society organisations in Indonesia, particularly those working in the field of human rights and democracy for over 30 years. However, Novib did not have an office in Indonesia. In Aceh, Novib has been assisting Acehnese civil society organisations through livelihoods, management and advocacy trainings and funding local NGOs since 1999. According to Novib staffer, Annette Jansen, 'not having field offices makes it [speaking out against injustice] easier' (Interview with Annette Jansen, 30 August 2007, The Hague).

It is useful to reflect on Novib's own review on their advocacy strategy, which was conducted in 2003 through a survey that was sent to Oxfam chapters around the world. The survey identified a difference between the advocacy work done by the Oxfam inside Indonesia and Oxfam outside Indonesia (Novib 2003a). According to the report, outside Indonesia, Novib, Oxfam-Community Aid Abroad Australia and Oxfam GB during 2003 carried out indirect advocacy, trying to pressure their national governments and parliaments through the sending of letters, and trying to raise awareness about Aceh through national NGO platforms. In contrast, Oxfam Indonesia made direct contact with influential actors within the Indonesian government, the international diplomatic community and the UN. Novib found that both the UN and EU governments showed sympathy for Oxfam's advocacy work, but refrained, due to fear of jeopardising the Indonesian relationship, from taking concrete actions such as making official statements or complaints to the Indonesian government. The Netherlands referred to the break of bilateral donor relations between the Netherlands and Indonesia following former Minister Pronk's statements on human rights violations after the Santa Cruz massacre in Dili in 1991, while the UN mentioned their role in East Timor after the 1999 referendum to split from Indonesia as a reason for this careful approach (Novib 2003a: 3).

The Novib review concluded that the Megawati government was ‘untouchable from international pressure’ and ‘allowed space to continue and strengthen the military approach’ (Novib 2003a: 6). The most important external constraint on Oxfam’s advocacy strategy for Aceh mentioned in the review was the cautious approach of the UN and international governments who did not want to jeopardise their relationships with the Government of Indonesia. According to the respondents, the so-called ‘war on terror’ played an important role in this general attitude of international governments. All four Oxfam country groups identified the ‘silent diplomacy’ strategy as a possible internal weakness in Oxfam’s advocacy strategy: ‘The strategy makes it impossible to create significant media and or public support for Oxfam’s Aceh advocacy and thus indirectly decreases the possibilities to pressure relevant international actors to act on Oxfam’s agenda’ (Novib 2003a: 4).

Oxfam’s advocacy strategy and requests for humanitarian access and protection in Aceh did not result in meaningful responses from either the Indonesian government or international governments for some time. Novib suggests that ‘the chosen strategy of ‘silent diplomacy’, as well as the relative low receptivity of international governments, in the context of the ‘war on terror’, were important factors in this relatively low output’ (Novib 2003a: 6). The Novib review found that the EU, Australia, the US and UN were afraid to ‘jeopardize relations with Indonesia, thus accepting the closure of Aceh’ (Novib 2003a: 7).

Accordingly, Novib developed a new advocacy strategy for the remainder of 2003 and 2004, which sought to protect the rights of civilians in Aceh and those fleeing from conflict in Aceh in line with International Humanitarian Law and Human Rights Law, through the cessation of hostilities and the pursuit of conflict resolution negotiations. In a meeting with the European Parliament, Novib cautioned the international community that the humanitarian situation was rapidly deteriorating, taking the direction of a possible famine, and found a moral imperative to continue and even increase the advocacy effort (Novib 2003b). Novib argued that telling the Indonesian government that it ‘must do this and should do that’ would be unproductive and that ‘keeping the dialogue open and pushing for international access that is not directly linked to sensitive issues like human rights is a better option’ (Novib 2003b: 3). Novib acknowledged that the Indonesian government saw

international NGOs as supporting Acehnese independence, and thus they had no bargaining power with Indonesia. Novib therefore suggested that other, non-Western actors, who might still have access, should step to the forefront. The new Oxfam advocacy strategy included support for a range of regional initiatives in order to strengthen the advocacy work within southeast Asia, including providing financial support for an Aceh peace conference in November 2003 in Bangkok that involved Indonesian government representatives, the so-called ‘wise men’ of the HDC peace process (see chapter six), and Acehnese and other southeast Asian civil society groups (Novib 2003a).

The election of President Susilo Bambang Yudhoyono in July 2004 offered new opportunities for Oxfam’s Aceh advocacy strategy. In October 2004, several Dutch NGOs including ICCO, Kerkinactie, Novib and the Indonesian NGO Imparsial met with representatives of the European Commission’s Humanitarian Office (ECHO), the Cabinet of the European Commissioner for External Relations, European Parliament, and with the Permanent Representative of the Netherlands responsible for Asia. The topic of discussion during these meetings was the current humanitarian and human rights situation in Aceh, and how the EU might contribute to the recovery of Aceh after the installation of the new Indonesian President. The Dutch NGOs passed on a message including a number of recommendations to Minister Bot, the acting EU president during the EU-Troiika mission to Indonesia in late October 2004 (Novib 2004).²¹ They highlighted a September 2004 ECHO-sponsored IOM and Government of Indonesia humanitarian protection needs assessment, as described in chapter five (IOM 2004). The Dutch NGOs stressed the critical importance of Indonesia providing ‘the conditions that enable the delivery of impartial humanitarian assistance to civilians in Aceh’ (Novib 2004: 1). The message also stated that ECHO and Dutch NGOs were willing to assist local NGOs and the Indonesian government in delivering humanitarian assistance to Aceh, ‘but can only do so if they are allowed to directly and independently assess, implement and monitor their projects according to humanitarian principles and start direct funding relations with local NGOs’ (Novib 2004: 1). Such access and funding was not allowed under the Civil Emergency

²¹ The ‘Troika’ represents the European Union in external relations regarding common foreign and security policy.

regulations of the time. European governments were thus advocating for greater humanitarian access to Aceh throughout 2004.

Oxfam's engagement with Home Affairs and BAKORNAS as described above, was critical for securing Oxfam's access to Aceh, just days before the tsunami struck. Advocating for access to Aceh through a 'humanitarian lens', rather than human rights, together with getting around government restrictions were instrumental in giving Oxfam the 'green light' to provide humanitarian access to Aceh. This represents a major shift in the way advocacy was conducted in Aceh; whereas previously advocacy was focused on human rights, there was now a new emphasis on humanitarianism.

In sum, human rights advocacy and humanitarian action were closely interrelated in Aceh. However, overall, local and international groups approached the two activities in rather different ways. For local NGOs, humanitarian action was a vehicle for human rights investigation and advocacy. In contrast, for the most part, international NGOs were opposed to mixing human rights advocacy with humanitarian action. In other words, international NGOs found that human rights advocacy was counterproductive to the humanitarian mission in Aceh. While local and international NGOs had these seemingly opposing positions, local human rights activists perceived international humanitarian workers as a conveyer of Acehnese political aspirations. Yet for international humanitarians, getting engaged in human rights or political issues was perceived as posing great risk to maintaining humanitarian access to Aceh.

Some international NGO workers developed good relationships with Indonesian authorities as a strategy to engage with them on politically sensitive issues such as human rights. The main determining factor influencing the relationship between humanitarian action and human rights was the attitude of the Indonesian government. For instance, the behaviour of the security forces directly influenced how local NGOs carried out their activities in Aceh, whereby activists worked under a humanitarian umbrella as a survival strategy. Similarly, international NGOs restricted their mandate to a purely humanitarian mission, excluding human rights advocacy from their activities, in order to maintain access to populations in need. It was Indonesian politics of the day that determined the humanitarian and human rights situation in

Aceh, whereas human rights advocacy or humanitarian assistance had little overall impact on Indonesian politics.

4.3 The tsunami: a restricted mission

In the post-tsunami period, Aceh became a household name, entering the popular international humanitarian imagination not because of violent conflict (the Aceh conflict was on a much lower scale than that in places like Rwanda or Sudan), but rather because of the unprecedented scale of the tsunami disaster in Aceh. The relationship between humanitarian action and human rights advocacy changed after the tsunami, as did the relationship between local and international actors. Surprisingly, the less politically hostile environment did not produce defiant human rights advocacy strategies among international NGOs. International NGOs which previously had worked in conflict-affected parts of Aceh stripped themselves of their mandate to work in conflict areas, and only worked in tsunami-affected parts of Aceh.

The new environment, a broader array of international actors and a staggering amount of aid dollars, meant that international donors shifted emphasis away from human rights-oriented local NGOs toward local contractors and newly established NGOs with a post-tsunami development focus. Many prominent human rights activists from the pre-tsunami period found jobs with international NGOs or the Indonesian government, private contractors and entered formal politics. Still, there were new forms of advocacy in post-tsunami Aceh, including in regard to the international humanitarian funding regime, humanitarian access, peace, as well as equitable distribution of aid, including to conflict victims. The scale of the tsunami disaster, and the aid money that came along with it, goes a long way to explain the lack of human rights advocacy in the post-tsunami period.

As described in chapter three, international funding, the security situation and a lack of capacity among some international NGOs led to a major division between tsunami and conflict-related assistance after the tsunami. This section examines how the dynamic of the relationship between human rights advocacy and humanitarian assistance changed in the new, post-tsunami situation. I do this by considering some of the internal and external challenges international groups now faced in responding

to the conflict. The post-tsunami period offers additional insights into the relationship between humanitarian action and human rights.

The August 2005 Helsinki MoU opened up a number of new opportunities for human rights advocacy in Aceh. Yet in the post-tsunami period, human rights advocacy, the cornerstone of Aceh's civil society movement, declined in force. This is curious since a number of legal avenues to pursue human rights violators became available as part of new legislation following the MoU. In the post-tsunami period, international groups understandably prioritised the tsunami, but there was a general ignorance in the Aceh expatriate community about the conflict. Local activists were critical of what they saw as international NGOs' continuous partiality to the tsunami and they lobbied international NGOs to respond to the needs of conflict victims, especially after the emergency phase ended and the peace deal was struck. They argued that the Indonesian government and international NGOs constructed a false division between the conflict and the tsunami.

However, the large number of international NGOs maintaining a presence in Aceh and providing humanitarian assistance to tsunami survivors, contributed to the stability and trust building, leading to indirect benefits for all Acehnese, including conflict victims. In chapter six I present a number of positive and direct contributions to conflict transformation made by a number of international groups. Below, I present case study material of how some international NGOs engaged in conflict-related advocacy in the post-tsunami period.

a. MSF: Beyond the 'tsunami line'

The case of MSF is illuminating as an example of an international NGO successfully marrying humanitarian action and conflict-related advocacy in post-tsunami Aceh. MSF provided humanitarian relief to both tsunami and conflict victims, as well as raised awareness about the plight of conflict victims. MSF thus lived up to its slogan '*soignez et temoignez*' (care for and testify).

The first MSF teams arrived in Banda Aceh on 28 December 2004, two days after the tsunami. Banda Aceh's main hospital was destroyed and MSF immediately set up a

medical clinic to perform life saving operations and provide general medical assistance. MSF quickly extended their reach to towns such as Meulaboh on the severely devastated west coast and Sigli and Lhokseumawe on the east coast of Aceh. Dozens of MSF doctors, nurses, logisticians, and engineers provided nearly 200 metric tons of medical and water and sanitation materials in the weeks following the tsunami (MSF 2005a). By August 2005, as the post-tsunami emergency relief phase was coming to an end, and as the remote inland and conflict affected areas of Aceh became more accessible, MSF began providing basic health services in the mountainous areas of West Aceh, Central Aceh and Bener Meriah (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). The move to these areas was made immediately after the Helsinki agreement, which MSF-Holland Head of Mission, Anne-Marie Loof explained that while MSF had begun doing assessments of medical needs in those areas months earlier, the MoU was a ‘green light’ to start working in those previously ‘off-limits’ areas (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). MSF was the first large operational international NGO to provide assistance in areas not affected by the conflict and not the tsunami. In liaison with local government authorities MSF began providing medical relief in conflict areas in August 2005, eight months after the tsunami. Loof, explained, ‘while it took a little while for the areas to open up and be accessible there were no major challenges in shifting from tsunami to conflict related work’ (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). At this time, other international NGOs continued to focus almost exclusively on post-tsunami recovery activities.

MSF workers were shocked by the level of psychological trauma they discovered in the clinics they established in the conflict-affected parts of Aceh. Loof was startled to find extremely high levels of violent conflict-induced trauma hitherto unknown in Aceh and comparable to some of the worst conflict zones where she had worked in Africa and the Middle East (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). Loof also referred to a psychosocial needs assessment in high conflict areas of Aceh, including Pidie, Bireuen and North Aceh districts and was produced in 2006 by the Harvard Medical School in collaboration with the IOM and Syiah Kuala University in Banda Aceh. According to the 2006 report, the conflict had profound effects on the civilian population in the area with:

78% having lived through combat experiences, 38% experienced having to flee from burning buildings in their community and 47% having to flee from danger. 8% of women have had their husband killed in the conflict, and 5% of the total sample have had children killed. 41% of the sample report having had a family member or friend killed, and 33% reported having a family member or friend having been kidnapped or having disappeared (Good, Delvecchio-Good and Grayman 2006 : 2-3).

MSF managed to bridge humanitarian action in relation to both the tsunami and the conflict. According to MSF, 'mental health is one of the greatest ongoing needs in Aceh, and almost all MSF programs contain a mental health element. MSF is doing what it can to reach out to those traumatised first by war, then by catastrophe' (MSF 2005a). The MSF case also highlights the possibility of advocacy as a product of humanitarian assistance. The extent of the physiological and psychological damage that many Acehnese had suffered as a result of the conflict was a cause for some MSF workers to engage in low-key advocacy to raise awareness about the impact of conflict. This saw both internal and external challenges. The plan to engage in advocacy encompassed a lengthy process of internal strategising about if it was appropriate to engage in advocacy, organising the method of advocacy and negotiating with the government authorities.

The first advocacy related challenge was internal. MSF chapters in Aceh, including MSF-Holland and MSF-Belgium held a series of discussions prior to the photo exhibition. Loof explained, 'MSF only does advocacy in situations where the organisation is present to witness abuse and MSF was not present in Aceh when the incidents portrayed in the exhibition occurred'. MSF-Belgium perceived that such an exhibition could invite problems. Some argued that 'we are talking about violence that took place when we were not here and do not want to point fingers'. The MSF sections finally agreed that 'being present to witness the impact of abuse was not out of line with MSF policy' (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh).

The second challenge was external. MSF had difficulties obtaining permission from the authorities for even such an apparently innocuous exhibition because of the continuing sensitivities about human rights and conflict issues in some sections of government. According to Loof, this was because an MSF worker used the word

‘advocacy’ in a meeting with government officials, which was not well received. Loof explains, ‘after the first contact it took a long time to finally get permission to go ahead with the exhibition. We had to do damage control and explain that the exhibition is absolutely not advocacy. They really did not like the word’ (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). Sensitivities around language highlights the importance of ‘packaging’ and contextual understanding. While internal MSF discussions labelled the exhibition as advocacy, and indeed it was originally presented as such to the Indonesian government, MSF was quick to repackage and present the exhibition in a subtler manner. Understanding the context is import because in Indonesian, the term advocacy (*advokasi*) has a strong anti-authority (anti-state) connotation. It is also often referred to along side human rights, giving it further negative connotation with some government officials.

MSF Holland finally held the travelling photographic exhibition entitled ‘Mental Trauma and Conflict in Aceh’ between November 2006 and January 2007.²² The objective of the exhibition was to raise awareness about the negative effects of the conflict. The travelling exhibit started in the south of the province, before weaving its way through the most severe conflict-affected areas of Aceh, and finally ending at the Aceh Museum in Banda Aceh. MSF Holland was preparing to leave Aceh and this exhibition was a kind of farewell and summary of their findings in the field. The turn out was positive with around 12,000 people visiting the exhibition across the province (Interview with Anne-Marie Loof, 12 January 2007, Banda Aceh). The images included family members comforting each other, evidence of physical torture, battle scars, war and peace-inspired graffiti, and children flying kites. The images portrayed sentiments including loss, grief, pain, terror and hope. Perhaps surprisingly, more than two years after the tsunami and a year and a half after the peace accord, the exhibition was highly unusual and the first such public event organised by an international NGO that examined the impact of the conflict.

The photo exhibition was a reflection of MSF’s mental health activities within its broader medical program in Aceh. While the medical program was primarily in response to the tsunami, it changed to provide assistance in conflict areas. MSF

²² It is important to note that the MSF Holland photo exhibition was the only public conflict-related advocacy activity conducted by any of the large international NGOs in Aceh

identified a major gap in the provision of psychological support in Aceh and saw the need to raise awareness around the issue. The exhibition was also a 'parting gift' from the organisation. Two years after the tsunami, advocacy and the conflict remained sensitive issues. MSF did not face problems in working in conflict-affected areas from mid 2005, but they did encounter some difficulties when they went to the authorities and said they wanted to do some advocacy work.

What set MSF apart from many other NGOs in Aceh was the principle of independence. MSF's ability to use unrestricted funds gave it sovereignty of mission and mandate, not available to others. In addition, MSF has a tradition of being a leader in humanitarian action and not waiting for an invitation to enter new territory. Entering previously restricted areas of Aceh was no different.

b. Oxfam and the tale of two Acehs

On the eve of the tsunami, Oxfam had received permission to resume its conflict response in Aceh (Interview with Patrick McInnis, 1 February 2007, Banda Aceh; Interview with Yanti Lacsana, 8 November 2008, Jakarta). However, the tsunami changed the course of events. Oxfam's donor restrictions, as determined by the Disasters Emergency Committee (DEC), the UK umbrella organisation that launches and coordinates responses to major disasters, meant that funding could only be used for programs directly related to the tsunami and not for other purposes, including conflict-related issues.²³ Added to this was a highly sensitive political environment in the first months after the tsunami. There were two barriers for Oxfam to work on conflict issues in Aceh: donor restrictions and the local political situation. While the DEC funding situation frustrated Oxfam staff, some found there was still scope for activities relating to policy and research, such as on post-tsunami land rights issues, developing renters' and squatters' policy, issues of military claims on land, as well as broader gender and land disputes.

²³ Despite numerous email and telephone requests for an interview with senior Oxfam GB staff in Oxford in October 2007, I was told there was no one at Oxfam with the knowledge or time to discuss the question of funding and implementation in different intervention contexts in Aceh. My resources on this subject are thus limited to interviews and discussions with senior country and regional staff.

The security and political situation was particularly concerning for Oxfam staff. Illustrating the precariousness of the situation was the fact that the Oxfam office, 'Hotel Regina' was being used as a police intelligence unit base. According to an Oxfam staff member, 'intel agents still occupied one room within the Oxfam building'. Furthermore, 'the conflict was still going and there was a lack of confidence in the Government of Indonesia supporting a long presence. We wanted to do work on peace. We developed an advocacy strategy around that but it was still too sensitive' (Interview with Lilliane Fan, 10 April 2007, Banda Aceh).

The Oxfam case is representative of the general disagreement between Acehese civil society leaders and international aid workers over the unwillingness or inability of most international NGOs to provide assistance to conflict victims, in most cases for over two years in the post-tsunami period. However, according to Patrick McInnis, Oxfam's Partnership Manager, 'Oxfam's local partners saw a real need to support the people affected by the conflict. They wanted Oxfam to start working on conflict related issues and move into conflict-affected areas immediately after the MoU' (Interview with Patrick McInnis, 1 February 2007, Banda Aceh). Individuals at Oxfam expressed concern with the situation, including McInnis: 'Local NGOs were disappointed and questioned why Oxfam would not support them to work on conflict issues. They should be telling us what to do, not implementing what we want them to do' (Interview with Patrick McInnis, 1 February 2007, Banda Aceh).

As a result of this situation, between 2005 and 2007, some Oxfam staff lobbied internally to get Oxfam to broaden its focus to include the conflict. Oxfam staff that had been involved in the organisation's pre-tsunami advocacy strategy described above were also behind the post-tsunami advocacy plans. They continued to see Susilo Bambang Yudhoyono's (commonly known in Indonesia as SBY) presidency in a positive light and as a sign that peace was close at hand: 'Indonesia's President SBY was the first to invite a selection of foreign ambassadors to discuss a solution of the conflict at the end of January [2005] in Jakarta' (Oxfam 2005). The authors of the new Oxfam advocacy plan, written in early 2005, also saw the potential that the massive funding flows would have on peace in Aceh. It is worth quoting a section from the advocacy report at length:

The large amounts of money committed...as well as the many bilateral MoUs signed or in process, makes it impossible for the Government of Indonesia to keep a deaf ear to international pressure. As previous experience shows, international financial MoUs with the government and access to Aceh go hand-in-hand. The first time that Aceh opened up to international humanitarian agencies after the installation of martial law in May 2003, was when the Indonesian government approved donor assistance during the Consultative Group on Indonesia (CGI) meeting in December 2003 following which five UN agencies were given access to Aceh. It is therefore a very unlikely scenario that the Government of Indonesia will all together close down Aceh to international humanitarian agencies (Oxfam 2005: 2).

The wording suggests not only that the advocacy plan was outlining practical measures Oxfam could take in the post-tsunami period, but also that there were senior decision-makers within Oxfam who needed to be convinced to move beyond a narrow 'tsunami-only' mission. As the report explained:

The assumption that, internationals will be kicked out because they start talking about human rights and the conflict, is the result of successful intimidation from pro-military factions and is not based on real evidence or proper analysis. When internationals gradually left Aceh after the implementation of martial law in May 2003, this had nothing to do with them saying something about the conflict or human rights' (Oxfam 2005: 2).

In sum, the authors suggest that there was no real rationale for an over-sensitive approach in the post-tsunami period. However, this report had little immediate effect on changing the minds of senior management within Oxfam.

Oxfam did finally succeed in moving beyond the 'tsunami barrier' almost a year after the tsunami in a one-off technical exercise supporting local civil society to prepare a draft of the new Special Autonomy Law for Aceh, the Law on Governing Aceh (Law 11/2006, LoGA), which was to cement key provisions of the MoU into law. The drafting process was as follows. After the signing of the MoU, members of the Aceh Parliament (*Dewan Perwakilan Rakyat – Aceh*, DPR-A) were to draft the Aceh version of the LoGA, which incorporated elements of a number of local drafts, including one prepared by GAM. After a thorough public consultation process in Aceh, the provincial government took over and prepared the final Aceh draft, which was eventually submitted to Jakarta. Meanwhile, the Ministry of Home Affairs had set up a team in Jakarta to draft the central government's version of the law. However, according to Bernhard May, a long-term adviser to the Indonesian government, and

later adviser to Irwandi Yusuf when he was elected Governor, ‘realising the political sensitivity of the issue, the central government’s team decided to work on the Aceh version of the law’. Still, the final version of the LoGA ‘was heavily influenced by the interests of the central government and thus deviated in many respects from the intentions of the MoU’ (Email communication with Bernhard May, 2 May 2009).

In late 2005, similar to MSF, Oxfam senior management in Banda Aceh deliberated through several internal meetings whether they could support local NGOs draft their own version of the LoGA. Oxfam Partnership Manager, Patrick McInnis, thought that having broad Acehnese participation in this process would contribute positively to the peace process, and that without engaging local elements in Aceh there would be no local sense of ownership of the lone legal document generated by the MoU (Interview with Patrick McInnis, 1 February 2007, Banda Aceh). Local NGOs required funding and technical support in their public consultation process in 19 subdistricts of Aceh. Yet those in favour of supporting this process did face resistance. McInnis confirmed that ‘one senior management staff, the head of all operations, was concerned about taking a position against the government draft, and thus supporting an opinion against the government. Furthermore, such assistance was not directed at tsunami victims’ (Interview with Patrick McInnis, 1 February 2007, Banda Aceh). The Oxfam leadership was probably not wrong in guessing that powerful actors in the state might be hostile to foreign NGO involvement in such a sensitive issue. Still, several Oxfam staff with previous experience in Aceh convinced the Oxfam chief to support the public consultation process, arguing that, ‘all Acehnese, including tsunami survivors, have the right to be involved in the laws that will affect them forever, based on the right to participate and the right to be heard in policy decisions’ (Interview with Patrick McInnis, 1 February 2007, Banda Aceh). Finally, the country manager agreed that Oxfam would provide funding support to local NGOs in the consultation process. Oxfam had no substantive input into the process but did support local civil society to influence the outcome of an important new law for Aceh in a collaborative form of advocacy with the local and central governments. This represents a significant shift in civil society posturing against Jakarta from a confrontational position during the conflict to a collaborative one in the post-conflict period.

With the exception of supporting the local civil society consultation process to draft the LoGA, Oxfam was for several years largely unable to move beyond its 'tsunami-only' mission. Three years after the tsunami, Oxfam's 2007 annual report stated that, 'Oxfam is considering how it can reinforce the tsunami aid by addressing development issues created by 30 years of conflict' (Oxfam 2007c: 4). The primary reason for the delay was funding constraints. Donor accountability meant that tsunami funds could not be used for conflict-related activities. Whilst Oxfam could likely have sought additional funding, it was already stretched to full capacity and faced a number of problems in its tsunami-related activities, which presumably made senior staff reluctant to expand into a politically contentious field. Moreover, Oxfam senior management, like that of most other international NGOs, maintained the early political and security context mentality well into the post-conflict period, making them risk-averse. Oxfam focused on the physical reconstruction of Aceh in a tsunami-only framework, rather than engaging in the broader problems faced by the Acehnese.

The constraints Oxfam faced also caused frustration among local civil society actors. Hendra Budian of Aceh Judicial Monitoring Institute (AJMI) argued that international NGOs did not reflect local attitudes or adapt to the political climate: 'International NGOs in Aceh are contradictive. They are not working in accordance with local hopes. There is a momentum today. If we cannot take advantage of the political atmosphere now until 2009, we may lose the opportunity' (Interview with Hendra Budian, 16 April 2007, Banda Aceh). The momentum Budian referred to was the potential for democratic political change and human rights justice following the Helsinki MoU. Heads of local NGOs, such as Hendra Fadli of Kontras Aceh, perceived that Oxfam did 'not have a direct mandate for human rights advocacy' and that they 'need to take time to explain our work...we try to communicate with them, bring their attention to important issues...(but) it seems like they are not very interested (Interview with Hendra Fadli, 10 January 2007, Banda Aceh). Many considered the situation as ironic, including Budian: 'From a human rights perspective the role of international NGOs was greater during the conflict period. Before, we really needed foreign attention. Now they are all here and they are only considering the tsunami' (Interview with Hendra Budian, 16 April 2007, Banda Aceh).

Budian was concerned about the capacity of local NGOs to deal with the possible recurrence of conflict in Aceh and wanted internationals to invest in post-conflict areas. He declared: 'We are not at all prepared to deal with post-conflict human rights problems', before asking: 'What do we have to do? How do we read the conflict or develop an early warning system? This is very important. We should not just be firemen waiting for the fire to start' (Interview with Hendra Budian, 16 April 2007, Banda Aceh). Ultimately, however, violent conflict did not re-emerge in post-tsunami Aceh, as many local activists predicted.

Criticism of international NGOs was not limited to local activists. The perspective of a UN official toward NGOs such as Oxfam is enlightening and worth exploring further. Enayet Madani was the head of OCHA in Aceh from 2001 to 2004. Following the tsunami, Madani took on the role of Government Liaison Officer for the UN response in Aceh and Nias. In 2006 and 2007, he headed up the UN office in Lhokseumawe, North Aceh district, an area that saw some of the worst fighting during the conflict period. Madani saw the irony of the situation. As mentioned earlier, OCHA opened up its Aceh office in 2001 on the condition that it would not get involved in human rights issues. During martial law, the UN came under fire from Oxfam for its conservatism in regard to Aceh. Madani points out, 'before Oxfam was criticising the UN. Then (in the post-tsunami period) with easy access to Aceh, Oxfam have no projects in conflict areas. They have forgotten their mission' (Interview with Enayet Madani, 3 May 2007, Lhokseumawe).²⁴ For Madani, 'it is a reversal of positions. The UN, the BRR and the Government of Indonesia are now asking international NGOs to work on the conflict. If they do not, the tsunami reconstruction will be of no use' (Interview with Enayet Madani, 3 May 2007, Lhokseumawe). Like Acehnese civil society activists, Madani was concerned that if the conflict re-surfaced, much of the tsunami reconstruction efforts could come undone.

As explained in chapter three, international NGOs were concerned about securing and maintaining access in the post-tsunami period. However, according to Madani, after

²⁴ Madani admitted that the UN was also slow to respond to the needs of conflict victims: 'In the post-tsunami period we had no involvement in human rights and it took us a long time to get involved in conflict issues. We were too deeply involved in the tsunami' (Interview with Enayet Madani, 3 May 2007, Lhokseumawe).

the MoU the main problem was not access, but rather, a 'lack of interest among key UN and international NGO people. The TNI and police were okay. There were no challenges of access' (Interview with Enayet Madani, 3 May 2007, Lhokseumawe). This highlights that 'apolitical' humanitarian assistance, was safer than working on conflict related issues in an uncertain security environment. It also highlights international NGOs were simply being responsive to the immediate situation. Armed clashes and human rights violations steadily declined after the Helsinki MoU, while tsunami reconstruction remained a major task.

So what do the contrasting experiences of MSF and Oxfam in regard to human rights advocacy tell us? The magnitude of the tsunami disaster and the political context in which the tsunami occurred should also be taken into account. International NGOs responded appropriately as they prioritised tsunami over conflict issues in the first weeks after the tsunami. As described earlier, many in the international community treated the conflict and tsunami as very separate problems for nearly two years after the tsunami. Human rights connoted conflict and most international NGOs stayed clear of conflict issues because of funding restrictions, fear of expulsion, lack of capacity and personal preference of some heads of mission. There were clear statements from the military in the immediate post-tsunami period that working in conflict areas would not be tolerated. For many international NGOs, the conflict was a thorn in the side of the tsunami program. The skewed response was compounded because most international NGOs overlooked local NGOs in favour of direct implementation of aid activities, and local groups thus found little support for advocacy on conflict issues. Some local groups shifted their orientation away from the conflict and human rights issues toward emergency relief and lucrative tsunami reconstruction programs.

However, the main reason for the decline of human rights advocacy in the post-tsunami period was that it was no longer the urgent issue it had been previously. Far fewer abuses were taking place. Violent conflict in Aceh mostly ceased in August 2005, and there was thus less urgency to advocate. While MSF began working in conflict areas less than eight months after the tsunami, its conflict-related public advocacy work took place more than two years after the tsunami. Furthermore, it was low key and retrospective in nature, as it looked at the suffering of conflict victims

from a past era. Oxfam staff, in contrast, identified a number of issues on which they thought it was necessary to advocate on, but without the urgency of ongoing violence, senior management were not compelled to engage in conflict issues for some time.

Conclusion

This chapter showed a complex relationship between humanitarian action and human rights advocacy. I examined three different types of advocacy, including in regard to human rights violations, humanitarian access and justice. There were also three different contexts, starting with the post-Suharto and post-DOM ‘opening up’ of political space, including increased space for human rights advocacy in Aceh. During this time, a number of local and international NGOs combined humanitarian assistance with human rights advocacy. Seeing the strength of the new human rights movement, GAM became strategically aligned with the students and NGOs in Aceh. The local human rights movement teamed up with international human rights groups to bring the Aceh case to international attention. Many international activists working on Aceh were veterans of East Timor campaigns, but Aceh failed to attract a comparative following to East Timor. The Acehnese had high expectations about what the ‘international community’ could deliver, yet there was no real support among the latter to campaign for Aceh’s secession from Indonesia.

The brief opening after 1998 was short-lived and Aceh was closed to foreigners during martial law, leading to national and international advocacy campaigns for humanitarian access to Aceh. During both the post-DOM and martial law periods, Acehnese activists were strong on political analysis and developing recommendations for national and international action, yet they were weak on engaging in policy dialogue and having their voices heard in Jakarta.

International groups such as Oxfam developed a two-pronged advocacy campaign for Aceh. Oxfam Netherlands lobbied the European parliament to apply pressure on Indonesia to open Aceh to international humanitarian assistance. Oxfam Indonesia strengthened its relationship with decision-makers in the Indonesian government and convinced them to allow Oxfam to provide assistance in Aceh. International human rights groups coordinated with humanitarian groups and campaigned for humanitarian

access to Aceh. The election of Indonesian President Yudhoyono and Vice President Kalla in September 2004 was a critical turning point and increased the expectations of international humanitarian actors to regain access to Aceh.

The 2004 tsunami forced Aceh open to international humanitarian assistance, but it created a division and disparity of assistance between tsunami and conflict survivors. International and local NGO activists campaigned for a more balanced approach and came up against a number of internal organisational, as well as external funding and political obstacles in their advocacy efforts. The Helsinki MoU created an avenue for local and international actors to create policy changes and assist the post-conflict transition through the LoGA and pursue human rights justice through the truth and reconciliation commission (TRC) and human rights court (HRC).²⁵ Local activists succeeded in adapting to the new environment and advocating for the Aceh version of the LoGA, which included a public consultation process, to be passed in Jakarta. International support was evident here in the role Oxfam played in assisting the local NGOs. Sentiments on the ground in Aceh in 2007 remained internationalist, with high hopes, perhaps even a sense of dependency, that international aid and investment would revitalize Aceh's economy, democratic and post-conflict transition. Yet there was little support from international groups to assist in the transitional justice process due to ongoing sensitivities with the Indonesian government in regard to prosecuting members of the Indonesian security forces through human rights trials. Many international NGOs also felt that pursuing human rights and conflict related issues was veering from their 'tsunami-only' mission and source of funding. Where international groups did assist in conflict and human rights, they were rather innocuous or faced a lack of capacity among local NGOs. In the post-conflict period, the Aceh human rights community experienced a 'brain-drain' as many activists found work in the government bureaucracy, shifted their focus to tsunami-related programming, engaged in business and formed political parties. It was no longer in the political and economic interests of many individuals from the 1998 student movement to continue their struggle in the old way.

²⁵ Article 2.2 and 2.3 of the Helsinki MoU respectively state that a 'Human Rights Court will be established for Aceh' and 'A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures' (CMI 2005).

Local activists had fewer problems than internationals in combining human rights advocacy with humanitarian assistance. Local groups were less restricted by organisational missions and were quick to adapt to the changing environment. Indeed, for some, human rights advocacy was a political tool and the deteriorating humanitarian situation was stoked for political objectives. In the post-conflict period, civil society leaders constructively assisted the government in drafting by-laws and are developing new skills and strategies of cooperation rather than resistance. Indeed, many highlighted the importance of assisting the new provincial government in 2006. For international groups, human rights advocacy and humanitarian action remained largely divided. Humanitarian and human rights organisations did come together informally, such as in London or Washington, D.C. to share information and coordinate strategies as an 'interest group' on Aceh. They combined human rights concerns and humanitarian assistance strategically to re-gain access to Aceh. However, more formal structured relationships were clearly missing. This was especially evident in the division between tsunami assistance and conflict assistance, as the humanitarian groups viewed the conflict as political and 'tainted' with human rights.

Chapter 5: The Power and Perils of Humankind's Prorogation in Aeschylus

The power of the human mind is a double-edged sword. It is the power that allows us to create art, to build cities, and to explore the unknown. It is the power that allows us to understand the world around us, to seek truth, and to strive for a better future. Yet, it is also the power that can lead us to our downfall. It is the power that can make us arrogant, that can lead us to believe that we are invincible, and that can cause us to ignore the warnings of the gods. In Aeschylus' *Agamemnon*, the power of the human mind is a central theme. The play explores the consequences of human pride and the dangers of oversteering the boundaries of what is possible.

The play begins with the chorus of Argive women, who are mourning the death of Agamemnon. They describe how he was killed by his wife, Clytemnestra, and how she was aided by her lover, Aegisthus. The chorus then tells us that Agamemnon was a great warrior, a great leader, and a great man. He was a man who had achieved great things, and who had brought glory to his country. Yet, he was also a man who was proud, who was arrogant, and who was overconfident. He believed that he was invincible, and that he could do whatever he wanted. He ignored the warnings of the gods, and he refused to listen to the advice of his subjects. In the end, his pride led to his downfall. He was killed, and his kingdom was destroyed. The chorus then tells us that the gods are punishing the Argives for their sins. They are suffering from a drought, and their crops are failing. They are also suffering from a plague, and their children are dying. The chorus then tells us that the gods are angry with the Argives, and that they are punishing them for their sins. They are suffering from a drought, and their crops are failing. They are also suffering from a plague, and their children are dying. The chorus then tells us that the gods are angry with the Argives, and that they are punishing them for their sins.

The play ends with the chorus of Argive women, who are mourning the death of Agamemnon. They describe how he was killed by his wife, Clytemnestra, and how she was aided by her lover, Aegisthus. The chorus then tells us that Agamemnon was a great warrior, a great leader, and a great man. He was a man who had achieved great things, and who had brought glory to his country. Yet, he was also a man who was proud, who was arrogant, and who was overconfident. He believed that he was invincible, and that he could do whatever he wanted. He ignored the warnings of the gods, and he refused to listen to the advice of his subjects. In the end, his pride led to his downfall. He was killed, and his kingdom was destroyed. The chorus then tells us that the gods are punishing the Argives for their sins. They are suffering from a drought, and their crops are failing. They are also suffering from a plague, and their children are dying. The chorus then tells us that the gods are angry with the Argives, and that they are punishing them for their sins.

Chapter 5. The Power and Perils of Humanitarian Protection in Aceh

This chapter illustrates the relationship between humanitarian assistance and human rights by examining local and international approaches to humanitarian protection programs. I look at the challenges such groups faced in implementing protection programs and the strategies they used to overcome those difficulties. I also take into account the different approaches among local and international groups, in a range of contexts, and how this affected relations among different groups.

International humanitarian groups generally accept protection to mean: ‘all efforts aimed at obtaining full respect for the rights of the individual and of the obligations of the authorities/arms bearers in accordance with the letter and the spirit of the relevant bodies of law’ (Gnaedinger 2007). Humanitarian protection generally refers to protection for people affected by humanitarian crises. There is overlap between protection and human rights, including with the previous chapter on advocacy. In practice, humanitarian protection refers to the implementation of human rights principles into humanitarian work. While some argue that the two were never separated, others argue that human rights have no place in humanitarian work. The kinds of activities discussed in this chapter include: international accompaniment, local accompaniment (*pendampingan*), evacuation support for activists, human rights mainstreaming, delivery of basic goods and services, economic empowerment, camp management, advocacy and networking.

Protection was consistently problematic for international groups in Aceh during both the conflict period and the post-tsunami period. The main problem during the conflict period was one of access. Self-prescribed security protocols as well as government-imposed restrictions on the movement of international aid workers negated the possibility of providing protection for Acehnese civilians and aid workers in areas of greatest need. Even where access was possible, international groups lacked capacity – usually they only fielded one or two expatriate staff – and could not effectively respond to the protection needs in Aceh. Still, international NGOs did their best to

protect their partner organisations that were under surveillance and threat from the Indonesian security forces and GAM.¹

Access remained a problem in the post-tsunami period, when the Indonesian security forces still restricted international groups from entering and providing assistance in conflict areas. In addition, international donors imposed their own restrictions, limiting funding to ‘tsunami-only’ programs. To be sure, international groups were able to include some protection activities within the tsunami response. Yet many international aid workers considered protection to be a rather nebulous concept and expressed difficulty in understanding what the approach might entail.

This confusion suggests a need to break down or disaggregate the concept of protection into specific activities and outline the range of local and international approaches to protection. For international NGOs, protection programming faced internal opposition from NGO chiefs in the pre-tsunami period and the immediate post-tsunami period, but it decreased in significance following the peace accord. Here we see a similar pattern to human rights advocacy work. In comparison to international NGOs, local humanitarian and human rights groups had fewer problems with providing protection during both the conflict and post-tsunami periods. A few local activists had access to and the capacity to respond to protection needs in Aceh. Local groups had some funding and technical support to carry out protection activities from a number of small international NGOs, mostly based in Europe. Furthermore, local groups did not face the same conceptual problems as their international counterparts in regard to what protection means and what protection activities might look like.

This chapter consists of four main sections. It begins with a brief background discussion on the emergence of protection within the field of international humanitarian assistance. In the second section, I present three analyses of the ‘protection situation’ in Aceh, which illustrate the range of approaches to protection, as well as introducing some of the protection problems in pre-tsunami Aceh. Third, I introduce a local concept of protection, or *‘pendampingan’* (accompaniment). The

¹ Locally and nationally recruited staff of international NGOs faced similar threats in Aceh, yet these security threats constitute a security problem rather than a protection problem.

third section also examines how local and international NGOs approached protection in Aceh between 1998 and 2004. The fourth section then looks at the power and pitfalls of protection in post-tsunami Aceh.

5.1 The emergence of protection

The idea of providing life-saving protection for victims of war and natural disaster is as old as humanitarianism itself. Contemporary forms of protection have long been institutionalised in legally mandated protection agencies such as the International Committee of the Red Cross (ICRC), established in 1863. The ICRC, and the Red Cross and Red Crescent Movement (the Movement) more broadly, represent the essence of classic humanitarianism, as discussed in chapter two. The Movement consists of the ICRC, the International Federation of Red Cross and Red Crescent Societies and the 186 individual National Societies. It is the largest humanitarian network in the world and has a presence in every country. The ICRC's 2011 budget consisted of around 1.05 billion Swiss francs for field operations and 183 million francs for headquarters support in Geneva (ICRC 2010). The Movement has a unique legal status in international law and the national laws of the countries in which National Societies are present. Regarding National Societies, according to the Statutes of the Movement, each National Society must be 'duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian fields' (Lanord 2000).

The ICRC is thus a rather unique humanitarian institution. Unlike any international NGO, it has an international legal status that mandates it to protect victims in international and internal conflicts.² This legal mandate is enshrined in the four Geneva Conventions of 1949 and their Additional Protocols of 1977 and 2005. Indeed, the Geneva Conventions mention the ICRC by name. The ICRC is thus a fundamental part of international humanitarian law. As an organisation, this 'legal personality' gives the ICRC the power to assert legal rights, as well as legal

² Other international agencies with protection mandates include the United Nations High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF), UN Women (formerly UNIFEM), the Office of the High Commissioner for Human Rights (OHCHR), the International Organisation for Migration (IOM) and the International Labour Organisation (ILO).

responsibility to protect rights. ICRC's international legal personality differentiates it from NGOs. The mission of the ICRC is to 'protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles' (ICRC 2008d). ICRC uses its permanent mandate under international law to take impartial action for prisoners, the wounded and sick, and civilians affected by conflict (ICRC 2008c). In order to fulfil its unique mandate, ICRC depends on the willingness of states to grant it access to victims of conflict, which in turn depends on the ICRC's willingness to adhere to its policy of confidentiality. The rationale is that states will grant ICRC delegates access to politically sensitive areas such as prisons and war zones because they trust that the ICRC will not publicise its findings. Indeed, there are a number of legal provisions that give the ICRC testimonial immunity (Gabor 2004).³ The ICRC's unique position, both under international law and its commitment to neutrality and impartiality, affords the organisation unrestricted access to victims and prisoners of war in some of the inaccessible places in the world, including Greece during World War II, Vietnamese prisoners in China and Chinese prisoners in Vietnam during the Sino-Vietnamese War of 1979 (Bugnion 1995), Al Qaeda suspects in Guantanamo Bay and contemporary North Korea. As international NGOs began engaging in 'protection work', ICRC attempted to maintain some control over the concept of protection, as described below.

As discussed in chapter two, a number of humanitarian crises in the early 1990s such as in Rwanda and Kosovo revealed a so-called 'protection gap' for refugees and IDPs. People fleeing conflict and persecution were not facing problems relating to shelter or hunger, but rather, they faced threats to their lives. International NGOs began playing a greater role in the 'international protection regime' in response to these crises. This meant a broadening of protection agents beyond the mandated organisations such as

³ According to ICRC Legal Adviser, Gabor Rona, there are three legal sources of the ICRC's privileged exemption from providing evidence, including: (1) the International Criminal Court (ICC) Rules of Procedure and Evidence negotiated and adopted by the ICC Preparatory Commission at its June 2000 session. (2) A Trial Chamber of the International Criminal Tribunal for the former Yugoslavia, ruled that as a matter of customary international law, the ICRC enjoys an absolute privilege to withhold its confidential information. (3) ICRC has international treaties, or 'headquarters agreements', with more than 60 States, which provide varying degrees of protection against the requirement to give evidence (Gabor 2004).

the ICRC and the various UN agencies. The ICRC, concerned about the professionalism of NGOs encroaching into its territory, organised a series of workshops between 1996 and 2000 in order to develop professional standards and a working definition of protection. Participants in the ICRC-organised workshops defined protection as follows:

All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national, national or ethnic origin, language or gender (International Council of Voluntary Agencies, 2002).

Subsequently, between 2001 and 2005, the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), based at the Overseas Development Institute in London, organised reviews and consultations with humanitarian professionals and protection specialists in order to monitor humanitarian performance and key issues in the sector. In 2001, ALNAP organised its first ever *Review of Humanitarian Action* to analyse the Kosovo war. The review found that ‘humanitarian agencies did not give enough attention to people’s protection’ and that there was very little material available to help humanitarian workers ‘think through key issues and practicalities of protection programming’ (Slim and Bonwick 2005: 3). After further consultation with humanitarian professionals and protection specialists ALNAP produced a pilot *Guidance Booklet for Humanitarian Protection* in 2003. A range of humanitarian, human rights and protection specialists tested the pilot version in the field and commented on it. ALNAP finally published a first edition *Protection: An ALNAP Guide for Humanitarian Agencies* in 2005. This guidebook is significant because it brings together humanitarian and human rights perspectives in helping people understand protection needs, responsibilities and programming. It is now an authoritative resource for protection personnel in particular and humanitarian practitioners in general. The ALNAP Protection guide includes a broader definition than that developed in the ICRC workshops, with the emphasis on the principle of humanity:

The principle of humanity recognises human beings as much more than physical organisms in need of the means of survival. As such, humanitarian work extends beyond physical assistance to the protection of a human being in their fullness. This means a concern for a person’s safety, dignity and integrity as a human being (Slim and Bonwick 2005: 30).

Protection may encompass some forms of advocacy, especially at the local level, but advocacy is only one part of protection.

Also in 2001, UNHCR launched the Global Consultations on International Protection, which ‘aimed to promote a better understanding of protection dilemmas among both the beneficiaries of international protection and its providers’ (UNHCR 2003: 2). The consultations involved governments, NGOs, UNHCR and refugee specialists. The outcome was the ‘Agenda for Protection’ (2003), the emphasis of which is on multilateral cooperation to improve the protection of refugees and asylum seekers.

Refugee assistance groups such as IRC and the Norwegian Refugee Council (NRC) led the development of the concept of protection among international NGOs as a key area in humanitarian action. The IRC defines protection as: ‘helping people to claim – or realize – their rights and helping governments to respect – or ensure – them’ (IRC 2005a: 3). The IRC has four thematic approaches to protection, which covers all sorts of human rights work, including (1) Rule of Law and Access to Justice, (2) Human Rights and Information Awareness, (3) Human Rights Mainstreaming and (4) Partnerships. ‘Mainstreaming’ refers to injecting protection approaches within existing and often traditional forms of assistance. For example, a protection approach to building latrines in an IDP camp would ensure that there is adequate lighting and lockable doors to prevent the possible occurrence of sexual abuse. In addition, camp managers should be trained in protection issues to assist them in identifying vulnerable individuals such as orphaned children and the elderly and developing strategies to ensure they are not exposed to exploitation in the camps.

The IRC has engaged in a range of protection activities. For example, in Darfur in 2005, the IRC, together with the UNDP and Sudanese civil society and academic institutions, conducted human rights and rule of law training for government officials and community members; established a local legal aid network and legal information centres; and supported paralegal groups composed of IDPs and other war-affected persons. In Afghanistan in 2006, the IRC worked with UNHCR, the ICRC and local partner organisations to raise awareness on human rights issues through public education and to report human rights violations through monitoring (IRC 2006b).

NRC's approach to protection is more streamlined. NRC's main protection activity is its camp management project, the aims of which are to 'increase protection and better quality of life for people living in refugee camps; defend the rights of refugees and IDPs who live in camps; (and) better the coordination of the camp management and cooperation with the camp residents and international aid organizations' (NRC 2006). This indicates NRC's rather direct engagement with and protection of vulnerable people.

A distinction can be made between political forms of humanitarian protection that aim to change the behaviour of abusive authorities, which may be linked more to the new humanitarian approach, and the focused activities that deal with the day-to-day issues people face while living in displacement or refugee camps, which may be seen as less 'political'.

The number of definitions and approaches to protection mentioned in this introduction illustrates that humanitarian protection is open to a range of interpretations. The conceptual vagueness of 'protection' ('protection from what?' is the recurring question) makes it difficult for international organisations to implement and measure the effectiveness of protection, something that donors increasingly require. 'Protection' is an incredibly broad term that covers a huge amount of activity – not only ensuring that recipients of international support are protected, but also institution building, advocacy and monitoring, to name a few. Since NGOs adopt the term 'protection' to describe such a broad range of activities, they also face problems in implementation. Indeed, the breadth of the term probably contributes to problems that advocates face and weakens its usefulness. It can be broadly defined and applied by agencies using different methodologies and practices, from individual forms of protection such as promotion of physical security and personal dignity to relational forms of protection such as empowerment and legal entitlement of rights. Indeed, definitional problems exist within the very organisations that engage in protection activities.

5.2 Three protection analyses in Aceh

Between 1999 and 2004, a number of groups conducted protection analyses in Aceh. The results point to three contrasting approaches to defining protection, as well as three strikingly different analyses of what the protection needs in Aceh were at the time. Each report reflects the authors' perception of what the humanitarian and human rights concerns were, different understanding of what protection means, as well as the *Real Politik* situation of the day.

First was the 'PBI Aceh Assessment' (Mohamad, Westerbaan and Sexton 2000). As discussed above, PBI undertakes a particular form of protection work: 'protective accompaniment' for human rights defenders and humanitarian workers threatened with politically motivated violence. PBI's primary objective is to help maintain a peaceful space in which civil society can operate and grow by securing and expanding this space through the use of international protective presence.⁴ The day-to-day work involved international volunteers providing a presence at local NGO offices where there is a threat of a raid, or travelling with local human rights investigators and humanitarian into the 'field' where there is a threat of attack, as they investigate human rights violations or deliver humanitarian assistance. PBI Indonesia Project founders and volunteers included long-term peace activists who had worked in places like Columbia, El Salvador, East Timor and Sri Lanka. Field volunteers mostly consisted of men and women in their late twenties and early thirties from Europe, North America, Malaysia and Australia.

The context of the PBI assessment was one of civil society euphoria amid the opening up of democratic space following the downfall of the Suharto regime. The Aceh assessment took place in the wake of East Timor's vote for independence in 1999, where PBI had previously established the East Timor Project. The project also expanded its work to West Timor and Flores in response to post-election violence and IDP movements. Also in 1999, Radzie, a SIRA activist visited the offices of Nonviolence International in Washington DC. There he met with Michael Beer, the director of Nonviolence International and a long time PBI supporter (Interview with Michael Beer, 2 November 2007, Washington, DC). SIRA then made a formal request to PBI to provide protective accompaniment for at-risk activists in Aceh. In

⁴ Drawn from the PBI Indonesia Project Mission Statement (Peace Brigades International 2002).

Aceh, PBI also received requests from RATA and PCC, both of which have been discussed in earlier chapters. The assessment found:

There is a growing civil society movement towards a non-violent solution to the ongoing conflict in Aceh...but [the groups] were receiving threats because of their humanitarian and human rights goals. All the groups we met with expressed the view that international accompaniment would help to deter threats and violence and they saw that information dissemination regarding the conflict to outside of Aceh and Indonesia was very important (Mohamad, Westerbaan and Sexton 2000: 3-4).

The assessment concluded that the security forces' deliberate targeting of human rights activists and humanitarian workers as a major obstacle in the resolution of the conflict. It thus identified the dual roles of international accompaniment and information gathering and dissemination for the protection of activists in Aceh.

The assessment led to the establishment of a PBI Jakarta office prior to deployment in Aceh. The Jakarta office was 'essential to the effectiveness of our public relations work and overall safety' (Mohamad, Westerbaan and Sexton 2000: 8). An office in Banda Aceh was opened in late 2000 and a second office in the North Aceh district capital Lhokseumawe in September 2002. The aim was to create a space in which human rights activists and humanitarian workers could carry out their activities and promote a peaceful resolution to the conflict in Aceh. PBI fielded between four and eight international volunteers at any one time, with contracts lasting for a minimum period of 12 months. PBI had more long-term international workers in Aceh than any other international NGO in Aceh by this time.

The second protection analysis was the *Oxfam Aceh Protection Analysis* conducted in March 2002 and circulated as an internal document in early 2003. The aim of the report was to identify the dominant threats experienced by the civilian population as a result of armed conflict, define the specific legal rights and responsibilities for protection, and analyse the main factors inhibiting effective protection for the civilian population. The context of this report was increasing military operations, faltering peace talks and the lead up to the declaration of a military emergency for Aceh. Previously, Oxfam had been supporting water and sanitation projects and livelihoods programs in Aceh. The Oxfam report identified three protection problems which, 'primarily affected farmers, small traders, and labourers in rural areas' (Oxfam 2003a:

5). Significant threats included 'violence and threat of violence', 'coercion' and 'deprivation' (Oxfam 2003a: 5). The dominant pattern indicated a 'consistent disregard for distinction between combatants and non-combatants on the part of the conflict actors' (Oxfam 2003a: 5). The motivating factors of conflict parties were linked to 'deliberate conflict tactics' and 'economic interests of the conflict parties and their individual members' (Oxfam 2003a: 5). In light of applicable International Humanitarian Law (IHL) and Human Rights Law, Oxfam considered violations committed by the conflicting parties in Aceh to be war crimes. The Oxfam report listed five barriers to effective protection of civilians, including problems with governance and chains of command for accountability, war economies, humanitarian access, strident Indonesian nationalism and a flawed peace process. The Oxfam protection analysis was the basis for a number of strategies including a commitment to 'increase readiness to deliver humanitarian assistance' and to 'implement a reactive advocacy strategy' for Aceh (Oxfam 2003a: 8). The former was difficult to implement with the onset of martial law, while the latter informed advocacy strategies as discussed in chapter four.

The third report was the *Humanitarian Protection Needs Analysis* (HPNA), a joint undertaking in 2004 between Indonesia's National Coordinating Agency for Disaster and Refugee Management (*Badan Koordinasi Nasional Penanggulangan Bencana dan Pengungsi*, BAKORNAS-PBP), Provincial Coordinating Agency for Disaster and Refugee Management (*Satuan Koordinasi Pelaksana Bencana dan Pengungsi*, SATKORLAK-PBP), and IOM. IOM was responsible for conducting the analysis and for authoring the report. SATKORLAK assisted in the coordination by granting IOM staff access to Aceh when most international humanitarian workers were prohibited from entering. It was quite an achievement for IOM to get this sort of access and a tribute to the relationship the organisation developed with the Indonesian government. The report was written in September 2004. It followed a year of military emergency and was four months into the civil emergency period. As part of the Indonesian government attempt to finally crush the separatist movement, the security forces not only had a military solution, but were also responsible for the humanitarian response. Yet the Indonesian government, through its security forces were primarily responsible for causing much of the displacement in Aceh. Expatriate humanitarian NGO staffers

were restricted from entering Aceh and any local humanitarian response was coordinated through government agencies.

IOM gained access to Aceh to conduct the HPNA but the findings were undoubtedly self-censored to a degree in order to prioritise gaining broader humanitarian access to Aceh and limit confrontation with the government. The aim of the HPNA was to analyse ‘the humanitarian protection gaps of Returnees/ex-IDPs and their local communities to allow the said gaps to be addressed and to facilitate better coordination of interventions and targeting of resources’ (IOM 2004: 5). IOM was established in 1951 to manage post-World War II migration and provides humanitarian assistance to people fleeing conflict and natural disasters. IOM’s mandate to assist IDPs meant that the focus of the HPNA was on IDPs.

The HPNA found eight areas relating to humanitarian protection. First was ‘a significant reduction in household income after displacement’ (IOM 2004: 5). Second, it found that ‘displacement and lack of security placed multiple burden on women and children’ (IOM 2004: 5). Third, food insecurity among IDPs was increased by the security situation (IOM 2004: 17). Fourth, conditions in the villages were poor, with a disruption of basic services in 66 per cent of villages, and limited access to potable water and health services (IOM 2004: 5). Strikingly, it found that ‘infrastructure facilities in 84 percent of villages were damaged/destroyed as a result of armed conflict. Of the existing community infrastructure, 59 percent had ceased to function’ (IOM 2004: 17). Fifth, community relations remained the same or improved as a result of the common experience of displacement and generous acts of non-IDP households offering shelter to IDPs (IOM 2004: 14). Sixth, almost three quarters of returnees and ex-IDPs received assistance during displacement, although more than half ‘believed the assistance was not enough to fully satisfy their basic needs’ (IOM 2004: 15). Seventh, among returnees and ex-IDPs ‘there was a reduction of eight percent in the current community population (due to) lack of security, economic reasons and movement to other provinces’ (IOM 2004: 15). Finally, there were ‘major problems that the community could not solve by themselves’, including problems in the economic situation, as well as ‘the lack of health and education services’ (IOM 2004: 15).

The HPNA recommended the following solutions to the problems identified: stabilisation of the security situation, financial and technical assistance, rehabilitation of community infrastructure facilities, deployment of health personnel and teachers, and providing additional water and sanitation facilities.

The three reports reflect three possible approaches to protection in Aceh: international accompaniment and information dissemination, humanitarian access and advocacy, and basic services and needs. Each report is coloured by organisational interests, philosophy and the political situation of the day. Each approach to protection fits under ICRC's definition of protection as being: 'All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law' (ICVA 2002).

PBI identified the Indonesian security forces' deliberate targeting of activists as debilitating the capacity of civil society to transform the conflict. The broad support for PBI activities and positive perception of foreigners among the authorities up until 2003 was a sign that PBI style 'protective accompaniment' could work in Aceh. PBI provided a kind of personal security for peaceful activists so that they could continue their work, thereby strengthening local human rights and humanitarian institutions. PBI promoted 'rule of law' by supporting local legal institutions such as LBH, PB-HAM and Koalisi NGO HAM, as well as through soft advocacy with Indonesian government authorities, as discussed in chapter four.

The Oxfam protection assessment, in line with broader Oxfam organisational imperatives and its fight against poverty, emphasises the lack of protection mechanisms for poor farmers and civilians, and the need for humanitarian access. Oxfam's analysis of the failed peace process also took into account the political economy of the conflict. Oxfam's report was by far the broadest of the three and the issues it identified and recommendations it made are highly compatible with the ALNAP approach to protection, which includes not only physical, but a holistic 'protection of human beings in their fullness'. Similar to the PBI report, Oxfam's report was produced for internal strategic purposes but was also used as a tool to lobby other international agencies and the Indonesian government for greater humanitarian access to Aceh in the context of military emergency in 2003 and 2004.

In contrast, the IOM protection assessment focused on the basic needs of IDPs in late 2004. As such, the IOM report did not fully adopt ALNAP's aspirational definition of protection, whereby human beings are recognised as more than 'physical organisms in need of the means of survival' and the political context at the time meant that IOM could not go 'beyond physical assistance to the protection of a human being in their fullness' (Slim and Bonwick 2005: 30), despite such concepts being widely developed as early as 1999 and 2000, as described above. Still, IDPs and returnees were potentially the most vulnerable group in Aceh at the time and in this sense, IOM's approach partially adopted the ALNAP definition of protection through its concern for displaced persons' safety, dignity and integrity as human beings. Put simply, IOM did what it could in a highly sensitised environment, while not unearthing broader conflict issues. The absence of keywords such as 'conflict' and 'violence' in the report is notable and reflects the need to self-censor around sensitive issues simply to gain access. As a joint report between the IOM and Indonesian government agencies, it could not be critical of the government or it would jeopardise humanitarian access. The report itself was an important step forward in international access at this time, when Oxfam, PBI and other international NGOs had no access at all.

The key point is that humanitarian protection may be open to a wide variety of interpretations, from physical accompaniment and advocacy to access and basic services. Interpretations vary based on the political context, as well as organisational culture and mission.

5.3 'Pendampingan': A local concept of protection

The ICRC, UN and a number of international NGOs were the responsible agents for the advent of the notion of protection among the international humanitarian community. Before going on to analyse how protection activities worked in practice, the question remains, how did local Acehnese groups perceive protection? Local groups explained 'protection work' in three ways. First was under the broad banner of 'HAM' (*Hak Asasi Manusia*, human rights), which activists further divided into 'Sipol' (*hak-hak sipil dan politik*, civil and political rights) and 'Ekosok' (*hak-hak*

ekonomik, sosial dan kultural, economic, social and cultural rights).⁵ During the conflict, the most egregious human rights violations were of civil and political rights and Acehese human rights activists naturally emphasised the protection of those rights. The second approach to protection work was *pekerjaan kemanusiaan* (humanitarian work), which referred to a broad range of humanitarian protection activities. *Pekerjaan kemanusiaan* was often used by humanitarian workers to describe their work when they met with security forces in the field. This descriptor was more palatable for government security forces than any mention of ‘HAM’, which would antagonise the government. Finally, activists expressed humanitarian protection activities with the Indonesian term *pendampingan* (accompaniment), which refers to support for local communities’ human rights and humanitarian needs. It is this third term that strongly resonates with international concepts of humanitarian protection. In Indonesian, ‘protection’ directly translates as *perlindungan*, yet this term is not recognised in local humanitarian and human rights discourse. This is despite the related field of ‘*perlindungan anak*’ (child protection) and the unrelated ‘*perlindungan saksi*’ (witness protection) being common in Indonesian legal and development contexts. The closest local concept that carries a similar meaning to the new humanitarian concept of ‘protection’ described above is *pendampingan*.

In response to *peristiwa* (incidents) and *pengungsian* (IDP movements) during the conflict, local student groups and NGOs established relations with the affected communities and provided a range of support measures to them including advocacy, physical accompaniment, humanitarian goods, economic support and more. In the context of humanitarian crises and human rights violations, NGO workers, members of the security forces and the broader community understand the concept of *pendampingan* as ‘being with’, ‘supporting’ or ‘providing assistance to’ an individual or group that has suffered a loss as a result of the conflict. An NGO may deliver humanitarian assistance, provide physical protection, have ongoing economic, management or political programmes, or provide advocacy on behalf of their *kelompok dampingan* (supported group). Local organisations came up with this approach based on the experience of post-1998 solidarity groups and national institutions experiences in working with victims and families of victims of past

⁵ These refer respectively to the United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

incidents such as the 1965 killings, the Tanjung Priok massacre and student killings and disappearances of 1998. In this sense, *pendampingan* has a strong correlation with the ALNAP definition above: ‘the protection of a human being in their fullness’ (Slim and Bonwick 2005: 30). Both concepts emphasise people’s safety, dignity, integrity and rights. It is broad yet it avoids the conceptual vagueness of ‘protection’ that international organisations face.

In this section, I discuss several local organisations that practised *pendampingan* during the conflict period. It was mainly students, intellectuals and lawyers that organised themselves to provide humanitarian protection in response to the conflict. Students set up humanitarian posts within IDP camps all over Aceh, while a number of Acehnese intellectuals set about establishing new human rights and humanitarian organisations in Banda Aceh. Some also maintained branch offices in Aceh’s district capitals.

Flower Aceh has been mainly interested in the protection of women. It worked on conflict issues including rape and other forms of sexual abuse, as well as trauma recovery. Flower also had women’s economic empowerment and traditional medicine programs. Its members used their alternative medicine programs to gain access to rural communities, as well as to provide safe passage to women and men travelling from rural communities to Banda Aceh, to work on much more sensitive issues such as investigations into rights violations. Between 1993 and 2005, Flower was under the directorship of the chemical engineer and feminist, Suraiya Kamaruzzaman. After the fall of Suharto and the subsequent opening up of the political situation in 1998, Flower engaged in a number of conflict resolution workshops for members of their *kelompok dampingan*. As the conflict worsened and spread to Aceh’s west coast in late 1998, Flower concentrated its activities and consistently worked with a small number of communities in West Aceh district. Flower was one of the few local NGOs that were publicly critical of GAM. In turn, Flower staff received a number of threats that were thought to be from GAM. The Indonesian security forces were also suspicious of Flower’s activities, especially since one of the GAM negotiators, Teungku Kamaruzzaman and Suraiya Kamaruzzaman had the same name, although they were not related and Kamaruzzaman is quite a common name in Aceh.

In response to the deteriorating security situation in 1999, especially for women and children, Flower and KKTGA (*Kelompok Kerja Transformasi Gender Aceh*, Aceh Gender Transformation Working Group) established a new organisation RPuK (Women Volunteers for Humanity, *Relawan Perempuan untuk Kemanusiaan*). RPuK worked on similar principles as Flower, but with a greater emphasis on delivering humanitarian relief. RPuK worked mainly on Aceh's east coast and central highlands. Khairani Arifin, a law lecturer at Syiah Kuala University, ran the Banda Aceh office and her sister, Azriana, headed up the office in Lhokseumawe, the North Aceh district capital. From the Banda Aceh office, RPuK delivered humanitarian aid with specific attention to women's needs to IDP camps and communities affected by the conflict in Greater Aceh and Pidie districts. The Lhokseumawe office served its immediate surrounds – North Aceh district – one of the most enduring conflict areas, and districts further to the north (Bireuen), south (East Aceh) and west (Central Aceh).⁶ The night before a humanitarian aid delivery, RPuK members would pack ingredients such as rice, sugar, salt, oil and noodles into boxes ready for delivery. They also put together health and hygiene packs including sanitary napkins, soap, shampoo, combs, lipstick and dental care goods. The next day teams of women travelled in convoy in several cars and trucks carrying the material aid. The convoy would stop at police and military posts before entering the village or camp where it intended to deliver aid. The women would explain their mission and attempt to build good relationships with the local civil and military authorities. Networking with authorities was a common tactic used by local NGOs to get their support, improve the level of protection for the community, as well as for the aid workers themselves.

In some areas that were particularly affected by the conflict, RPuK also provided psychosocial support for women and children. Professional counsellors would have sessions with women and children who suffered high levels of conflict-induced trauma. They also organised sporting events for children in IDP camps and severely affected conflict areas. RPuK had a close working relationship with another women's organisation, *Solidaritas Perempuan* (Women's Solidarity for Human Rights), a national organisation, with a local chapter in Aceh that was under the directorship of a woman named Samsidar, and was based in Takengon, the capital of the mountainous

⁶ Place names are as they were before the division of existing districts and creation of new districts (*pemekaran*) in 2005.

Central Aceh district. The presence of groups of well-educated, urban Acehnese women, who were well-versed in negotiating with the security forces, in small villages and IDP camps offered protection to the community members in a number of ways. First, it provided dignified material assistance, with specific attention to women's needs. Second, it made the local community feel safe and assured them that concerned individuals in Banda Aceh, Jakarta or abroad were aware of their plight. After all, as explained in chapter four, Acehnese activists were well-connected in the national and international arena. Finally, it showed the local security forces that there were people ready to bear witness should violations occur in those areas. This added another layer of protection, whereby military commanders may encourage discipline among soldiers, and soldiers may be less likely to commit violations if there was a likelihood they would be exposed. Local NGOs such as Flower and RPUK were promoting and implementing a broad approach to protection, which not only encompassed satisfying immediate survival needs, but also promoting human rights protection, improvements in the rule of law and a deep concern for a person's safety, dignity and integrity.

One of the most active groups providing humanitarian assistance and protection in Aceh was Peoples' Crisis Centre (PCC). PCC founders included Aguswandi, Juanda Djamil and Tarmizi, the students that led the 1998 anti-Suharto demonstrations in Aceh. After the fall of Suharto, they shifted their attention to the conflict. Following a January 1999 military attack on villagers in Pusong, North Aceh, the student activists set up a 'posko' (*pos koordinasi*, coordination post) to collect data about the attack and coordinate relief and advocacy, as explained in chapter four. These posko were the embryo of PCC, the humanitarian wing of SMUR, the student group discussed in chapter four. PCC 'worked to assist and train internally displaced people to rebuild their economic livelihoods, health facilities, and education systems, all of which had been eroded by the armed conflict' (Aguswandi 2004: 390). The chairman of PCC (1999-2005), Juanda Djamil, was strongly influenced by a man named Walter Skrobanek, the regional coordinator for TdH Germany, who was based in Bangkok. Skrobanek was a well-experienced human rights activist who had been helping to

build social movements since the 1950s, including in Vietnam in the 1970s.⁷ TdH Germany was PCC's first donor and was instrumental in building PCC. The following passage from Djamil highlights the strength of the relationship and influence one individual had on this small, yet important local IDP protection group:

At the time (1999), other donors did not want to support PCC because they saw them as not professional and just a group of students with no clear program. These donors would just come to collect information from us. However, TdH did not see PCC in this light. TdH saw a social movement that needed support. Skrobanek tried to connect the social movement with a professional approach. He saw a potential in PCC. He continued to help, not only in the form of funds but in the form of technical and strategic assistance. It was not like a donor-client relationship, but we would rather sit together and discuss what we can achieve in the next years. We worked together on how we can achieve those goals with little money. He taught us how to manage in these conditions. PCC and myself learnt a lot from him. Skrobanek was the most insightful and perceptive person, and was very good at transferring information, knowledge, thinking, and education for us. Among all the donors here he was by far the most influential, helpful and most present (Djamil 2007).

PCC helped organise IDPs to manage their own affairs, from camp sanitation and education to advocacy. This reflected their egalitarian and collectivist political outlook. PCC volunteers often assisted people fleeing their homes and lived together with IDPs.⁸ PCC continued to carry out this work well into the post-tsunami period, as discussed in chapter four. Unlike many other human rights activists that fled Aceh during the military emergency, former PCC chairman, Juanda stayed in Aceh and continued to work, albeit mostly underground. TdH did not wane when PCC members were arrested and they continued to support PCC through the military emergency period until the immediate post-tsunami period. The key point is that for PCC, there was no real distinction between humanitarianism and human rights.

It is pertinent to remind the reader of the dangers that local activists faced in their *pendampingan* work. Indonesian security forces believed many of the local human

⁷ I met Skrobanek at a Consultation Workshop Against the Use of Children as Soldiers in Indonesia, organized by KKSP Foundation and Information Center for Child Rights on 29 -31 October 2001 in Parapat, North Sumatra, Indonesia. I observed that Skrobanek was clearly very supportive and close to some of the leading PCC activists involved in the workshop. Skrobanek died in October 2006.

⁸ Pusong residents and SMUR and PCC activists developed a strong bond, as *kelompok dampingan* (support group) and *kelompok mendampingi* (accompanying group) respectively. In 2008, chairman of the Aceh Peoples Party (PRA), Aguswandi received the honour of a *peuseujeuk* (an Acehnese blessing ritual) when he visited Pusong. In January 2009, founders of PCC and Pusong villagers marked PCC's ten-year anniversary in Pusong and remembered the victims of the 1999 incident.

rights activists and humanitarian workers were covertly assisting GAM. As a result, local humanitarian workers and human rights defenders were targets of intimidation, threats, detention, abduction and extrajudicial killing, as discussed in chapters three and four. In 2000, Acehnese human rights defenders, humanitarian workers and political activists were the specific target of many of the human rights violations. In a letter sent on 22 November 2000, the United Nations High Commissioner for Human Rights noted a ‘pattern of serious human rights violations’ in Aceh including torture, extrajudicial executions of civilians, and death threats against human rights organizations personnel (OHCHR 2000). In 2003, an AI report noted that, ‘human rights organizations are among those publicly accused by the security forces of being linked to GAM and are therefore considered legitimate targets for arrest and detention’ (Amnesty International 2003a). If the protectors themselves are being targeted, the logical next question is, what were some of the strategies they engaged in for their own protection?

During my work with PBI in 2001 and 2002, I was personally involved in dealing with local NGO workers, student activists and the Indonesian security forces in cases of abuse and intimidation of civilians, suspected GAM members and human rights activists. Indeed, a simple explanation of PBI’s work is ‘to protect the protectors’. Through this work I was witness to the dangers activists faced, as well as the strategies for self-preservation that they engaged in. One leading activist disguised her appearance by wearing a wig and big sunglasses when she arrived back in Banda Aceh airport after receiving a national human rights award. Another former student leader often dressed as a transgender person to evade police and immigration authorities. A common strategy employed by a range of local NGOs was to have female staff deliver humanitarian aid or investigate human rights violations. Women were less likely to be arrested or searched and were more likely to be successful in negotiating with the security forces because the security forces did not expect them to be GAM. One of the oldest activists in Aceh, the late Yusuf Puteh, also known as Nek Suh, and director of the Human Rights and Legal Aid Post in East Aceh (PB-HAM Aceh Timur) always surrounded himself with at least four young women volunteers, both in his office and on field trips. RPUK and Flower are also clear examples of organisations that have used gender to ease humanitarian access. Women tended to have more success in negotiating with the security forces for humanitarian access.

Men travelling on public buses, for example, were often ordered off the bus at police check-points, searched and sometimes beaten or taken away for questioning. In contrast, women were often allowed to remain seated on the bus.

Local NGOs also tailored the issues they focused on to minimise the risk of repression. For instance, humanitarian assistance that focused primarily on aiding women or children was more tolerated by the security forces in that it was less likely to be directly aiding GAM. Another strategy used by one NGO was to focus on assistance to victims of abuse committed by security forces under the previous administration. One example is that of RATA, a local NGO – with strong international backing – that provided medical and psychosocial treatment for torture victims. RATA limited its mission to assist torture victims from the earlier DOM period (1989-98). This approach gave RATA a level of freedom in their daily operations because it was not seen by the contemporary armed forces as making accusations against them. Yet there were still great risks involved. In December 2000, as noted in chapter four, three RATA workers were killed along with a torture victim they were assisting. The former RATA director, Nurdin Abdul Rahman was under constant surveillance and received death threats in 2001 and 2002 before he fled and sought asylum in Australia in 2004.⁹

In sum, *pendampingan* may be seen as a local concept of humanitarian protection. The *pendampingan* work of Flower Aceh, RPUK and PCC during the conflict is compatible with both ICRC's definition of protection, in terms of emphasising the rights of the individual in accordance with the letter and spirit of the law, as well as ALNAP's definition, which emphasises the protection of a human being in their fullness. It was also largely in line with IOM's humanitarian assistance focus, but also with Oxfam's emphasis on poor rural communities and PBI's focus on making space for civil society. International NGOs influenced how local NGOs developed this concept through donor and personal support. In turn, the existence of the concept of *pendampingan* assisted international NGOs, such as PBI, to explain their work to

⁹ Nurdin was imprisoned on suspicion of being a GAM member in the 1990s and represented GAM in the Helsinki negotiations in 2005. There is little doubt that some medical assistance from RATA was going to GAM members.

Indonesian officials, gain acceptance from the security forces and secure access to conflict affected areas.

Local activists that engaged in this work faced grave dangers and implemented a number of strategies to mitigate against the risks. The advent of well-funded tsunami rehabilitation programs in 2005 and 2006 led to a shift in orientation of many local groups away from the locally determined *pendampingan* orientation toward activities that were more in line with the donor interests. A number of other groups that previously practised *pendampingan* activities went on to work in government administration and political party politics following the August 2005 peace accord. There was thus somewhat of a vacuum of *pendampingan* among local groups in the post-tsunami period, but also less need.

The limitations of international protection in pre-tsunami Aceh

International NGOs were restricted in their protective capacity because of the security situation: they set their own security protocols and obeyed regulations put forth by the Indonesian security forces regulations. While neither the security forces nor GAM targeted international aid workers with violence, local staff with international NGOs faced a greater risk. According to a 2000 AI report, ‘three local staff members of the international humanitarian agency Oxfam were severely beaten and one had a fingernail pulled out and his back burnt with cigarettes by members of Brimob’ (Amnesty International 2000:1). In discussions with Oxfam staff, it is unlikely that this incident was a clear case of deliberate targeting of international aid workers. Rather, the NGO workers were ‘in the wrong place at the wrong time’ because they had ventured into an unsafe area after nightfall (Interview with Yanti Laksmana, 8 November 2008, Jakarta). Still, there is no doubt that international NGOs became increasingly vigilant in regard to how they were perceived by the Indonesian authorities as a result of that incident. International NGO workers were deeply concerned about the security of their national staff and no one wanted a repeat of the Oxfam incident, or worse. An attack on a foreign aid worker would have seen greater restrictions on access to Aceh, to the detriment of those needing humanitarian assistance. However, the Acehnese human rights and humanitarian community were

under greater threat, and where possible, international NGOs looked for ways to protect local activists.

In 2001 and 2002, OCHA, ICRC, and international NGOs based in Aceh came together in ‘closed door’ meetings once a week to discuss each agency’s programs and share information on security incidents. Given the negative perception of human rights programs among the security forces, it is not surprising that international NGOs publicly distanced themselves from human rights. Indeed, as described in chapter four, NGOs distanced themselves from human rights, embracing ‘pure humanitarianism’. When I interviewed the former Aceh head of a large international NGO who worked in Aceh between 2001 and 2003 on this subject he said:

I see moving beyond ‘pure humanitarianism’ into the realm of human rights as becoming politicised, which could jeopardise an entire program. It’s a trade off. We maintain a low profile simply to maintain a presence. Basically we didn’t want our staff to be harmed or threatened. It is important not to work on a political agenda, especially local NGOs’ political agendas. The focus must be on humanitarian principles (confidential interview with international NGO chief, 5 February 2007, Banda Aceh).

In this view, the decision for international NGOs to engage in human rights issues is not merely tactical or practical; rather, there are serious misgivings about incorporating the concept of a human rights approach into humanitarian assistance. In this context, not only was it extremely difficult for international NGOs to provide human rights protection in Aceh because of security concerns, program independence was a major concern for some NGO leaders. Still, there was scope for international NGOs to put in place humanitarian protection mechanisms for IDPs and conflict-affected people.

While local NGOs tried to provide assistance through their *pendampingan* activities, it was highly dangerous and most groups instituted self-protection measures, as described above. When self-protection mechanisms proved insufficient, some local NGOs demonstrated international linkages or backing to protect themselves. Local NGO staffers were aware that their international connections could have the power to prevent abuse from occurring. All of the international NGOs working in Aceh saw the benefits that an international presence afforded local NGOs that they partnered with.

The best example of this was the work of PBI. Indeed, the ideas of ‘presence’ and ‘witness’ underscored the very purpose of PBI’s work.

During 2001 to 2003, six local NGOs enlisted the ‘protective accompaniment’ services of PBI. PBI volunteers would maintain a presence in local NGO offices, sometimes day and night, to prevent raids. They would also travel with local NGOs to assist in gaining access to IDPs or prisoners. PBI fulfilled at least two functions. First was physical protection for humanitarian workers and human rights defenders. The idea was that local groups are the most expert in solving local problems. Yet, when they are unable to work out of fear for their personal safety, they are less able to work on solving those problems. That is where PBI comes in and ‘makes space’ for humanitarian and human rights workers to get on with their work. Closely related to this is moral support that local activists felt by having a group of international volunteers backing them up and supporting their work.

The second function PBI played was ‘witness’. When PBI travelled with local activists and met with local authorities, without having to verbalise it, the mere presence of internationals told the authorities that if they were going to commit human rights violations, PBI was there to witness and report on those violations. Indeed, in meetings with the authorities PBI rarely even used the words that would connote an accusatory tone such as ‘protection’ (*perlindungan*) or ‘to protect’ (*melindungi*). Rather, PBI said it engaged in ‘accompaniment’ (*pendampingan*), which resonated with the local concept described above. However, it was not the job of PBI to protect entire communities, but rather a limited number of local NGOs that were committed to nonviolence and impartiality in their human rights and humanitarian work.¹⁰

¹⁰ PBI received numerous client requests from NGOs and student groups in Aceh, including from SIRA. PBI lacked capacity to have more than six client organisations and were also wary of engaging with pro-independence groups that could associate PBI with such groups. Other local NGOs that were partners of international NGOs or received funding from overseas-based church groups and other donors were presumably safer than those without any international backing at all. One student activist explained to me in 2001 that he always carried with him the name card of all his international NGO contacts in his wallet. It helped him get out of trouble on one occasion when he was stopped and searched by the police.

The type of physical protection that PBI provided to humanitarian workers and human rights defenders in Aceh was certainly a highly specified activity and other international NGOs had a different mission. Yet, some did provide a similar type of ‘protection through presence or association’, even if they did not label it as ‘protection’. The International Catholic Migration Commission (ICMC) mission states that it ‘serves and protects the needs of uprooted people, refugees, internally displaced persons and migrants’. In Aceh, between 2000 and 2003, ICMC engaged in NGO ‘capacity building’ and completed an ECHO funded human rights protection program for women and girls program (Interview with Erin Cornish, 11 April 2007, Banda Aceh). Yet by all public appearances ICMC was working solely on ‘income generating’ programs, namely with women’s groups on sustainable livelihoods programmes, including working with urban tailors and rural farmers. ICMC worked with local groups that were primarily concerned with humanitarian protection such as RATA and Human Rights and Legal Aid Post (PB-HAM) (Interview with Erin Cornish, 11 April 2007, Banda Aceh). Such livelihoods programs arguably balanced the perception of the government forces in favour of ICMC’s, as well as RATA and PB-HAM’s work. It gave their local partners access to rural communities and contributed to economic stimulation in those communities, which were disrupted by the conflict (Interview with Erin Cornish, 11 April 2007, Banda Aceh). According to Erin Cornish, the former Director of ICMC in Banda Aceh and perhaps the longest serving international aid worker in Aceh who held several positions with international NGOs in Aceh from the pre to post tsunami period, ‘there is a fuzziness between humanitarianism and human rights and we played on that. We were really doing protection because of our presence’ (Interview with Erin Cornish, 11 April 2007, Banda Aceh).

One international humanitarian NGO that cannot be named for confidentiality reasons also assisted in the evacuation of threatened activists and individuals from Aceh between 2000 and 2003. The international NGO paid for airfares to Jakarta, living costs, and supported a local NGO in Jakarta that organised safe houses, counselling and legal aid. Since most of the activists were fleeing from the Indonesian security forces, the NGO could not expose these activities to the Indonesian authorities, both for the sake of the safety of those threatened activists evacuated, and to ensure continued access to Aceh.

Most international NGOs working in Aceh managed to maintain a presence there from 1999 or 2000 until around mid 2003, some months after the government declaration of martial law. If protection activities could potentially lead to expulsion, it is necessary to explore how international NGOs working on protection issues managed to stay so long in Aceh. The above examples illustrate that while groups such as PBI and ICMC were indeed working on sensitive issues, staff of those organisations were careful not to be overly vocal on human rights issues, and they concealed a portion of such activities. To maintain a sustainable presence in Aceh, it was important to develop good relations with the provincial government authorities, TNI and Polri, as well as with the central government in Jakarta.

As outlined in chapter three, international NGOs were required to have a MoU with a relevant government ministry at the central level. For example Save the Children had a MoU with the Ministry of Health and the Ministry of Education. PBI did not have a MoU with a government ministry, making its presence in Aceh highly tenuous. Rather, the National Commission for Human Rights, or KomnasHAM in Jakarta sponsored PBI and assisted in providing invitation letters for PBI volunteers to secure social-cultural visas. The International Medical Corps (IMC) had a very short-lived experience in Aceh in 2002 before its staff were expelled after failing to develop good relations with the local authorities in Aceh.¹¹ For Cornish, ‘securing a presence is not about the work or the official status – it is all about personal relationships’ (Interview with Erin Cornish, 11 April 2007, Banda Aceh).¹² Both local and international NGOs

¹¹ Observers suggested IMC’s expulsion was not so much because any particular human rights activity engaged in, but rather for failing to establish and build relationships with the authorities in Banda Aceh and relying too heavily on securing relationships with authorities in Jakarta. According to Erin Cornish, ‘IMC socialised their program horribly, telling the Acehnese authorities that ‘Jakarta sent us up to Aceh’ (Interview with Erin Cornish, 11 April 2007, Banda Aceh). Such an attitude would have not been well received in Aceh, even among government officials who pledged their loyalty to Jakarta. As in other parts of Indonesia, provincial, district and even village officials maintain a strong sense of authority and responsibility over their jurisdiction.

¹² The experience of PBI confirms Cornish’s statement. PBI’s tenuous status in Aceh, combined with the highly sensitive protection work it was doing there should have been grounds for the authorities to make PBI’s presence untenable. What strengthened PBI’s position was that PBI volunteers had a good understanding of Indonesian culture and were fluent in Indonesian language. PBI had direct access to Indonesian government authorities and top ranking members of the security forces. In 2001 PBI was the first international NGO to meet with the new Aceh Chief of Police (Kapolda, *Kepala Polisi Daerah*) Yusuf Manggabarani. Upon completion of the meeting, PBI volunteers were surprised to see the new head of OCHA sitting in the waiting room, second to meet the Kapolda after PBI. PBI were also invited to dine with senior TNI intelligence officials, go on fishing trips with Brimob officers and sing Karaoke with the Kapolda.

were consistently monitoring government officials' perception of internationals in Aceh. For example, if the perception was negative, then the protective power of groups like ICMC and PBI would be weakened. In such situations, NGOs may choose to remain 'low profile' for a period or 'tone down' their activities.

The context changed for international groups working in Aceh when President Megawati Sukarnoputri declared martial law in 2003. As will be recalled from previous discussions, all international NGOs expatriate staff were restricted from working in Aceh following the declaration of martial law. While foreign aid workers were not explicitly targeted with violence, in the lead up to the declaration, there was rising anti-foreigner sentiment among nationalist politicians and senior TNI officials, including retired General Ryacudu Ryamizard, who in 2003 stated that foreign spies had infiltrated Indonesia with the aim of destabilising the country. Ultra-nationalist Indonesian leaders maintained that there was a foreign conspiracy in support of Aceh's independence and the disintegration of Indonesia. In a meeting with members of the Indonesian community in the US in September 2003, then Indonesian President Megawati said, 'foreigners have been helping rebels in Papua and Aceh to fight for independence and Indonesia should not overreact to the special attention given to the two provinces by the international community' (The Jakarta Post 24 September 2003).

It is likely in this context that, unlike the situation a few years earlier, carrying a business card of a foreigner could rather make the situation worse for local activists. After the declaration of martial law, according to Cornish, who was working with ICMC in Aceh at the time, 'all international NGOs were afraid of office sweeps. We burnt all of our material' (Interview with Erin Cornish, 11 April 2007, Banda Aceh). The rules for martial law stated that international NGOs were no longer allowed to render direct assistance to local communities or through local NGOs (Badan Pembinaan Hukum Nasional 2003). All assistance had to go through the Provincial Coordinating Agency for Disaster and Refugee Management, or Satkorlak. Five months into the military emergency, one Oxfam Indonesia staff noted, '[the] government appears to become more closed to the issues of humanitarian access and more consistently so between departments' (Novib 2003a).

The restrictions made it impossible for international NGOs to have any control over their programmes. Most international NGO staff were not directly expelled but almost all had left Aceh by July 2003. Cornish recalls, ‘very few were actually kicked out or told to leave but no-one was allowed back in if they left’ (Interview with Erin Cornish, 11 April 2007, Banda Aceh). OCHA and ICRC were more successful in this context with their strong institutional relations in Jakarta and were permitted back into Aceh on fortnightly basis from around September 2003. But for most, personal relations that international NGO staff developed in Aceh were no longer strong enough to maintain a presence in Aceh.

As a result, from 2003 local NGOs were effectively cut off from their international NGO partners. International NGOs were no longer able to provide the protective presence they once afforded local activists. It was even increasingly difficult for the local partners to send reports to their international donors as the security forces were monitoring emails. As a result, donors in Europe such as ICCO and Kierkenactie were on the verge of halting funding to local NGOs doing protection work since they could not continue funding without reports (Interview with Kees de Ruiter, 29 August 2007, Utrecht). In this context, it was no longer strategic for some groups to have any international links, and instead they had to remain low profile and work ‘underground’. As discussed previously, military operations specifically targeted civil society in the martial law period, with 45 students and human rights activists being apprehended between 19 and 27 May 2003 (The Jakarta Post, 27 May 2003). Reading the conditions on the ground, some activists simply did not work, reduced the scale of work, modified the locations in which they worked or evacuated to other parts of Indonesia or overseas for self-preservation. International NGOs and concerned individuals assisted evacuating activists that were thought to be in danger. Many activists, especially among the former student groups fled to safe places in Java, Malaysia, the US and Europe. In May 2004, Aceh’s Martial Law status was downgraded to Civil Emergency (*Darurat Sipil*). However, the TNI was still effectively leading Satkorlak’s humanitarian aid distribution and IDP camp management.

In sum, international NGOs were limited in the level of protection they could afford to provide to local human rights and humanitarian workers. External constraints

included the security situation and the deepening suspicion among some TNI officials that international NGOs had ulterior motives for providing humanitarian assistance, such as support for GAM or destabilising Indonesia. Internal constraints included the lack of capacity to respond to the protection needs, as well as concerns that local NGOs were working toward a political (pro-independence) agenda. International NGOs did not want to be seen by the Indonesian security forces to be supporting any such groups, so they readily distanced themselves from them.

5.4 Post-tsunami protection

This section discusses post-tsunami challenges to protection programming for both international and local NGOs. It also examines the impact of the increase of funding and the presence of wealthy international groups that came after the tsunami, including the division that emerged between local and international groups regarding equitable assistance for both conflict and tsunami-affected people in Aceh.

Local and international NGOs identified a number of protection concerns in the immediate post-tsunami period. First was the militarised situation in Aceh due to the ongoing conflict. Humanitarian access to populations in need was a primary concern for humanitarian workers since Aceh had been mostly closed to the international community for almost eighteen months prior to the tsunami. When the tsunami hit, Aceh was still under Civil Emergency and the TNI was leading Satkorlak's humanitarian aid distribution and IDP camp management. The TNI maintained this coordination role during the tsunami emergency response. Local and international groups were concerned about a lack of capacity and partisanship of the TNI in carrying out that role. According to Jana Mason, the IRC Advocacy Director in Washington DC, 'the international human rights community was very concerned about civil military relations and the use of military escorts by some international NGOs in the immediate post-tsunami period' (Interview with Jana Mason, 2 November 2007, Washington, DC). The TNI also controlled the movement of IDPs. An internal Oxfam International report from early 2005 indicated that there were serious protection concerns in the immediate post-tsunami period:

Protection of IDPs and civilians is another issue of concern resulting from continuing military operations. Local, national and occasionally international NGOs, as well as local media...are daily reporting mistreatments of and

casualties amongst Aceh civilians and IDPs. Incidents reported mostly are: beating up of IDPs who are not able to show their identity card or who forget to report to the local security posts when arriving in their former village; sweepings in IDP camps by Indonesian security forces looking for GAM; punishing of IDPs or civilians carrying more than a certain amount of rice; beating up and arresting of local humanitarian aid workers suspected to bring supplies to GAM; mistakenly taking and shooting refugees returning to check on their belongings for being GAM. Abuses committed by GAM generally concern extortion of civilians and local humanitarian workers distributing goods (Oxfam 2005: 3).

International aid groups tend to apply the principle of triage when there is a big disaster. Triage here means placing priority on the greatest humanitarian need. This principle refers to the second challenge groups in Aceh faced: the ordering of priorities in the context of a massive natural disaster. How would NGOs reconcile rights with needs in light of the scale of the devastation brought on by the tsunami? Were violations of economic and social rights, lack of freedom of speech and assembly, forced relocation and eviction, and violations of women's rights, a priority in the aftermath of such a massive natural catastrophe? Also, should victims of the conflict, some of whom had been displaced for over four years, become a priority in the context of the natural disaster?

In answering such questions, when the imperative is to save lives, there is the tendency among aid workers to go head on into emergency response. The scale of the disaster must therefore be taken into account as a major factor explaining the division between the conflict and tsunami response.

However, it was not only political conflicts that raised protection concerns. Natural disasters, such as the tsunami, raise a range of protection concerns, especially covering the safety, dignity and integrity of survivors. Immediately after the tsunami, people were in desperate need of food, clean water, shelter and medical assistance. Land and property rights became a major issue. Thousands of children were orphaned and were vulnerable to exploitation. The tsunami destroyed houses, land certificates and changed the geographic landscape, meaning that individual plots of land were enveloped and lost to the sea.

Humanitarian access had improved markedly by May 2005 when the Indonesian government withdrew Aceh's Civil Emergency status and coordination was handed over to the BRR, the civilian agency charged with overseeing the post-tsunami reconstruction and rehabilitation efforts. Yet, the TNI continued military operations against GAM right up until the 15 August 2005 Helsinki MoU. This meant that humanitarian access remained problematic for almost eight months after the tsunami. Only after the peace accord, when 30,000 of the 45,000 Indonesian security forces personnel were withdrawn from Aceh, could humanitarian space really open up, without military obstruction. Yet a strong aftertaste of apprehension about conflict relief on the part of both the security forces and international NGOs, as well as funding restrictions, meant that protection for conflict victims would remain problematic for more than a year after the peace accord was signed.

In the context of the sensitive political situation, as well as the twin disasters of conflict and tsunami, international NGOs faced two further challenges in implementing humanitarian protection programs: relations with authorities and internal constraints.

As explained in chapter three, international NGOs entered Aceh on the express condition of the Indonesian authorities that they would not get involved in conflict issues. International NGOs had limited access to tsunami survivors and in some cases were forced to have military escorts when delivering aid outside of major towns, raising complex challenges for international agencies. Although international NGOs were not responding to the conflict, the TNI's counter-insurgency operations and deep-seated suspicion toward international NGOs, did influence the nature of humanitarian assistance, influencing the decision most international NGOs took not to engage in conflict issues. The main strategy used by international NGOs was to comply with the authorities, whereby NGOs worked within the parameters permitted to them. If the NGOs ignored the authorities, they risked being expelled from the country, their national staff faced the possibility of being beaten up or worse, and their important humanitarian work could have been disrupted. This was the main factor restricting the scope of protection work in the post-tsunami context.

Internal constraints also influenced humanitarian actors to resist engaging deeply with protection problems. As explained in chapter three, while there was an abundance of funding for the tsunami, it was restricted to tsunami reconstruction. While international NGOs were not short of funding and the tsunami funding response was unique in that some NGOs had more money at their disposal than donors, some agencies suggested that they could not work on protection issues because their funding was 'earmarked' for specific programs such as rebuilding schools or health centres. Further, the donations were provided for tsunami relief, not conflict relief. Another internal constraint was the managerial or specific technical capacity of NGOs to expand their programs to include protection issues and in particular, conflict recovery. Given the scale of the tsunami disaster, many NGOs were pushed to their limit in responding to basic needs. 'Rights' may not have been a priority. The lack of understanding among international NGOs to protection programming arising from the fact that protection often does not produce tangible outcomes, compared to traditional programs such as public health, water and shelter, as well as its relative novelty in humanitarian work, meant that some NGOs resisted this type of work.

With this background in mind, it is possible to understand why most international NGOs could not respond to many of the protection concerns mentioned above. Oxfam is a case in point. As explained in chapter four, tight funding restrictions meant that Oxfam could not respond at all to conflict-related issues. The DEC funding regulations meant that Oxfam International funds could only be used for tsunami related issues and could not include any form of conflict response. Much later, in February 2007, the regional director for Asia-Pacific made a request that ten per cent of DEC funds should be allotted for targeting the conflict. According to one informant, the request was refused: 'They did not want to use the DEC funds even though they are not spending it all because it is not what the public intended it for and could jeopardise future funding' (Interview with Patrick McInnis, 1 February 2007, Banda Aceh).

In addition to the funding restrictions, Oxfam identified that international NGOs, including Oxfam itself, engaging in self-censorship in terms of limiting involvement in conflict issues. Oxfam also observed that local NGOs continuing to work on the conflict also faced problems:

The fact that most international NGOs work under a strict humanitarian mandate, and fear being ‘kicked out’ if they move to anything beyond that, makes the international community at the moment quite paralysed where it comes to upholding the basic human rights of Aceh civilians and their right to be protected in line with humanitarian law – a basic principle to which all of them officially subscribe. International NGOs with a specific mandate to monitor HR on the other hand gain no access to Aceh, because the door is only open to those with a specific humanitarian mandate. Local NGOs conducting monitoring and investigation work are on the other hand under continuous observation and suffer intimidation as well as mistreatments. Just after the Tsunami, office raids have been carried out on one local NGO working with IDPs who previously has been partnering with Oxfam (Oxfam 2005: 3).

Yet there were other protection issues that were not related to the conflict, but to the tsunami. For instance, Oxfam was concerned about the risk of forced relocation of tsunami IDPs from their homes or makeshift camps to government-run temporary living centres (TLCs) or ‘barracks’. Oxfam produced a position paper on the issue and decided not to work in the TLCs. Oxfam was concerned that putting people in barracks was a continuation of the Indonesian security forces’ strategy to separate civilians from GAM by placing the former in government-controlled IDP camps. However, Oxfam International workers later admitted this may have been a mistake as they learnt that ‘the most vulnerable people, the poorest of the poor who Oxfam should be assisting, were located there’ (Interview with Annette Jansen, 30 August 2007, The Hague). This example illustrates the dilemmas international NGOs faced: participate and be complicit, or abstain and allow harm to be done.

Oxfam was not alone. The IRC also faced a range of protection problems. Funding constraints, as well as an aversion to conflict-related programming, were reinforced by a number of other factors including individual personalities and internal organisational office politics. The IRC, which had worked in Aceh since 1999, showed an early interest in working on human rights and conflict issues after the tsunami. The IRC is a refugee protection agency that was set up in the early 1930s at the request of Albert Einstein to assist Germans suffering under Hitler to settle in the US. Its slogan today is ‘aiding refugees and communities victimized by war’. The IRC does not usually work in natural disaster settings, only in conflict situations, and it was exceptional that it responded to the tsunami, a decision partly informed by its

pre-tsunami experience in the territory (Interview with Marcel de Brune, 31 January 2007, Banda Aceh).

The IRC was one of the first international agencies to respond to the tsunami since it had a team of experienced local humanitarian workers in Aceh. Although the IRC office was destroyed by the tsunami, staff members were quick to regroup and convey their assessment of humanitarian needs to the IRC regional headquarters in Jakarta and head office in New York. From the outset, the IRC focused on the tsunami and deferred its conflict response until September 2006. Instead it became involved initially in four programmatic sectors: namely health, livelihoods, environmental health, and child and youth protection and development.

Although IRC stopped working on the conflict, this does not mean it abandoned protection work. In February 2005, IRC began recruiting for a Protection Advisor to be based in Aceh and in mid-2005 also hired a land and property rights specialist and a gender-based violence consultant, thus adding Protection to the four existing programmatic sectors.¹³ Around the same time, the director for IRC's Aceh response was replaced and the idea of making a conflict response was postponed. The Protection Unit in New York was eager to set up a protection and access to justice programs in Aceh, while the new Aceh director was not in favour of expanding IRC's Aceh response beyond the four core areas. On the one hand, the technical unit in New York saw a good opportunity to develop an innovative program and cut out a niche for IRC as a pioneer among humanitarian NGOs working on protection, justice and gender-based violence. However, the Aceh director was concerned about exceeding the organisation's capacity and core strengths, and did not want to get into trouble with the authorities (Interview with Marcel de Brune, 31 January 2007, Banda Aceh; Interview with Margaret Green, 1 November 2007, New York).

The IRC, like most international NGOs, was not interested in developing a stand-alone protection as a sector in post-tsunami Aceh. Yet it did attempt to infuse protection within their existing tsunami-response programs. For example, the IRC

¹³ I was contacted for this position in June 2005 and began work with IRC in July. I am not drawing on my direct experience here but on subsequent interviews with IRC colleagues in Banda Aceh, New York and Washington D.C. after I stopped working for IRC.

trained all staff in how to apply a 'protection approach' to their respective fields including health, environmental health, livelihoods and child and youth protection and development programs (Interview with Marcel de Brune, 31 January 2007, Banda Aceh). The IRC also trained all staff in the Mandatory Reporting Policies (MRPs). The MRPs include policies against abuse and exploitation of beneficiaries, against harassment of IRC staff and against fiscal improprieties.

An internal conflict among IRC staff on the direction in which the protection program should proceed exposed a tension within the IRC regarding organisational identity and disparity between perceptions held by staff working in the field and at headquarters level. According to Margaret Green, the head of the IRC Protection Unit in New York, 'protection is always a complicated and prickly topic at both HQ and field. Too many people don't like it. It is considered as an elective' (Interview with Margaret Green, 1 November 2007, New York). Some within IRC, such as the Deputy Director for Programs in Aceh, Marcel de Brune, identify IRC as a humanitarian assistance NGO (Interview with Marcel de Brune, 31 January 2007, Banda Aceh). In contrast, Jana Mason, IRC director for government relations in Washington, DC, informed me, 'when I first came to the IRC, I thought of it as a refugee protection agency, whereas others at IRC see themselves through a humanitarian relief lens' (Interview with Jana Mason, 2 November 2007, Washington DC). The identity of the organisation was thus open to debate and interpretation among individuals.

A striking contrast is Cafod, the London-based Catholic agency, which had been supportive of local human rights protection organisations prior to the tsunami. Cafod undertook a protection analysis to determine the direction that its work should take in post-tsunami Aceh. Cafod's approach in the post-tsunami period was to continue supporting local NGOs that were concerned with the conflict and human rights. The conflict remained a concern for Cafod because, according to Cafod's humanitarian coordinator, Tim Aldred, 'with such a largely funded program, the potential for relief to exacerbate conflict is significant. If relief is only for 'tsunami affected' people, there is the chance that aid will exacerbate micro and macro conflicts already at play in Aceh' (Interview with Tim Aldred, 19 October 2007, London). Aldred added that this was not merely a theoretical concern. It soon emerged to be a reality on the

ground: ‘Former GAM combatants were turning up to our offices and asking, ‘where’s ours?’ We responded with a protection analysis, looking at what the community needs for their self-protection. We took the decision from that analysis that we cannot only assist tsunami survivors, but also people affected by the conflict’ (Interview with Tim Aldred, 19 October 2007, London).

However, Cafod staff members sensed uncertainty about the prospects for peace and about the future presence of international agencies in Aceh. While Cafod’s protection analysis encouraged it to respond to the conflict, it was not an easy decision to make. The Indonesian government was not receptive to a situation of international agencies responding to the conflict. An organisation could jeopardise its own access for its tsunami-related programs if it engaged in conflict issues. Aldred described it as follows: ‘If you meddle in politics, you can cause damage. If you behave, you can allow things to happen. It is a fine line to tread’ (Interview with Tim Aldred, 19 October 2007, London). Cafod could escape this dilemma because it is not an ‘operational’ NGO, but rather, a funding agency. Apart from some of the philosophical attributes that made Cafod stand out in Aceh, it was also safer for them to engage in conflict-related issues ‘from a distance’ in London.

Similar to Oxfam, Cafod was also a recipient of DEC funds, but it also had its own tsunami appeal funds. Cafod had two programs in post-tsunami Aceh: the humanitarian support team and the civil society support program. Since the DEC did not agree to fund non-tsunami specific programs, Cafod used DEC funds for the humanitarian support team, which supported international NGO partners working on post-tsunami reconstruction in Aceh. Cafod then had the freedom to use its tsunami appeal funds for the civil society support program. Cafod supported a range of local NGOs through capacity building and small grants including PCC, LBH, Aceh Civil Society Taskforce (ACSTF), Aceh Judicial Monitoring Institute (AJMI), Sari School, and the Aceh Peoples’ Forum (APF, a 24-member strong organisation which was responsible for distributing small grants for the UNDP Access to Justice program).

The cases above illustrate that international NGOs found protection work in post-tsunami Aceh highly challenging. Oxfam and the IRC had difficulties in juggling large tsunami reconstruction programs, faced internal organisational conflict and

struggled to define how they could implement protection. Cafod's non-operational status and independent source of funding gave it more freedom to support local NGOs working on a range of protection programs.

Post-tsunami *pendampingan* and local NGOs

The post-tsunami period was characterised by a change in the way local protection agencies worked in Aceh. Like their international counterparts, local NGOs prioritised the greatest need, and in the immediate post-tsunami period, this meant saving lives and preventing the outbreak of disease among tsunami survivors. After the emergency relief period officially ended in March 2005, local activists tended to focus on the broader protection concerns, including conflict-related issues. A clear difference emerged between how local and international groups approached the problem of protection in post-tsunami Aceh. While international NGOs focused on protection issues in tsunami-affected areas only, local activists considered both tsunami-affected *and* conflict-affected people and communities equally.

One striking example of the different priorities among local and international NGOs was the 'working groups' set up to coordinate specific sectoral needs and responses. OCHA, being the main coordinating body, hosted and facilitated a number of working groups in Banda Aceh including the Shelter Working Group, Livelihoods Working Group, Health Working Group and the Children and Youth Working Group. OCHA did not set up a Protection Working Group. However, a few interested local and international workers saw the need for a Protection and Advocacy Working Group (PAWG). The Banda Aceh Legal Aid Foundation (LBH Banda Aceh) hosted the PAWG from late February 2005 until August 2005, after which the venue rotated between participating agencies. Regular participants in the PAWG included local NGOs such as LBH, Kontras Aceh, PCC, Peace and Democracy Monitoring Committee (KMPD), Care Aceh, Flower Aceh and RPuK. Regular international NGO participants included Jesuit Refugee Services (JRS), Oxfam, Caritas Austria, PBI, NRC and IRC. LBH received a small amount of money from Cafod to cover expenses for the meetings. Strikingly, the PAWG was the only working group where Indonesian was the primary language spoken in coordination meetings during the

emergency period.¹⁴ Most international NGO representatives who attended and later hosted the PAWG were individuals who had a pre-existing interest or experience working in Aceh prior to the tsunami.

The PAWG was an avenue where local and international aid workers could raise protection issues they had identified in the field, discuss strategies and design action plans to overcome the issues identified. For example, in regard to the tsunami, Flower Aceh and Women Volunteers reported that specific women's needs were not being taken into account in aid distribution centres. PCC volunteers reported several incidents of security forces personnel beating IDPs for leaving IDP camps and returning to their homes. Local NGOs often reported incidents of the security forces abusing villagers in conflict areas. They also regularly raised the concern that 'conflict IDPs' were receiving little or no assistance. Many of the communities that continued to suffer intimidation and abuse were *kelompok dampingan* (supported group) that local NGOs had long supported. With similar frequency, international aid workers would state that they had 'no mandate to work on conflict issues'. As it turned out, the meetings became more of an information-sharing forum. Local activists expressed frustration with international NGOs' unwillingness to work on protection issues in conflict-affected communities. Hendra Fadli of Kontras Aceh explains:

We needed to build relationships with organisations like Oxfam that did not have a direct mandate for human rights advocacy. However we tried to communicate with them, bring their attention to important issues. It seems like they were not very interested. Like through the PAWG, we were always talking about conflict issues, human rights issues, but they were more interested in the tsunami (Interview with Hendra Fadli, 10 January 2007).

The protection concern of the local groups was that some communities and individuals in areas not affected by the tsunami did not have even the most basic level of access to humanitarian protection, such as access to the economy, clean water and adequate shelter. It was better to be a tsunami victim than a conflict victim in Aceh. Very little protection work was done in conflict areas for the first year after the

¹⁴ At a UN coordination meeting I attended in Banda Aceh in January 2005, an Australian independent volunteer named Lyndal Meehan asked why there was no translation from English to Indonesian in the coordination meetings and the facilitator responded that they did not have the resources and did not see the need for interpreters.

tsunami. Local NGOs were frustrated that international NGOs were largely unable to respond to their calls for support from their *kelompok dampingan*.

In addition to the disagreement between local and international NGOs regarding protection approaches in conflict and tsunami affected areas, there were also unintended consequences of the international tsunami presence on local groups that did protection work. The presence of wealthy NGOs and a generally well-funded emergency response skewed the 'humanitarian market' in a number of ways. The high international salaries attracted some activists to quit local NGOs and work for international NGOs, UN and government agencies. While there were indeed a number of such high profile cases, there were perhaps equally, if not more local leaders that stayed on with local NGOs.¹⁵ Similarly, rich international NGOs encouraged some communities to choose to work with their projects rather than with local NGO projects that did not offer such immediate high returns.

An example of wealthy donors causing a shift in the direction of work carried out by local NGOs is that of RATA, the local NGO that provided protection to torture victims. The tsunami killed the RATA director and forensic scientist Dr Aidarus. When I met with former RATA staff in January and February 2005, they told me that RATA would be suspended until after the tsunami emergency had lapsed, at which time RATA staff would decide what the future should hold for the organisation. When I met with RATA staff again in May 2007 to conduct this research, they told me that their work was now very different from the past and they were mostly working in the livelihoods sector, providing small traders, mostly women, with sewing machines and training them in financial management. RATA ran a small psychosocial program with the help of ICMC Jakarta. This was at a time when it was emerging that there was a great need for psychosocial assistance for conflict survivors, but few resources were available. When I asked the RATA staff why they

¹⁵ Most local NGO workers in fact worked for BRR such as the human rights lawyer Rufriadi, who left his positions at LBH and AJMI to work in a public relations position at the BRR. When Rufriadi died of an asthma attack in 2007, Juanda Djamil, a founder of PCC took on Rufriadi's position. Other high profile activists who worked with BRR include Iqbal Farabi, Arabiyani and Lukman Age. Some activists such as Raihana Diani worked for international NGOs for a short stint before returning to their own organisations. Many others could easily have secured high salaries working with international agencies but stayed with local organisations. They included Khairani Arifin (RPuK), Suraiya Kamaruzzaman (Flower), Afridal Darmi (LBH), Hendra Fadli (Kontras Aceh), Tarmizi (APF), Asiyah (Kontras) and Hendra Budian (AJMI).

were not focusing on their proscribed mission – rehabilitation for torture victims in Aceh – they responded that, ‘there is little money for conflict work and we applied for and won a tender with Oxfam’s gender program’ (Interview with Junaidi, 3 May 2007, Bireuen). Another factor reducing RATA’s capacity was that a number of RATA nurses had found employment with international organisations, including several with IOM’s psychosocial program.

One local protection-oriented NGO was detrimentally affected by over-funding. PCC was one of the most active local groups providing humanitarian assistance in the immediate post-tsunami period. This author made several visits to the PCC headquarters in Banda Aceh in early 2005. Inside the office there was a hive of activity, with volunteers rushing in and out, loading blankets, food, medicine and shelter equipment onto the waiting trucks lined up along the street outside. The trucks delivered the goods to communities they could reach by road and also to the port where awaiting boats shipped the goods to coastal communities accessible only by sea. PCC’s long and extensive experience in responding to humanitarian crises in Aceh, as well as its familiarity in working with international NGOs made the organisation an attractive partner for international NGOs and donors. PCC, whose donors included Cafod and TdH Germany was inundated with funds in 2005. Compared to its operating budget in 1999, with which PCC operated seven branches for a two year period with just Rp88 million (approximately USD 12,000), in 2006 PCC had Rp2 billion (approximately USD 215,000). However, the organisation eventually collapsed in mid-2006 after a major financial mismanagement and corruption incident (Interview with Juanda Djamil, 29 January 2007, Banda Aceh). Former PCC founders who had previously left the organisation to work for international NGOs returned to PCC in late 2006 to re-organise and lead the organisation out of its crisis. This led to a major disruption of PCC’s work with the communities it was supporting.

Another example where international NGOs disrupted existing local NGO and community relationships concerned Flower Aceh. Some of the communities that Flower worked with on the west coast of Aceh were completely wiped out by the tsunami. The impact of the tsunami on Flower will be recalled from the discussion above. Flower continued to work on women’s rights and women’s health issues in

both conflict and tsunami areas, but with a greater emphasis on women's livelihoods and psychosocial programs. Flower also had to compete with financially attractive income-generating programs offered by international NGOs to local communities. In one case, a local community that Flower had worked with for some time chose to work with an international NGO that offered a greater short-term reward, but according to Flower was less beneficial in the long-term.

Conclusion

Local and international NGOs faced internal and external constraints in implementing protection programs in Aceh. In the pre-tsunami period, local NGOs faced intimidation and violence. International NGOs perceived that they would get expelled if they expressed a strong human rights perspective to protection work. International NGOs succeeded in protection programming when they called it *pendampingan* as in the PBI case, or as part of a livelihoods program as in the ICMC case. Success, determined by an ability to maintain a presence in Aceh, also depended upon developing good working relations with the Aceh provincial authorities.

In the post-tsunami period external funding restrictions, political pressure and internal doubts about the viability of protection as a 'stand alone' program contributed to a protection vacuum in Aceh. While the political situation in Aceh improved, first with the ending of military operations in May 2005, and second, with the Helsinki Agreement in August 2005, international NGOs maintained a largely risk averse attitude. Despite the continuous positive political dynamic, NGOs continued to perceive a government backlash toward protection programming. They did not wish to jeopardise important tsunami programs, or their relationship with the government. The limited protection programs led to a shift in programming of a number of local NGOs. In addition, over-funded tsunami programs disrupted some local relations between NGOs and the community. Consistent in both the pre-tsunami and post-tsunami periods, international groups saw human rights protection as something foreign to 'pure humanitarian' work. In contrast, local NGOs saw human rights and humanitarian relief as complementary modes of action, whereas for internationals, the two were often in tension.

In practice, however, the more politicised forms of humanitarian protection are difficult to implement, primarily because it may not be in the interest of national authorities to change their behaviour. Indeed, in my professional experience working on protection issues in Aceh in 2005 and 2006, I found a clear divide between those in favour of protection (rights-based) programming and those that thought protection was overly political and beyond the realm of 'pure humanitarian' (needs-based) action. Other impediments may include demands of donors, organisational constraints and difficulties in dealing with local political contexts. According to Jana Mason, the IRC Advocacy Director in Washington DC, 'it is easier to run protection programs in refugee situations than in IDP situations where people face similar protection problems, but is much more difficult for obvious reasons' (Interview with Jana Mason, 2 November 2007, Washington, DC). Mason is referring to the question of how to deal with national sovereignty issues: in refugee situations, international organisations are working in a second country and do not necessarily have to deal with the party, usually government authorities, that are causing the displacement; in IDP situations, international organisations usually depend on securing access and support from authorities that are often causing people to flee.

One of the broader implications for the overarching argument may be that the concept of protection is too broad. Resistance to the concept is not only found in a host government that does not want its human rights record exposed. Opposition can also be found among humanitarian workers themselves who either do not fully understand the concept or do not agree with it. In this way, humanitarian agencies will face similar problems wherever they work.

Another challenge for protection programming around the world is that humanitarian professionals are increasingly expected to quantify and report on results that they have achieved. In a field where the objective is to protect and respect the rights of the individual, often in highly tumultuous situations, the chances of success are slim.

Chapter 6. Conflict transformation in Aceh: A humanitarian approach

The chapter examines how local and international NGOs conducted humanitarian action with conflict transformation activities in Aceh in the last decade. Conflict transformation is broadly understood as a process of transition to achieve dialogue and trust, and support to local conflict. In the first period, between 1996 and 2003, many local and several international NGOs responded to the conflict in a variety of ways, including by providing humanitarian relief to IDPs, organising political, legal, and conflict transformation trainings, and advocating a political resolution of the conflict. At this time a 'peace-based' (PB) the Aceh Humanitarian Relief and Assistance Programme (HRC) – inspired by humanitarian principles – was set up to coordinate grassroots support between the practitioners of various NGOs. It is notable that some international NGOs partnered with local NGOs and try to strengthen the grassroots at 'grassroots' level. However, both the HRC and grassroots movements failed to have effects to bring lasting peace in Aceh.

The second period, between 2004 and 2008, saw a positive impact of international NGOs regarding to the 2004 Indian Ocean tsunami. It is during this period that the National Front for Liberation Movement (NLF) organised peace talks and signed a MOU between Indonesia and GAM in August 2005, which resulted to end the conflict for a long period of time and an end to Aceh as the Aceh Humanitarian Mission (AHM) had a positive impact on the implementation of the rehabilitation work in the field. As a result of the previous humanitarian mission and NGOs' supported the conflict in their various activities and from local NGOs' demands for recognition of society, National Front for Liberation Movement (NLF) organisations initiated to end an conflict again with a 2007 peace agreement signed in contrast with the previous period when NLF rejected several peace talks with military government. In the post-war period, a 2007 agreement, implemented in August 2007, 'agreed' to completely stop all their military operations. This is clearly significant developments that facilitated peace process progress in Aceh's post-war Aceh landscape.

Chapter 6. Conflict transformation in Aceh: A humanitarian approach

This chapter examines how local and international NGOs combined humanitarian action with conflict transformation activities in Aceh in two distinct periods. Conflict transformation is broadly understood as a process of transforming relationships and interests that support violent conflict. In the first period, between 1998 and 2003, many local and several international NGOs responded to the conflict in a number of ways, including by providing humanitarian relief to IDPs, organising political rallies and conflict transformation trainings, and advocating a peaceful resolution of the conflict. At this time a Swiss-based NGO, the Henry Dunant Centre for Humanitarian Dialogue (HDC) – inspired by humanitarian principles – attempted to facilitate a peace agreement between the Government of Indonesia and GAM. A number of other international NGOs partnered with local NGOs aspiring to transform the conflict at the ‘grassroots’ level. However, both the HDC and grassroots movement failed in their efforts to secure lasting peace in Aceh.

The second period, between 2004 and 2008, saw a massive influx of international NGOs responding to the 2004 Indian Ocean tsunami. It is during this period that the Helsinki-based Crisis Management Initiative (CMI) restarted peace talks and secured a MoU between Indonesia and GAM in August 2005, which continues to hold. The MoU led to the establishment and arrival in Aceh of the Aceh Monitoring Mission (AMM). Made up of European Union (EU) and ASEAN contributing countries, the AMM had a mandate to monitor the implementation of the commitments made in the MoU. As described in the previous chapters, most international NGOs neglected the conflict in their tsunami response and many local NGOs, dependent on international donors, followed suit. However, a number of local organisations continued to work on conflict issues with pockets of international support. In contrast with the pre-tsunami period when NGOs had worked for years amid military operations, in the post-tsunami period most international humanitarian NGOs were decidedly apolitical in order to safeguard their tsunami programming. This is despite significant developments that permitted greater political engagement in Aceh’s post-conflict transformation.

This chapter discusses some of the positive and negative consequences humanitarian assistance had on the peace process, as well as the effect peace negotiations had on the humanitarian approach to Aceh in both periods. I am not focusing on the mediation and peace process as such, although I do provide relevant background details, especially in regard to how such processes interfaced with humanitarianism. Many scholars have already covered in detail the subject of mediation and peace processes in Aceh (see Aspinall and Crouch 2003; Huber 2004; Kingsbury 2006; Schulze 2007; Aspinall 2008; Awaludin 2008; Barron and Burke 2008). Instead, I explore the strategies, choices and dilemmas NGOs faced in implementing conflict transformation programs and the role that humanitarianism played in those programs. In the pre-tsunami period, some local groups, while starting off promoting a peaceful resolution to the conflict, became conflict actors. International humanitarian NGOs steered clear of conflict transformation activities and international mediators were unsuccessful in their efforts to reach a lasting peace agreement based on humanitarian principles. In the post-tsunami period, a tsunami-inspired peace deal with strong international backing was much more successful, albeit with little local civil society involvement.

While many humanitarian agencies have political origins (Vaux 2006: 240), NGOs often present humanitarian action to local authorities as 'apolitical'. This stance is informed by the principles of neutrality and independence of NGOs, which are important for gaining access to, and maintaining security in, politically repressive or conflict-affected countries. In contrast, conflict transformation activities are highly political since they involve changing how state, non-state and civic actors organise and exercise power (Meijer 2004: 4). Moreover, it is not uncommon for state authorities to argue that foreign agents engaging in conflict transformation activities in fact have no right to interfere in domestic, sovereign issues. Domestic groups are also criticised for being subversive. NGOs thus face a dilemma about how to tread between perceived political (conflict transformation) and apolitical (humanitarian) activities.

This chapter considers two main types of conflict transformation activities. First is official mediation, such as the so-called 'track one' negotiations involving

belligerents and a third party mediator or facilitator. This is considered mainly for background purposes, as well as for how such processes may have drawn on humanitarian ideas. Antonia Potter of the Centre for Humanitarian Dialogue describes this track as involving ‘activity at the highest levels of rank and power, such as states or official international and regional bodies, or, less commonly, independent or private organisations with specific links to power and influence’ (Potter 2006: 160). While not purely a track one process, both the HDC and CMI-facilitated peace processes did have elements of such a process since they both had official international backing and links to the highest levels of power such as the UN, EU and various governments. Furthermore, the negotiating parties in these processes were limited to the state (Indonesia) and those claiming a separate state (GAM), even if GAM’s claim was not recognised by any sovereign entities. The two official peace processes witnessed in Aceh between 2000 and 2006 applied contrasting approaches to the situation in Aceh and led to diverging outcomes. Both also illustrate obstacles and opportunities in the relationship between humanitarianism and conflict resolution.

The second, and main focus of the chapter is ‘track two’ processes, which are, according to Potter, ‘commonly undertaken by non-governmental organizations and community groups building supportive constituencies for peace and initiatives for reconciliation among ordinary people’ (Potter 2006: 160).¹ Here, I include international and local ‘grass roots’ groups working primarily with communities in Aceh on issues relating to peace and justice. I include some humanitarian NGOs in this section since they were carrying out activities under consideration.

I also highlight the role of donor governments and their relationship with both track one and track two processes in the case of Aceh to see whether they used ‘humanitarian assistance as a form of leverage and influence to be exercised for conflict management purposes’ (Rigby 2001: 957). In both track one and track two processes, I am interested in not simply describing joint and independent local and international efforts to establish peace in Aceh, but rather enquiring how conflict transformation activities interact with humanitarian assistance programming. Since track one processes work at the state level, there is no way NGOs engaged there can

¹ McDonald (2003) identifies nine tracks to conflict resolution, from business initiatives (track three) to media strategies (track nine).

avoid political activities. In contrast, NGOs working in track two processes may present conflict transformation or peace-building activities, combined with humanitarian assistance, as ‘apolitical’. This raises a number of challenges, especially in dealing with a middle-income country such as Indonesia, which may question the motives of international groups ‘interfering’ in local political matters.

The chapter is divided into two main sections: pre-tsunami and post-tsunami conflict transformation initiatives. The chapter addresses the key research question of this thesis on the nature of the relationship between humanitarianism and human rights.² I do this by looking at three things in each section. First, I examine the role of humanitarianism in the track one peace processes in Aceh, including the HDC (2000-2003) and CMI (2005-2006) processes respectively. I ask what obstacles and opportunities the humanitarian situation offered to conflict resolution during both the HDC and CMI processes. I also ask how HDC and CMI approached human rights and justice issues, since such issues touched core political sensitivities of the Indonesian government. In regard to the post-tsunami period, I question whether peace was achieved because of the tsunami. Second, I investigate how local groups approached conflict transformation and reconciliation initiatives and what role they played in the HDC and CMI peace efforts respectively. Third, I look at how international humanitarian groups responded and related to both the HDC and CMI peace efforts.

In all three sections, I examine how groups coupled humanitarian principles with conflict transformation activities and ask whether local and international humanitarian groups had positive or indeed, negative consequences. The significance of such questions is explained further below.

Before proceeding, it is necessary to consider briefly some of the relevant concepts discussed in this chapter. Hugh Miall (2004) distinguishes three separate schools in the field of conflict intervention: ‘conflict management’, ‘conflict resolution’ and ‘conflict transformation’. Conflict management, according to Miall (2004: 3), ‘is the art of appropriate intervention to achieve political settlements, particularly by those powerful actors having the power and resources to bring pressure on the conflicting

² Human rights relates to conflict transformation activities because such activities aim to put an end to the conflict and thus an end to human rights violations.

parties in order to induce them to settle'. Conflict management theorists see conflict as something 'natural', embedded in historical relationships and established distribution of power. It thus requires political and institutional management. In contrast, conflict resolution theorists, Miall (2004: 3) continues, 'argue that it is possible to *transcend* conflicts if parties can be helped to explore, analyse, question and reframe their positions and interests. Conflict resolution therefore emphasises intervention by skilled but powerless third-parties working unofficially with the parties to foster new thinking and new relationships'. Conflict management and conflict resolution approaches both use third party mediation or facilitation and deal mainly with major conflict actors. Finally, conflict transformation is, according to Miall (2004: 4), 'a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict. Constructive conflict is seen as a vital agent or catalyst for change'. Proponents of this theory embrace conflict as something healthy but promote non-violent action to assist in transforming conflict from violence to peace. In the words of Guus Meijer of Conciliation Resources, 'conflict transformation aims at changing the social organisation and execution of power. In situations of violence, power is organised and exercised by force – by power *over*; in civil politics, power is exercised by consent and/or consensus – by power *with*' (as quoted in Francis, 2000: 1). Conflict transformation specialists propose that with the right tools, and a good amount of political will, societies can move themselves from a 'power over' to a 'power with' situation.

Closely related to the concept of conflict transformation is 'peace-building', which conflict-affected societies sometimes engage in to move from a temporary break in violence to longer term 'positive peace'. The term 'peace-building' is broad and nebulous. It was also a 1990s international aid workers' 'buzzword'. UN Secretary-General Boutros Boutros-Ghali first popularised the term in 1992 in his 'Agenda for Peace' report. He defined post-conflict peace-building as 'action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict' (Boutros-Ghali 1992). Beyond the UN definition, which, in its implementation may include the 'blue helmets' leading peacekeeping interventions in conflict zones, international NGOs have also developed a concept of peace-building

which guides development assistance to communities in ‘post-conflict’ or ‘conflict-sensitive’ situations. The 2003 ‘Conflict-Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding’ resource pack defines peace-building as the ‘measures designed to consolidate peaceful relations and strengthen viable political, socio-economic and cultural institutions capable of mediating conflict, as well as strengthen other mechanisms that will either create or support the creation of necessary conditions for sustained peace’ (FEWER, International Alert and Saferworld 2003: 2). This definition emphasises ‘local ownership’ over the processes to maintain and mediate peace, rather than relying on external actors or institutions.

Michael Barnett and Jack Snyder (2008), present peace-building as one of the grand strategies of humanitarianism. According to Barnett and Snyder (2008: 150):

Peace builders aspire to remove the root causes of violence and create this pacific disposition by investing postconflict societies with various qualities including democracy, to reduce the tendency toward arbitrary power and give voice to all segments of society; the rule of law, to reduce human rights violations; a market economy, free from corruption, to discourage individuals from believing that the surest path to fortune is by capturing the state, conflict management tools; and a culture of tolerance and respect.

This characterisation of peace-building illustrates the incredibly broad range of activities that the concept may entail. Conversely, and potentially useful in politically sensitive areas such as Aceh, where mention of the conflict was taboo, after the tsunami, there were a range of activities that may ‘build peace’ but do not necessarily require reference to conflict, such as ‘good governance’ and ‘empowering local institutions’.

Lofty conflict transformation objectives as described above which include democracy, justice and equity overlap with humanitarian relief and development goals in conflict situations. The ‘humanitarian relief-peace nexus’ sees NGOs combining humanitarian relief with ‘on-the-ground’ conflict transformation initiatives. As described in chapter three, since the late 1990s NGOs began combining humanitarian relief with activities they described as involving peace-building, thus broadening the scope of ‘traditional’ humanitarian action. This new form of humanitarianism went beyond a Dunantist approach of tending to the sick and wounded of war, toward a focus on the

organisation and execution of power, and thus entered the realm of politics. The new humanitarian embrace of conflict transformation activities entailed a shift in the humanitarian sector with the new aim of transforming the nature of power in the places where humanitarian organisations ran operations. Scholars and humanitarian practitioners justified this expansion by arguing that traditional humanitarian relief provided only a 'band-aid' solution, and did not respond to the deeper, often political causes of humanitarian conflicts. As a result, NGOs began to engage in political analysis and design programs that would help resolve the so-called 'root causes' of conflict. Susan Woodward (2007) suggests that policy-interested research on the causes of war had a major impact on peace-building strategies of NGOs. Mary Anderson's 1996 'Do No Harm' model was especially influential for aid practitioners' efforts to examine and avoid exacerbating root causes of conflict by strengthening 'local capacities for peace'. This trend resulted in new peace-building activities being tried and tested around the world.

As explained in chapter two, critics of the new political humanitarianism argue that political issues, including peace-building, should be the responsibility of states and not NGOs. For example, as described earlier, Warner's suggestion that the shift of humanitarianism into political territory 'is an abnegation of responsibility by those in power' (Warner 1999: 3) because it allows states to avoid their responsibility to find political solutions to political problems. It also enables them to label civil wars and other outbreaks of violence as humanitarian crises. Likewise, Terry argues, 'If aid organisations pursue conflict resolution and peace-building activities, they are likely not only to increase the negative consequences of humanitarian action, but to further exonerate states of their responsibilities in these realms' (Terry 2002: 245). NGOs might cause negative consequences for humanitarian action by engaging in a political process and thereby becoming conflict actors themselves, even if only indirectly. Local state and non-state groups can manipulate external parties for their own political interests.

The concept of peace-building and the criticisms of it, as described above is especially relevant to Aceh. NGOs and individual aid workers responded in different ways, depending on a range of issues including the security situation, the attitude of the state authorities, their own funding and resources, and the nature of the particular

NGO's mission. This chapter looks at the challenges and opportunities local and international NGOs faced in the context of the conflict and tsunami, as well as what they were able to do, in response to the conflict. Throughout this chapter, I use the term 'conflict transformation' broadly to include both 'mediation' and 'peace-building'.

6.1 Pre-tsunami interventions

In the pre-tsunami period, there were three different agents of conflict transformation, which I examine in turn. First is the role of international third party mediation attempts at conflict resolution in Aceh. Second, I look at the local student and NGO movement in Aceh and the efforts they made to transform the Aceh conflict. Finally, I scrutinise how international NGOs themselves related to the peace process. In all three sections, I examine how groups coupled humanitarian principles with conflict transformation activities and what the consequences of combining the two were.

a. Humanitarian dialogue?

A key international player working on peace issues, with a unique humanitarian perspective, was HDC.³ Studying the work of the HDC in Aceh may shed light on the nature of the relationship between humanitarianism and human rights, by way of active engagement in peace negotiations toward ending violent conflict in Aceh between 1999 and 2003. Peace negotiations are a fundamentally political process and the HDC case is apt for illustrating humanitarianism for peace building at work. HDC believes, 'that dialogue based on humanitarian principles can assist in achieving political settlements' (HDC 2009). The role of HDC illustrates an aspect of the humanitarianism-peace nexus, because in this case international mediators used humanitarian issues as an entry point to peace negotiations and as an avenue to build trust between the conflicting parties.⁴

The Geneva-based HDC was founded in early 1999. Soon after, it 'cast about for hotspots around the world where combatants could potentially be brought together in

³ HDC was originally founded as the Henry Dunant Centre, but the organisation changed its name after complaints from the Dunant estate.

⁴ My experience working in Aceh between 2001 and 2003, where I often met with HDC staff as well as Indonesian government and GAM representatives, informs my analysis outlined below, but the research I draw upon was all conducted between 2005 and 2009.

a humanitarian dialogue to prevent, or at least minimize, civilian suffering. The East Timor crisis caused HDC in August to dispatch one of its senior staff to the Timorese capital of Dili by way of Jakarta' (Huber 2004: 20). The situation changed when the East Timorese voted for independence, effectively ending the conflict between the Indonesian government and the East Timorese, and along with it, the need for conflict mediation. The HDC shifted its gaze to other parts of Indonesia.

Meanwhile, the traditionalist Muslim cleric Abdurrahman Wahid was elected president of Indonesia in October 1999, and signalled that he was willing to negotiate with GAM. Wahid received HDC representatives in Jakarta and then visited their headquarters in Geneva in January 2000 where he asked them to play a mediating role between the Indonesian government and GAM. HDC facilitated a series of meetings between Indonesian government officials and the Stockholm-based GAM leadership in Geneva in March and April of that year. These meetings led to the signing of a 'Joint Understanding on the Humanitarian Pause' in May, with the agreement coming into effect on 2 June 2000. According to Huber (2004: 47), 'the issue of access for humanitarian agencies to conflict-affected areas was taken up in the context of talks in January and May 2000 that led to the humanitarian pause'.

The use of the term 'humanitarian' in the Humanitarian Pause agreement is significant and presents the trademark approach of the HDC. Huber (2004: viii) explains that '[f]rom early 2000 onward, HDC used humanitarian issues as a point of entry'. Both sides of the conflict viewed the focus on humanitarian issues as an acceptable basis for the dialogue. This was evident from the attitude of former Indonesian Foreign Minister and negotiator during the first round of peace talks, Hassan Wirajuda who explained that: 'the humanitarian dimension made it easier for both sides to put aside the sensitive political aspects of their quarrel' (Kompas 24 November 2002).⁵ There is a further, politically strategic reason for this semantic choice, as Sultan Barakat et al argued: 'The term 'humanitarian' was non-offensive to [Indonesia] and made dialogue acceptable' (Barakat et al 2002: 13).⁶ Kira Kay takes the point further, suggesting that 'it was a way to circumvent the RI's [Republic of

⁵ *Dimensi kemanusiaan sedikitnya memudahkan para pihak untuk mengenyampingkan dulu sisi-sisi yang politis, yang sensitif dalam sengketa mereka*

⁶ Furthermore, Indonesian national ideology, the *Pancasila*, includes 'Just and Civilised Humanitarianism' (*Kemanusiaan yang Adil dan Beradab*) as its second pillar.

Indonesia] refusal to accept the Aceh conflict as a battle between two equal military forces' (Kay 2002/03: 5). According to a review on HDC's role in Aceh, 'the term 'Humanitarian Pause' was coined to reflect the first joint concern between the state and the rebels' (Barakat et al, 2002: 3). This concern was illustrated in the opening sentence of the agreement which stated that, 'the Parties to this Joint Understanding believe in the basic tenets of humanitarian principles and values', and that the first objective was to allow for the 'delivery of humanitarian assistance to the population of Aceh affected by the conflict situation' (HDC 2000). The review points out that 'humanitarianism was intended to be proactive, that is, to prevent the low-intensity conflict in Aceh from spiralling in the direction of a complex emergency' (Barakat et al 2002: 3). Indeed, one of the two main components that comprised the 'Humanitarian Pause' was humanitarian action; the other being security modalities.

The Humanitarian Pause agreement created an organisational structure, consisting of three joint bodies including representatives from both the Indonesian government and GAM, and facilitated by the HDC. In Geneva, the 'Joint Forum' was tasked with formulating and overseeing policy and reviewing progress of the accord. In Banda Aceh, the main task of the Joint Committee on Humanitarian Action (KBAK, *Komite Bersama Aksi Kemanusiaan*) was the coordination and delivery of humanitarian assistance, while the Joint Committee on Security Modalities (KBMK, *Komite Bersama Modalitas Keamanan*) was responsible for, among other things, 'ensur[ing] the reduction of tension and cessation of violence', 'prepar[ing] ground rules for the conduct of activities pertaining to the Humanitarian Pause', and 'guarantee[ing] the absence of offensive military action' by both sides (HDC 2000). The other main body established in Aceh was the Security Modalities Monitoring Team (TMMK, *Tim Monitoring Modalitas Keamanan*) in order to 'assess the implementation' of the pause and 'investigate infringements and report their findings to the Joint Forum' ((HDC 2000). USAID and the Norwegian government provided significant funding for the committees' operational costs.

Throughout 2000 and 2001, violent conflict continued in the province, while both sides traded accusations of violating the accord and used the accord for strategic political and military purposes. GAM used the Humanitarian Pause to regroup and recruit, while the Indonesian government argued that the failure of a humanitarian

solution further legitimated military operations (Aspinall and Crouch 2003). As mentioned in the previous chapters, the security forces (and to a lesser extent GAM) targeted civilians, human rights activists, humanitarian workers and peace monitors with violence and intimidation. The torture of three Oxfam staff in South Aceh in August 2000 and the killing of the RATA workers in North Aceh in December 2000 illustrate the precariousness of the security situation for humanitarian workers at the time. The same month that the Humanitarian Pause was renamed 'Peace through Dialogue' (*Damai Melalui Dialog, DMD*), on 30 March 2001, Indonesian security forces killed a human rights lawyer, Suprin Sulaiman along with a member of the TMMK, Teungku Kamal and their driver in South Aceh. The killings indicated that little had changed in reality.

There was growing opposition to President Wahid in Jakarta, and 'in his fight for political survival, the fate of Aceh was far from his mind' (Aspinall and Crouch 2003: 21). On April 11, 2001, Wahid signed a Presidential Instruction (Inpres 4/2001) on Comprehensive Measures to Resolve the Aceh Problem (*Langkah-Langkah Komprehensif Dalam Rangka Penyelesaian Masalah Aceh*). It included responding to the conflict in the following six fields: political, economic, social, legal and public order, security, and information and communications. Of the six fields mentioned, the Security and Law Restoration Operation (*Operasi Keamanan dan Penegakan Hukum*) was dominant, leading to a significant escalation of military action in the field. In less than a month, by May 14, 2001, 107 people were killed, mostly civilians, 176 were wounded, 135 were arrested, 180 houses burned down and 99 homes pillaged (Farza 2001). Thus, the HDC emphasised 'dialogue', while the Indonesian government stepped up counter-insurgency operations and GAM continued their guerrilla tactics. The term 'humanitarian' was notably absent in Wahid's Inpres 4/2001. Humanitarianism did not offer the common ground that HDC had hoped it might. The political gulf between the two sides continued to be the main problem.

In the lead up to the possible signing of a new agreement, on December 3, 2002, Japan, the United States, the EU, and the World Bank co-chaired in Tokyo a Conference on Peace and Reconstruction in Aceh. Foreign governments expressed their support for a peaceful resolution of the conflict and called upon the Indonesian government and GAM to continue their ongoing dialogue and reach an agreement.

Donors pledged financial support in the fields of monitoring, reconstruction and development, including providing humanitarian relief and assisting in the development of an effective system of justice, rule of law and respect for human rights. On December 9, 2002 representatives of the Indonesian government and GAM signed the Cessation of Hostilities Agreement (CoHA). In contrast to the Humanitarian Pause agreement, the CoHA made reference to humanitarian assistance only in passing. Under the CoHA, humanitarian assistance would be facilitated through the establishment of peace zones.⁷

The CoHA allowed for the establishment of the Joint Security Committee (JSC). HDC recruited 50 monitors from Thailand and the Philippines who worked alongside representatives from the government and GAM. Similar to the Humanitarian Pause period, during the CoHA, GAM encouraged the mobilisation of IDPs to raise awareness of the conflict in the international media and used the peace to recruit new fighters, increase their munitions stockpiles and strengthen their parallel government structure. On the government side, TNI commanders and government leaders openly opposed the agreement and favoured a military solution (Aspinall and Crouch 2003). Throughout Aceh in March and early April, mobs (with links to the Indonesian security forces) launched protests calling for the dissolution of the JSC, attacked JSC monitors, destroyed their vehicles and burned down two JSC offices. These violent events led to the eventual withdrawal of JSC monitors (Aspinall and Crouch 2003).

The peace talks were hampered by a lack of political will from the beginning. The two sides were separated by a fundamental difference concerning Acehnese and Indonesian sovereignty. According to Aspinall and Crouch's (2003: 13) report on the failure of the peace process, 'the Indonesian side went into the negotiation process with deep reservations' amid widespread dissent among hawkish Indonesian generals and lawmakers who disagreed that Indonesia should even be talking to the rebels. GAM refused to accept anything less than independence and the Indonesian government refused to offer anything more than autonomy. The CoHA process

⁷ Neither the Humanitarian Pause or the CoHA make any reference to human rights. However, the CoHA did come close to including human rights issues. On the eve of the signing of the CoHA, 'both sides pulled every reference to human rights from the final agreement' (Martin 2006: 65). According to Bachtiar Abdullah, the former GAM spokesman, 'the priority at the time was to establish peace zones; human rights would come later' (Interview with Bachtiar Abdullah, 10 August 2007, Stockholm).

ultimately faltered on May 17, 2003 after Indonesian police arrested five Aceh-based GAM negotiators and HDC staff in Banda Aceh on their way to Tokyo to participate in a final round of talks between the GAM leadership and the Indonesian government aimed at saving the CoHA process. The talks collapsed because GAM would not sign an agreement that effectively meant GAM's total surrender and dissolution. At midnight on 18 May President Megawati declared a Military Emergency (*Darurat Militer*) for Aceh. The Military Emergency regulations placed restrictions on international NGOs working in Aceh, and all expatriate staff were forced to leave Aceh by July 2003.

How are we to evaluate HDC's use of humanitarian issues as an entry point to peace negotiations in Aceh and as a way to maintain them? While the peace process ultimately failed under HDC's mediation, there were some successes along the way. HDC managed to get the belligerents talking in the initial period and did succeed in creating a 'humanitarian space' in Aceh. As Huber (2004: 32-33) notes, '[i]n the eyes of HDC, GAM, and certainly the Acehnese populace, the humanitarian pause was largely effective. Humanitarian agencies had much greater access to the countryside, violence was reduced, and the number of internally displaced dropped from some 50,000 to about 10,000'. HDC also set the scene for the later success in 2005.

However, HDC's status as an NGO and its 'humanitarian approach' raised a number of problems, including the question of access, a recurring theme in this thesis. For example, the March 30, 2001 killing of the HDC monitor Teungku Kamal representing GAM, mentioned earlier, raised a dilemma for HDC leaders. According to Huber, 'HDC declined to use its diplomatic connections and international status to protest his killing or threaten withdrawal from the process' (Huber 2004: 34). The reason HDC did not react strongly is not clear. It may be that HDC did not see the incident as targeting HDC personnel.⁸ More importantly though, HDC wanted to maintain a presence and secure a peace agreement in Aceh. In Huber's (2004: 34) words, 'HDC's approach to this dilemma in humanitarian action underscored what its leadership understood as the organization's bottom line: avoid being thrown out of Indonesia by the government at all costs'. Similarly, the October 2003 sentencing of

⁸ Chapter four provides background to this incident which suggests that the main target may have been the lawyer, Suprin Sulaiman, for his involvement in the so-called South Aceh rape case.

five GAM negotiators to 12-15 years on terrorism and treason charges was met with what Huber described as, ‘only a belated expression of public protest by HDC’ (Huber 2004: 5). HDC prioritised its own access and continuity of the talks. The case illustrates that without the networks or political backing that an intergovernmental agency has, HDC lacked political clout.

Further, it is likely that the use of humanitarian issues as the basis for the peace negotiations in this period may have contributed to the politicisation of humanitarian assistance in Aceh. The Indonesian authorities were increasingly suspicious toward humanitarian actors. A sign of the growing mistrust was the intimidation of local activists and the de facto expulsion of international NGOs by 2003. This is not to say that HDC’s use of humanitarian concepts as an entry point for peace talks directly led to the untenable international presence. Rather, it was likely a factor among many, including the central government’s intent to annihilate GAM, as well as GAM’s and local civil society groups’ strategic use of humanitarian issues to raise awareness of the conflict, as discussed in chapter four.

Overall, it is hard to avoid concluding that given the political context at the time and the unwavering positions of both sides to the conflict, there was little more that HDC could do. HDC linked humanitarianism with conflict transformation in its strategy to facilitate humanitarian access and build trust between the two sides. It was also a way for HDC to legitimate its role and to gain the trust of the belligerent parties. But in the final analysis, what was HDC to do in the context of a political stalemate? If it withdrew that would have been an admission by HDC to the Indonesian government that dialogue was not possible and thus would have legitimated a military solution.⁹

b. The local student movement and NGOs

The previous chapters have outlined the emergence of the Acehnese pro-democracy and human rights movement, but to what extent was there a ‘peace movement’ in Aceh? I argue that there was no sustained, broad-based civil society peace movement

⁹ Ironically, when the talks failed and former President Megawati Sukarnoputri declared Aceh to be under a military emergency, the Indonesian security forces adopted humanitarian jargon. The four-pronged military solution included a ‘humanitarian operation’ (*operasi kemanusiaan*), yet restricted local and international humanitarian groups from directly delivering aid to communities.

genuinely driven by non-violent principles. Groups were interested in a social transformation of the conflict through a political process, but many of them also supported armed struggle, at least in private.

As we have seen in chapters three and four, the roots of non-violent action in Aceh began with student activists engaging in hunger strikes and civil disobedience to bring down the Suharto regime in 1998. Riding the anti-Suharto, pro-democracy wave that swept Indonesia in 1998, Acehnese students were at the forefront of demanding change and *reformasi* of the Indonesian political system. As mentioned earlier, after Suharto was gone, the movement transformed to struggle against a 'new enemy', namely DOM (*Daerah Operasi Militer*, military operations area, 1989-1998) and military abuses against the Acehnese. President Suharto's successor, President Habibie put an end to ten years of DOM in Aceh. The Acehnese pro-democracy movement evolved into a human rights movement, as described in chapter four, and then went on to become major players in determining a peaceful outcome for Aceh.

This section looks at how the Acehnese student and NGO (collectively referred to here as civil society) movement attempted to address conflict and violence at the grassroots level. I discussed the role of human rights organisations engaging in humanitarian work in Aceh in chapter four and many peace-oriented organisations also fall into the human rights category. To avoid repetition, here I examine the work of some local organisations that explicitly engaged in conflict transformation activities, and strategically used humanitarian issues to promote peace. I also look at their role in the official peace negotiations.

One of the first ways Acehnese civil society actors engaged in conflict transformation activities was to mobilise the Acehnese public in support of a peaceful resolution to the conflict. However, this action arguably heightened the conflict. Habibie's January 27, 1999 announcement that East Timor would have a 'popular consultation', or referendum on independence had an electrifying effect on the Acehnese democracy movement. It also led to the first attempt to resolve the conflict in Aceh peacefully, emerging from local civil society, including students, women's groups and NGOs. Student groups such as SMUR and SIRA reacted strongly to the situation in East Timor and its subsequent separation from Indonesia in the 1999 UN administered

referendum, and called for a similar process in Aceh. In November 1999, SIRA leaders launched a massive campaign of protests, demanding a referendum on independence as a political solution to the conflict in Aceh. Eyewitnesses report two million people, although the actual figure is most likely much less, gathered around Banda Aceh's Baiturrahman grand mosque. SIRA leaders packaged the referendum as a peaceful solution to the conflict. The groundswell of popular support for the referendum compelled the governor at the time, Syamsuddin Mahmud, to back the movement.

In chapter three, I mentioned the close relationship between GAM and segments of Acehnese civil society. This relationship was beginning to develop around the time of the referendum movement. In regard to non-violent struggle, it is interesting to note that, according to Huber, after '[s]eeing the popular momentum gathering within Aceh for a referendum similar to East Timor's, the GAM leadership was reportedly open to non-violent means for pursuing the struggle' (Huber 2004: 22). This confirms that GAM and certain segments of civil society allied together for strategic political purposes and that there was an opportunity at this time for an alternative, non-violent resolution to the conflict.

However, the Indonesian authorities did not view the referendum option as a way to resolve the conflict, but as a way to escalate it. In November 2000, Indonesian security forces prevented another mass pro-referendum rally by blocking convoys of people making their way to Banda Aceh, and firing upon and killing dozens of referendum supporters. In my several visits to the districts in Aceh during 2001 and 2002, buildings and roads connecting Banda Aceh to the rest of the province were emblazoned with the word 'REFERENDUM' in large colourful letters. Yet, this was a haunting reminder of a movement losing momentum. SIRA supporters were under attack and many SIRA founders fled to Jakarta, Malaysia, the US and Europe. In 2002, arsonists burned down the SIRA office in Banda Aceh and SIRA leaders were jailed or forced to flee Aceh. In February 2003, SIRA chairman Mohammad Nazar was arrested for organising a rally and causing public unrest.¹⁰ Furthermore, as

¹⁰ He was later charged with spreading hatred against the government and remained in prison until he was granted amnesty days after the 15 August 2005 Helsinki MoU.

mentioned in chapter three, there was no international support for replicating East Timor's split from Indonesia in Aceh.

Most activists sided with conflict victims and saw a political solution, namely Acehese independence, as a way to end the conflict – and with it – human rights abuses. This led some civil society groups to become conflict actors. The restricted space for peaceful action meant that broad based social and conflict transformation was a major challenge by 2003. Civil society groups also lacked the international support that may have allowed them to participate and exert power in the peace negotiations.

As described above, GAM saw the strength of the civil society movement and came to be strategic allies with some groups (Erwanto 2007). Many civil society actors engaged in non-violent action for pragmatic political purposes. However, the conditions in Aceh at the time meant that there was little space for civil society actors to engage in peace work and some drifted toward being informally supportive of an armed struggle for Aceh's independence.¹¹ This re-positioning of local groups was a direct result of Indonesian security forces targeting civilians, including students, humanitarian workers and human rights activists. For many civilian activists, the security forces' actions gave them no choice but to support independence. For some, such as the student leader, Kautsar, it became a matter of survival to join GAM in the mountains. Others simply left the movement.

Women's NGOs including Flower Aceh and RPuK were among the few that were non-partisan and remained committed to principled nonviolence. Flower, already mentioned in earlier chapters as the first women's NGO in Aceh, brought together women from around Aceh and documented cases of rape and other forms of sexual abuse committed during the conflict. Flower distanced itself from the referendum campaign and was one of the only NGOs that spoke out about abuses committed by both the Indonesian security forces and GAM. This position led to increased threats against the organisation and eventual reduction of their work. From 2001, Flower Aceh intermittently held conflict transformation training programs in Aceh. In these

¹¹ This information is based on numerous informal conversations between late 2001 and 2008 with Acehese friends involved in the student and human rights movement.

training programs, civil society leaders and ordinary community members learned basic tools in conflict management and non-violent resolution of conflict. Through such programs, local organisations did not attempt to resolve the larger GAM-Indonesia conflict, but rather to build peace from the ‘bottom up’.

Local groups therefore engaged in a range of conflict transformation activities. They included trainings for community members on conflict management and non-violent conflict resolution, demonstrations for peace and demonstrations against military campaigns.

The sharp dividing lines and the spiral of violence in the Aceh conflict, whereby government repression gave rise to increased opposition which led to more repression, limited the space for Acehnese civil society to act. Those who openly criticised GAM, such as Flower were threatened with violence. Rather than diminishing the conflict, the civil society-led referendum and anti-militarisation campaigns resulted in an escalation of the conflict, with government forces increasingly targeting civil society leaders with violence. Furthermore, most peace activism was directed against the TNI who, when they saw such activism in combination with their assessment that most civil society groups were pro-independence, concluded that elements of civil society activism was part of the problem they confronted in Aceh.¹²

At the beginning of HDC’s involvement in Aceh, the organisation had plans for involving local civil society groups in working toward a resolution of the Aceh conflict. According to Huber (Huber 204: 56), ‘HDC’s idea was to catalyse a broadly inclusive, bottom-up consultation process that would bring together key constituencies, clarify popular views, build wider representation for the Acehnese, and eventually link them with opinion leaders in Jakarta’. The process stalled due to a lack of capacity among local drivers of this initiative. Huber notes that attempts to formally involve civil society groups in the peace process were made but were plagued with difficulties, including GAM’s insistence on claiming the role of sole

¹² In a meeting with Commander Djali Yusuf in Lhokseumawe in September 2001, he said some local NGOs were fronting for GAM and international NGOs should be careful and selective of which groups they partner with. (Field notes, September 2001)

political representative of the Acehnese, Indonesian government preferences for military operations and suspicions of an increasingly politicised civil society, as well as HDC's own preference for a mediated ceasefire (Huber 2004: 41, 56-58).

Ultimately, the HDC process saw Acehnese civil society participation limited largely to a consultative role. According to one civil society leader, 'both GAM and the TNI consulted with civilian organisations prior to negotiating with each other, and used issues raised at these consultations as reference material for the talks' (Kautsar 2003). Acehnese civil society leaders were present during the late 2002 and 2003 CoHA negotiations in Geneva and Tokyo. Both the Humanitarian Pause and the CoHA attempted to facilitate basic humanitarian attention and access to Aceh. However these two agreements did not give a mandate to local organisations to help change the conflict dynamic in a meaningful way.

The Humanitarian Pause agreement does not mention civil society or local NGOs. On the one hand, this is surprising given the key role played by local NGOs in responding to the conflict in Aceh over the years. On the other hand, it is not surprising insofar as GAM saw itself as the legitimate representative of the Acehnese people and the HDC strove to engage the armed actors and get them to commit. Civil society leaders were later included in the joint monitoring committees described above. However they were often perceived to be partisan to GAM or the Indonesian government because the CoHA allowed both parties to select JSC teams. The CoHA also provided an opportunity for civil society to play a greater role. Article 2f stated, '[b]oth parties will allow civil society to express without hindrance their democratic rights' and article 3g stated, '[c]ivil society has the right to provide inputs to the JSC' (HDC 2003). However, the process was flawed and potentially lethal for local activists. As members of the JSC were nominated by the conflict parties, this effectively put them in the TNI or GAM camp, which then meant they could be targeted by the other side if the process failed.

Throughout the 1998 to 2003 period, most civil society organisations engaging in conflict transformation activities were on high alert, and dealt with threats against their lives and faced intimidation and office raids. The spectrum of Acehnese civil

society included people who saw no option other than the violent rebellion against the Indonesian state, and some who remained committed to non-violent conflict transformation. The very small number of local NGOs that fall under the latter category indicates that the ‘peace movement’ in Aceh was weak. The security forces linked NGOs with an increasingly politicised concept of humanitarianism in Aceh. The state cracked down on civil society groups that criticised the state, who were by default viewed as sympathetic to GAM. The space for all forms of peaceful protest all but closed by May 2003. Overall, conflict transformation or peace-building as an aspect of humanitarianism raises great challenges in highly polarised conflict situations, and Aceh was no exception.

c. International humanitarian and peace NGOs

As discussed in chapter three, a number of major international NGOs, including Oxfam, IRC, International Catholic Migration Commission, Jesuit Refugee Services and Save the Children came to Aceh to provide emergency humanitarian relief alongside longer-term development assistance. From 1999, some small international NGOs introduced earlier in this thesis as advocacy or protection groups, also took an interest in supporting grassroots conflict transformation in Aceh. For example, Nonviolence International and Tapol assisted Acehese NGOs in designing non-violent struggle and fundraising strategies. PBI provided protection and peace education workshops for local NGOs. Cafod, along with Dutch groups including ICCO, *Kierk en Actie*, Novib and Hivos provided a range of support for local NGOs working on peace and human rights issues. Yet all international NGOs were limited in terms of how far they were able to go to promote a resolution for the Aceh conflict because of the political sensitivities surrounding such work.

As described in chapter four, international development and emergency relief NGOs in Aceh were, at least in public, highly ‘apolitical’. In the words of one NGO chief, who wanted to remain anonymous, ‘we maintain a low profile simply to maintain a presence’, and do not want to support ‘local NGOs’ political agendas’ (confidential interview 2007). He believed that the politicisation of humanitarian aid could lead to the targeting of aid workers and the forced withdrawal of the program and argued that ‘the focus must be on humanitarian principles’ (confidential interview 2007). The

Humanitarian Pause increased the space in which international humanitarian actors could respond to the dire IDP situation in Aceh in 2000 and 2001. Yet, international NGOs in Aceh played down their relationship with HDC and treated it in purely humanitarian and apolitical terms. In particular, international NGO staff distanced themselves from HDC at times of political insecurity in the relationship between HDC and the Indonesian government, and when GAM negotiators were arrested. International NGOs were highly concerned about how the Indonesian government perceived their activities in Aceh and did not want to jeopardise their humanitarian programs by coming across as being too close to HDC. If the government perceived that an international NGO was veering from a purely humanitarian mission toward a political one, then it risked being expelled from Aceh. Conflict transformation was too difficult for most international NGOs as it could jeopardise the ability to provide important humanitarian assistance.

Yet other international NGOs such as PBI worked directly on peace and human rights issues, faced few problems and developed good relations with a range of actors in the conflict. It has to be admitted that PBI had a very distinctive and limited role. While PBI never sought to transform conflict in Aceh on a grand scale, it did work to promote peace and human rights in Aceh in two ways. PBI's primary mission was 'making space for peace'. It did this by providing 'protective accompaniment' for local activists to carry out their humanitarian, human rights and peace work. In this sense, since PBI only worked with those organisations that were committed to peace, PBI contributed to some peace-building activities. As described above, PBI had to be cautious about which organisations it worked with. Although SIRA was the original inviting organisation, PBI never had a formal relationship with that organisation because PBI saw SIRA as being close to GAM and in favour of independence. A recurring theme in PBI internal meetings was the concern among some members that the organisation was not doing enough to protect activists, especially some former student activists, who were considered to be in the most danger. Yet PBI members believed that working with such radical personalities would have PBI expelled from Aceh and the protective services provided to six other organisations would no longer be available. The fact that civil society had become conflict actors meant that PBI were limited in which groups they could associate with and what activities they could engage in.

A number of Dutch NGOs including ICCO, Kerk in Actie, Novib and Hivos stood apart from other NGOs in that they funded local organisations working on human rights, democracy and peace, including Koalisi, KontraS Aceh and LBH.¹³ They were able to do this because they did not maintain a presence in Aceh and instead funded local civil society groups active in the province. They worked with NGOs in Aceh but also with NGOs at the national level in Jakarta, including KontraS, PBHI and Imparsial, which worked in conflict areas throughout Indonesia.

The first organisation they funded in Aceh was the Institute for Civil Society Empowerment (Cordova) and, as mentioned in chapter three, they went on to be major partners of other groups including the Koalisi NGO HAM, Flower Aceh and RPUK. In the first few years, representatives from ICCO and Kerk in Actie visited Aceh once or twice a year. In 2000, the two groups jointly facilitated a visit by a delegation of seven Dutch and European Union MPs to meet with civil society, government authorities and the HDC in Aceh. During the meeting, according to Kees de Ruiter of ICCO's Democratisation and Peacebuilding, Research and Development Department, SIRA activists demonstrated outside the meeting, claiming that 'Holland is still at war with Aceh and Aceh is independent' (Interview with Kees de Ruiter, 29 August 2007, Utrecht). The effect of this kind of action was to distance most international donors from explicitly pro-independence groups and encouraged them to work with less politicised NGOs. Therefore, as Acehnese civil society became conflict actors and more 'political' in their orientation, albeit in their attempt to achieve peace, international NGOs distanced themselves. In other words, international NGOs did not really approve of civil society identifying and promoting a political, albeit non-violent, solution to the conflict. The reason was simple: they did not want to jeopardise their relationship with the Indonesian government and be forced out of Aceh.

In summary, the pre-tsunami period saw local and international NGOs struggling to contribute to peace in Aceh. The Indonesian security apparatus met the Acehnese non-violent struggle with brute force and any remnant of a peace movement in Aceh

¹³ ICCO and Kerk in Actie merged in mid-2007 due to new financial regulations for NGOs passed by the Dutch government

soon faded. International groups faced major external and internal obstacles and failed to bring track one and track two processes together. International NGOs wanted the Indonesian government to see their activities as purely humanitarian and stayed clear of ‘politics’ in Aceh. Yet the HDC process arguably politicised humanitarianism in Aceh and the failure of the peace negotiations led to the partial closure of Aceh to international humanitarian assistance in 2003. Smaller NGOs with a highly specified mission such as PBI were able to work with human rights, humanitarian and ‘grassroots’ conflict transformation initiatives. Still, PBI avoided official engagement with local groups perceived to be pro-independence. Even those that did not maintain a permanent presence in Aceh such as ICCO and Kerk in Actie, the referendum issue was too sensitive to touch. Similar to the points raised in the previous chapters, the key concern among all internationals working ‘on the ground’ was maintaining access to IDPs and activists in Aceh. At the same time, local activists and ordinary Acehnese saw internationals as the key to making Aceh peaceful. But for many of them, peace meant independence. Over time, brutal security operations targeting Acehnese civil society decreased the options for local activists. Many were convinced that peace could only be achieved through the two-pronged strategy of guerrilla warfare in Aceh and non-violent protest in Aceh and abroad. For many NGOs, peace was an illusory goal.

Overall, humanitarianism as an avenue for peace largely failed in Aceh. The Indonesian government would not accept it in conditions in which “peace” would have left unresolved the final status of Aceh, and left an armed secessionist movement in the villages. Indeed, with the declaration of martial law, the Indonesian government identified itself as the only legitimate and viable humanitarian assistance provider in Aceh. The HDC process saw an attempt to use humanitarian principles influence politics in a positive way and peacefully transform the conflict. However, the political gulf between the Indonesian government and GAM made this impossible. International NGOs steered clear of NGOs and activities that could jeopardise their humanitarian mission or put them offside with the Indonesian government. Acehnese civil society was largely active in the conflict and supported independence, causing relations with both the Indonesian government and international NGOs to become strained.

6.2 Post-tsunami interventions

This section continues the analysis of the relationship between conflict transformation and humanitarian action in Aceh, albeit in a radically new environment, that of the post-tsunami period. The tsunami caused severe physical destruction in Aceh, but also had a major impact on how local and international groups responded to the conflict situation. The post-tsunami period also saw some new conflict transformation actors playing key roles. This section follows a similar structure to the previous one. First, I begin by looking at international track one processes of conflict management. Second, I examine the role of local civil society attempts at conflict transformation in the post-tsunami period. Finally, I present the challenges and opportunities international humanitarian NGOs faced in terms of peace-building in the new environment. I also look at some broader questions, such as those regarding the relationship between the tsunami and the peace process.

As discussed, the tsunami was another layer over an existing crisis. The Acehnese wanted tsunami reconstruction, but they also wanted peace. Yet the conflict continued into the post-tsunami period. Based on its experience during the humanitarian pause, the TNI were concerned that GAM would use the lull in military operations to re-group and recruit after some devastating losses during martial law. That experience fuelled fears among some Indonesian politicians that international aid would end up in the hands of GAM. This situation contributed to the division between the tsunami and conflict response described in earlier chapters. The division in turn caused fear among civil society leaders that peace in Aceh would be all the more difficult to achieve. However, it may have been that division that in fact secured peace in Aceh, as described below.

a. Tsunami diplomacy or crisis management?

This section investigates the impact of the tsunami on the peace process and the role of the Helsinki-based Crisis Management Initiative (CMI), which in early 2005 became the major player in promoting peace in Aceh. Within eight months after the tsunami, CMI not only succeeded in returning the Indonesian government and GAM to the negotiating table, but also persuaded the two sides to sign a landmark MoU in Helsinki on 15 August 2005. I am particularly interested in what role humanitarian assistance played, if any, in the Helsinki peace process.

Much has been written, although often in passing, about the impact of disasters on politics. For example, in reference to the Nicaraguan dictator, General Anastasio Somoza Debayle, George Black notes that the 23 December 1972 earthquake was ‘a pivotal moment in the disintegration of *Somocismo*’ (Black 1981: 59). While most of the literature discusses aspects the political impact of natural disasters (see Albaladejo 2000), much of the literature fails to analyse what happens when a ‘natural disaster’ strikes a pre-existing ‘man-made’ disaster. More recently, a small body of literature has developed that looks specifically at what is referred to as ‘disaster diplomacy’, exploring ‘how disaster related activities do and do not yield diplomatic gains’ (Kelman 2007: 288; see also Kelman and Koukis 2000). Most research on disaster diplomacy is ‘negative about the potential for disasters to mitigate conflicts, including intrastate examples and noting that disaster-related activities have exacerbated conflict in some instances’ (Kelman 2007: 973).

After the resumption of peace talks between the Indonesian government and GAM was announced on 23 January 2005, Ilan Kelman noted that these talks ‘might indicate disaster diplomacy’ (Kelman 2005). What he meant by this was that the post-tsunami disaster assistance might assist in resolving the conflict. Observers have commented extensively on what the overall role of the tsunami was in the peace settlement. Gaillard, Clavé and Kelman (2008: 511) further observed that ‘the disaster had a deep influence on the peace talks between GAM and the Indonesian government and on the eventual implementation of the peace agreement reached’. In popular Acehnese views, there is a direct relationship between the natural disaster and peace in Aceh. Indeed, many Acehnese stated to me that the massive loss of life in the earthquake and tsunami disaster may have been a ‘wake up call’ for the conflicting parties, that too many lives had been lost and the Acehnese had reached the limit of suffering. Yet, most scholars agree that the tsunami did not directly bring about peace in Aceh and there was significant momentum toward a return to the negotiating table prior to the tsunami. Kirsten Schulze (2005: 23-25) notes the following four dynamics that were already underway before the disaster.

The first was the severe losses experienced by GAM in 2003 and 2004 in terms of both military and political capacity. Aspinall (2005b: 7) suggests that, ‘Among GAM

members, a growing sense of battle fatigue and international isolation prompted a new willingness to examine options that had previously been regarded as anathema'. GAM's increasing willingness in early 2005 to compromise, drop its objective for independence and accept a new autonomy deal, represented a major policy change from the earlier period of negotiations. This shift also has pre-tsunami roots and may partly be explained by GAM's weakened military and political position. In an interview, one of the GAM negotiators, Nurdin Abdurrahman said, 'in October 2004, GAM Prime Minister Malik Mahmud made a statement suggesting GAM would accept a deal less than independence' (Interview with Nurdin Abdurrahman, 24 March 2008, Bireuen). This statement was internal to GAM members and could have been informed by the pressures on GAM. According to Nurdin, he then 'discussed the essence of what freedom would be with Hasan di Tiro, based on his book and found that freedom did not necessarily equate to territorial sovereignty' (Interview with Nurdin Abdurrahman, 24 March 2008, Bireuen).

The second factor was the election of 'peace-makers' – Susilo Bambang Yudhoyono and Jusuf Kalla as President and Vice-President respectively in September 2004 – and the departure of President Megawati Sukarnoputri and her pro-military policies. Both Yudhoyono and Kalla had been peace-makers in other parts of Indonesia and were committed to peace in Aceh. As discussed in chapter three, Yudhoyono had a reputation for wanting to settle the Aceh conflict through a peace settlement, rather than through military means alone. Yudhoyono replaced senior TNI officials who favoured a military solution over talks, and who with all likelihood could have gone on to spoil the peace process. According to Michael Morfit's (2006) article celebrating the first anniversary of the Helsinki MoU in the Asia Times Online:

one of Yudhoyono's key decisions was to retract former president Megawati's nomination of General Ryamizard Ryacudu as the military's commander-in-chief and instead order the extension of incumbent General Endriartono Sutarto's tenure. Ryacudu had been a frequent and outspoken critic of negotiations with GAM, and demonstrated little hesitation in publicly challenging the government's conciliation policies (Morfit 2006).

Morfit continues: 'Aceh may have been the immediate issue, but in retracting Ryacudu's nomination, Yudhoyono was also taking the senior generals' ability to challenge, subvert or undermine civilian control over the TNI head-on' (2006).

Yudhoyono's act of isolating Ryacudu was instrumental in maintaining security on the ground in Aceh.

Third, 'secret back-channel talks' between GAM and the Indonesian government were underway soon after the 2004 election and focused on political and economic solutions (Schulze 2005: 24). Kalla had strong peacemaking credentials. In his previous position as Coordinating Minister for Peoples Welfare, he had sent envoys and travelled himself to Europe and Malaysia to make contact with GAM as early as March 2002 (Awaludin 2008: 22). Yudhoyono, in his previous position as Coordinating Minister for Security Affairs, recognised capacity as a peace broker and appointed Kalla as a mediator in the religious conflict in Poso, Central Sulawesi in late 2001. Kalla and Hamid Awaludin, both of whom are Bugis (an ethnic group from South Sulawesi), worked together in resolving the Poso conflict. Awaludin was made Minister for Justice and Human Rights in the Yudhoyono government and later appointed chief negotiator in the Helsinki talks. Having a government minister leading the talks suggests the Indonesian leadership was serious about resolving the conflict. In June 2004, Awaludin met with a local businessman, Juha Christensen in Helsinki, who offered to request former president of Finland Martti Ahtisaari to act as mediator for a peace settlement between GAM and the Indonesian government.¹⁴

According to Michael Morfit (2007: 7), 'by mid-December 2004, concrete plans were already well underway to convene the first round of negotiations in Helsinki'. The Indonesian government's newfound and active commitment to peace assisted in laying the groundwork for conflict resolution in Aceh in the immediate lead up to the tsunami. Morfit (2007: 7) notes that 'Ahtisaari was seeking confirmation from both sides on basic understandings prior to agreeing to take on the role of facilitating negotiations in Helsinki' and three days *before* the tsunami disaster, the Government of Indonesia had already confirmed that Awaludin would lead its delegation. The talks were on the horizon and GAM was preparing to meet Ahtisaari in Finland when the tsunami struck. As Morfit (2007: 7) notes, 'Plans for Ahtisaari to meet face-to-face with the GAM leadership were far advanced, but then had to be postponed because of the tsunami'.

¹⁴ Ahtisaari had in fact been approached in late 1999 by MP-GAM to mediate the conflict (Huber 2004: 23).

Finally, GAM's 'long-standing strategy of internationalisation' whereby it had been seeking international attention and support for Aceh's secession from Indonesia (as described in chapter three) suddenly gained ground after the tsunami hit and the world's attention was on Aceh. As Schulze (2005: 25) puts it: 'In the eyes of GAM the humanitarian disaster provided an unprecedented opportunity'. The arrival of thousands of foreigners in Aceh was not only a potential strategic benefit to GAM, but also to the entire peace process. Adam Burke (2008: 53) argues that the tsunami 'led to increased global concern and what amounted to unofficial monitoring on the ground by hundreds of NGOs, journalists, and aid officials from early 2005 onwards'. This did not directly bring peace. After all, Aceh remained under civil emergency status and clashes between government forces and GAM continued for almost eight months after the tsunami. Yet the massive international presence probably limited the range of attacks against civilians and local NGO workers because of the 'power of witness'. Indonesian security forces were unlikely to engage in the same kind of abusive practices when there were so many international aid workers and journalists around to report on incidents. Yet, among the hundreds of NGOs that Burke mentions, only a handful, as I have mentioned in the previous chapters, were able to operationalise a conflict response.

The four factors presented above explain that there was a range of features stretching back to before the tsunami and were quite separate from it, that provided a solid basis for successful negotiations. This by no means suggests that the tsunami was not a factor. The role of the tsunami, according to Aspinall (2005: 2), 'is best viewed as providing a convenient pretext the parties used to return to talks and abandon long-held positions'. Similarly, Schulze (2005: 25) suggests that 'the sheer scale of the human tragedy provided a face-saving opportunity for the secret talks to go public'. This is not to deny that the spirit of the talks was strengthened by a post-tsunami sense of loss and compassion among the conflicting parties, the Indonesian public and the international community.

Initially, humanitarian concerns gave impetus to the renewed peace process but were quickly put aside by the parties to focus on more substantial political issues. In Hamid Awaludin's memoirs of the Helsinki process, he described how, at a midnight

meeting in late December 2004, Kalla expressed the urgency of achieving peace in Aceh (*Aceh harus segera damai*) to facilitate food supply to tsunami victims and security for international aid workers (Awaludin 2008: 26).¹⁵ He also explained that post-tsunami reconstruction was an ‘early motive’ for the first round of talks held in Helsinki between 27 and 29 January 2005 (Awaludin 2008: 35). In the first meeting in Helsinki, the Indonesian government brought along photos of tsunami destruction in Aceh. The Indonesian government ‘hoped to touch and knock on the door to their hearts so that the Aceh problem may be viewed and approached not from a political perspective, but from a humanitarian perspective’ (Awaludin 2008: 69). This humanitarian perspective set the scene for the talks, but the substance was political.

The final text of the MoU had a trace of the humanitarian imperative with the third paragraph reading as follows: ‘The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed’ (CMI 2005). The main body of the MoU, however, is mostly concerned with issues relating to political, economic, human rights and post-conflict processes. The MoU contained the following six points:

1. Governing of Aceh;
2. Human rights;
3. Amnesty and reintegration into society;
4. Security arrangements;
5. Establishment of the Aceh Monitoring Mission;
6. Dispute settlement.

So what made the Helsinki talks successful and what role, if any, did humanitarian action play in that outcome? The strength of the small, yet powerful mediation NGO, CMI, cannot be understated as a major factor in post-tsunami conflict transformation. CMI was started by Ahtisaari, a former Finnish President and political heavy weight with easy access to the UN Secretary General Kofi Annan and the EU representative for foreign and security policy (Aspinall 2005b: 19). Ahtisaari earned a reputation as a skilled mediator for his role in resolving the Kosovo conflict in 1999 (Huber 2004: 23).

¹⁵ The exact date of the meeting is not provided.

CMI mediated five rounds of negotiations between the Indonesian government and GAM, with the two parties signing the MoU on 15 August 2005. Ahtisaari clearly had a different approach to that of the HDC, which promoted a tiered solution, driven by humanitarian principles toward an undefined end. In contrast to the HDC, Ahtisaari played less of an external facilitator role, acting more as a tough mediator who took sides on certain issues. For instance, he supported the Indonesian government in not allowing the talks to proceed outside the existing legal framework of special autonomy. On several occasions he threatened to send GAM packing if they continued to raise the issue of independence or a referendum (Awaludin 2008: 82). Ahtisaari's tougher approach surely was assisted by the greater sense of urgency imparted by the tsunami. His now-famous dictum, that 'nothing is agreed until everything is agreed' (in contrast to HDC's step-by-step process) assisted in achieving a political solution in a short time frame and avoided the problem of secret recruitment and fundraising during a premature ceasefire, as observed under the HDC. This arrangement suited the Indonesian government position on many issues, including in rejecting GAM's demand for a ceasefire as an act of good faith to precede the talks and to secure tsunami-related humanitarian assistance.

On one very significant issue, that of local political parties, Ahtisaari sided with GAM. To the initial objection of the Indonesians, a key breakthrough for the peace process and for GAM was the clause allowing local political parties for Aceh, a first for Indonesia. This effectively meant that GAM and civil society actors could continue their struggle for self-governance through democratic political processes. While the HDC-facilitated process was heading in a similar direction of having local political representation, there was not sufficient political capital on the part of both the Indonesian government and GAM to support a compromise solution at the time. GAM was especially unmoving and would settle on nothing less than independence. Ahtisaari also pushed through the idea of a human rights court (HRC) and a truth and reconciliation commission (TRC) for Aceh. This is in contrast to HDC's last minute pulling of all references to human rights on the eve of the CoHA signing in December 2002 to ensure that an agreement was reached (Martin 2006: 65), however weak the foundations.

The question remains: did donor governments use humanitarian assistance as a form of leverage and influence for conflict management purposes in post-tsunami Aceh? There is evidence that there was moderate international pressure on both the Indonesian government and GAM. According to Damien Kingsbury, an advisor to GAM during the Helsinki talks, in the first round negotiations in late January 2005, ‘a member of the Indonesian government delegation confided to Malik Mahmud that the Indonesian government needed to find a settlement or face losing international aid’ (Kingsbury 2006: 28). According to Aspinall (2009: 233), on the eve of the second round of talks on 21-23 February, ‘Indonesian officials increased pressure on GAM, insisting that they would walk away from the talks and revert to military operations if GAM did not accept a solution that kept Aceh within the unitary state’. As discussed in chapter four, foreign governments also pressured GAM. During the second round of talks in February, GAM members met with ambassadors from Australia, Japan, Malaysia, Singapore, Sweden, the UK and the US. According to Kingsbury, ‘[t]he ambassadors stressed they wanted to see a negotiated end to the Aceh conflict, preserving the territorial integrity of Indonesia’ (Kingsbury 2006: 34).

All of the governments mentioned above were major donors in the tsunami response and some of them had previously supported the HDC process. Foreign pressure such as this was nothing new. In 2004 Kalla had met with ambassadors to Indonesia from countries where GAM had active members, including the US, Sweden, Malaysia, Australia, Singapore, the Netherlands and Denmark, to encourage them to pressure the Acehnese in those communities to return to the negotiating table. According to Ben Perkasa Drajat, Counsellor at the Indonesian Embassy in Stockholm, ‘the embassies in Jakarta reported back to Canberra, Washington DC, Stockholm, Kuala Lumpur etcetera, who then put the pressure on in their home countries’ (Interview with Ben Perkasa Drajat, 12 July 2007, Stockholm). Thus, we see continuity of encouragement for peace applied to both parties, from the pre-tsunami period to the post-tsunami period. However, there is no strong evidence to suggest that these various governments explicitly used their humanitarian leverage to pressure either party. Donors were interested in supporting both the peace process and tsunami reconstruction, but tsunami relief was by no means conditional upon the resolution of the conflict, as discussed in the next section. In the context of a major ‘natural

disaster', and in contrast to the HDC approach years earlier, humanitarian access to Aceh was not a basis for talks, but it was a very important part of the context.

The next concrete step after Helsinki was the EU-led monitoring mission in Aceh. According to point 5.1 of the MoU: 'An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding' (CMI 2005). EU support for the Helsinki process and AMM bolstered the post-conflict process. The EU was the most prominent multilateral organisation working on conflict transformation in post-tsunami Aceh, fielding some 80 observers to Aceh on the day of the signing of the Helsinki MoU to cover the period until the full deployment of AMM on 15 September 2005.¹⁶

The initial mission was set for a period of six months and it was extended three times, finally coming to an end on 15 December 2006. Pieter Feith, a Dutchman with experience in mediating conflicts in the Balkans, was chief of the mission. Juha Christensen, who was involved in the Helsinki talks, was Feith's 'special advisor'. GAM and international observers perceived Christensen as being close to the Indonesian side.¹⁷ Most AMM members had a military background; however, a number had legal or human rights backgrounds. There was no advisor that was close to GAM until one monitor, Renate Korber, convinced Feith of the need for a GAM focal point (Interview with Renate Korber, 1 May 2007, Banda Aceh).

The AMM had a mandate to monitor the implementation of the MoU, including: the demobilisation of GAM; decommissioning of GAM weapons; the re-location of Indonesian non-organic military and non-organic police forces; the reintegration of active GAM members; rule on disputed amnesty cases; and deal with complaints and alleged violations of the MoU (CMI 2005). AMM also had a mandate to monitor and provide assistance in the field of human rights, yet this was the AMM's weakest area

¹⁶ The AMM consisted of 240 unarmed personnel for the first six months of the mission and came from the EU and five contributing ASEAN countries. The five contributing ASEAN countries were Brunei, Malaysia, Philippines, Singapore and Thailand. Switzerland and Norway also contributed monitors with the EU.

¹⁷ This assessment is based on several informal conversations with AMM, UN, IOM and EU staff in Banda Aceh between October 2005 and May 2007. See also Kingsbury 2006.

(Interview with Renate Korber, EU, 1 May 2007, Banda Aceh; Interview with Mark Knight, IOM, 1 May 2007, Banda Aceh; see also Schulze 2007). Other criticisms made of the AMM included that it had no experts on reintegration and had poor relations with civil society (Burke 2008; Lahdensuo 2006). A further point was that the involvement of women was poor throughout the entire peace process (CMI 2006).

However, what some see as AMM's weakness – that is, its reluctance to engage with human rights issues – may have in fact been one of the keys to Aceh's successful post-conflict transition. This success may be attributed to AMM's focus on the 'hard', concrete issues such as disarming GAM and transferring some 20,000 TNI and police forces out of Aceh, while largely ignoring the highly sensitive issues such as the TRC and HRC. The key actors were at best ambivalent on human rights issues after the signing of the MoU. Indonesia clearly did not want to see TNI officials in human rights trials. GAM leaders dropped interest in human rights once it was no longer useful for them. According to Adam Burke, a former AMM worker:

the issue of human rights hardly came up at all during the weekly Commission on Security Arrangement Meetings (COSA) in Banda Aceh between August 2005 and mid 2006 - neither party mentioned it, and AMM's approach was to broker an agreement between them rather than push issues they weren't bothered about (Email communication with Adam Burke 6 May 2009).

The fact that the tsunami relief issue was in the background, while controversial issues such as human rights were kept to a minimum, and the fact that AMM was closer to the government than GAM, helped garner Indonesian government trust in the international monitors, and contributed to the success of the peace process.

Between 2006 and 2008, a range of agencies made further attempts at cementing the post-conflict transition. As discussed below, the Indonesian government established the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA) to lead and coordinate post-conflict reintegration programs in Aceh. The German Technical Cooperation (*Gesellschaft für Technische Zusammenarbeit*, GTZ) assisted former combatants to re-enter the workforce through vocational trainings. The Australian Agency for International Development (AusAID) developed a peace-building program called Community and Education Program in Aceh (CEPA), which supported school management systems in the conflict-affected area of Bireuen from

2006 until 2009 (AusAID 2007). The IOM, as mentioned in chapter four, also provided psychosocial and livelihoods support for ex-GAM combatants.

What made peace possible in Aceh was a combination of interrelated pre-tsunami and post-tsunami factors, including the attitude of the belligerents prior to the tsunami and a strong mediation intervention. The success of the 2005 Aceh peace accord rests on domestic foundations laid prior to the tsunami. Without pre-existing political will, Aceh may have suffered a similar fate as the Sri Lankan civil war, which ended in an extensive military campaign and suspected war crimes in May 2009. As Kelman noted, 'forcing a peace deal to be reached because of the tsunami could be counterproductive' (Kelman 2005). Therefore, 'tsunami diplomacy' played a minor role; pre-existing political will and political strength were the main drivers. In contrast to what civil society actors and some international observers were calling for, tsunami reconstruction and post-conflict reintegration were kept separate. But it worked. This outcome shows that the most appropriate response to the political problem in Aceh was a political, rather than a humanitarian response. However, this did not close the door on humanitarianism, and humanitarian assistance was used as a form of leverage and influence for conflict management purposes.

b. Local NGOs

The new, more open political environment in the post-tsunami period saw opportunities for local NGOs to play a greater role in peace-building.

In the Helsinki talks themselves, civil society representatives played a marginal role as previously; they did not have a place at the negotiating table and were limited to a consultative status. Similar to the past, GAM wanted to maintain a monopoly as representatives of the Acehnese, and the Indonesian side preferred having one counterpart with which to negotiate rather than several. CMI simply went along with what the two sides wanted. However, two GAM negotiators did have civil society backgrounds: Nurdin Abdulrahman was a former director of RATA, the local NGO that provided medical and psychosocial assistance to victims from the DOM period; and Nur Djuli was an active leader of the Acehnese diaspora who assisted refugees in Malaysia where he had resided for decades. Nur Djuli only joined GAM in the lead

up to the Helsinki peace talks. In addition, Shadiyah Marhaban, a former SIRA leader, was a GAM advisor from the second round and was the only woman involved on either side.¹⁸ Civil society leaders met with the GAM negotiating team as a part of the meetings coordinated by the Olof Palme International Centre in May and July 2005 near Stockholm, and in August 2005 in Malaysia prior to the signing of the MoU. In this last meeting GAM negotiators and advisors outlined the peace talks, and explained the contents and answered questions regarding the prospective MoU (Kingsbury 2006: 162). Thus, former civil society leaders represented GAM in the Helsinki process but there was no direct civil society representation as such in the talks.

As explained earlier, most international NGOs refrained from venturing into the realm of conflict-related relief, including peace-building activities, for almost two years after the tsunami. During my time in Aceh between July 2005 and May 2007, the division between tsunami and conflict activities was an almost daily topic of conversation among local NGO activists, reflecting a major difference between them and the international NGOs. As discussed in chapter four, Acehnese NGO leaders were critical of the international NGOs' narrow 'tsunami only' mission and called on their international counterparts to respond to the broader needs of the Acehnese community. While human rights-oriented NGOs quickly adapted to the new situation, finding niche donors that were interested in human rights (as seen in chapter five), the range of peace-oriented NGOs was limited. Below, I examine the role of local NGOs in track one and track two conflict transformation processes in the post-tsunami period, and how they combined such activities with humanitarian work.

Women volunteers, reintegration issues and the 'Community MoU'

One local NGO proved to be adept at balancing humanitarian assistance and peacebuilding activities. Women Volunteers for Humanity (RPuK) stood apart from many other local NGOs and developed a community reconciliation program in Aceh. As described in chapter four, RPuK had been working with the support of two international donors, Novib and Kerk in Actie well before the tsunami. In addition,

¹⁸ Acehnese women activists argue that women should have played a greater role in the talks given that the UN Security Council Resolution (S/RES/1325) on Women, Peace and Security passed on 31 October 2000 which advances women's leadership in the resolution of crises.

RPuK volunteers conducted their own fundraising, which received a boost after the tsunami. This gave them a high level of independence, freeing them from rigid donor restrictions that often dictated how, when and on what to spend money. This independence allowed RPuK to maintain the deep bonds that they had created with the communities they worked with over the past five years. It also gave them the flexibility to prioritise groups in great need of assistance, especially those with little outside help.

RPuK broadened its pre-tsunami focus of providing food, medicine and other necessary goods as well as psychosocial support to women and children victims of the conflict to include tsunami survivors. Yet Arifin identified new forms of conflict emerging from unequal distribution of aid, not only between tsunami and conflict victims, but also, more dangerously, among conflict victims and former GAM combatants. To understand why this occurred, it is necessary to briefly explain the process of reintegration and compensation for former GAM members and conflict victims following the MoU. MoU article 3.2 on 'reintegration into society' refers to amnestied prisoners having 'political, economic and social rights as well as the right to freely participate in the political process both in Aceh and on the national level.' Article 3.2.3 pertains to the 'economic facilitation to former combatants, pardoned political prisoners and affected civilians.' And articles 3.2.5a-c state that the Indonesian government will allocate 'funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict', 'allocate suitable farming land' or 'adequate social security' to all former combatants, pardoned political prisoners and 'all civilians who have suffered a demonstrable loss due to the conflict' (CMI 2005). Concepts of 'reintegration' and who qualified as a 'combatant', as well as what was considered 'demonstrable loss', are broad and ill-defined. Women and child soldiers were not referred to at all in the MoU. I discuss some of the problems that reintegration and compensation activities encountered further below.

While not attempting to resolve the broader problems faced in reintegration activities, RPuK attempted to work on some of the issues at the 'grassroots' level. RPuK espoused community ownership of the peace process: 'Peace needs to be people-

based, it cannot be money or government-based'. In the villages where RPuK provides assistance to conflict survivors, the people themselves decided how to distribute the aid based on clear criteria with certain priorities, such as for widows, elderly and handicapped people. RPuK initiated a 'Community MoU' process in several villages. In those villages, GAM, Indonesian security forces, village elders and community members signed up to agreements to reject human rights violations and discriminatory practices. Arifin was inspired for this initiative by the Helsinki MoU. When she asked some village women how they felt about the MoU, they said they did not feel anything: 'They've heard about the peace and the fighting has stopped. That's great, but there's no tangible difference' (Interview with Khairani Arifin, 11 April 2007, Banda Aceh). In the four villages in North Aceh where RPuK has facilitated the community MoU process, there have been no extortion or other incidents that have plagued other villages. RPuK have achieved this with minimal international assistance (Interview with Khairani Arifin, 11 April 2007, Banda Aceh).

Arifin contends that reintegration must have elements of reconciliation and that the process should be a precursor to a Truth and Reconciliation Commission. She states, 'people should come together in a simple but effective way, such as eating together and discussing who threatened who, who extorted who, and so on, and make an apology before the community' (Interview with Khairani Arifin, 11 April 2007, Banda Aceh). Arifin was also critical of how international agencies approached reintegration, accusing them of focusing on money: 'It is not possible to provide money for all victims. Therefore, international agencies that focus reintegration on money and economics are only creating new problems and new conflicts because of serious inequities' (Interview with Khairani Arifin, 11 April 2007, Banda Aceh).

Local NGOs also engaged in a number of activities relating directly to the TRC and HRC. Acehese activists believed that a truth and reconciliation commission and a human rights court were a critical part of peace-building in Aceh. According to a statement made by the Banda Aceh-based Human Rights Abuse Victims Solidarity Brotherhood (*Solidaritas Persaudaraan Korban Pelanggaran HAM*, SPKP-HAM) at their annual congress in 2007, 'the fate of human rights abuse victims is the fate of

Aceh; there will be no peace without justice for human rights abuse victims'.¹⁹ Soon after the passing of the Law on Governing Aceh (LoGA, as discussed in chapter four), representatives from twenty Acehese NGOs, with support from the Bangkok-based Forum Asia and the International Centre for Transitional Justice (ICTJ), set up the Coalition for Truth Recovery (*Koalisi Pengungkapan Kebenaran*, KPK) to start the preparatory work for establishing a TRC for Aceh. Acehese activists travelled to study the TRC process in South Africa, and met people involved in similar processes in East Timor and Morocco to learn from their experiences (Interview with Khairani Arifin, 11 April 2007, Banda Aceh). East Timorese and others involved in the Timor Leste TRC have also visited Aceh to provide input for the Aceh process.

However, the process for establishing the TRC was disrupted by a range of technical problems. The LoGA states the Aceh TRC should be an integral part of the pre-existing Indonesian national commission. However, on 6 December 2006, Indonesia's Constitutional Court cancelled Law No 27/2004 on the national TRC (Constitutional Court decision No. 006/PUU-IV/2006). The reason was that the existing Indonesian TRC was found to be unconstitutional: 'provisions of the TRC law violate Indonesia's obligations under international law, the Indonesian Bill of Rights, and domestic human rights laws' (ICTJ 2006). Since the Aceh TRC was to be established by the Indonesian TRC, the Aceh TRC process would now be stalled.

Human rights and justice NGOs supported the decision of the Constitutional Court. They criticised two provisions of the existing TRC law, which was passed in September 2004. According to ICTJ (2006), the first provision:

granted the TRC the power to award amnesties to perpetrators of past crimes and barred victims from taking any future legal action against them. The second made the provision of reparations to victims contingent upon the signing of a formal statement exonerating their perpetrators.

The ICTJ argued that the decision to repeal the law was in fact 'a significant first step toward affirming the rule of law and defending the rights of victims' (ICTJ 2006). Hendra Budian, director of AJMI, agreed with the constitutional court decision that certain articles of law 27/2004, notably about amnesty, were unconstitutional and not

¹⁹ *'Nasib korban pelanggaran HAM adalah nasib Aceh ke depan, Tidak ada perdamaian tanpa keadilan bagi korban pelanggaran HAM'.*

in accordance with international human rights law. He suggested that the Aceh TRC should be built on the Indonesian constitution and international human rights law (Interview with Hendra Budian, 16 April 2007, Banda Aceh). International human rights NGOs such as HRW agreed: ‘we do not support amnesty for perpetrators. The TRC should be combined with a judicial process’ (Interview with Charmain Mohamad, 18 October 2007, London).

Despite the apparent setback, Acehnese justice activists continued to work on establishing the TRC. Members of the KPK finalised the civil society concept paper for a draft of the Qanun on the Aceh TRC, and presented it to Governor Irwandi Yusuf in June 2007. According to the Aceh Vice-Governor Muhammad Nazar, ‘We have officially asked the central government to allow us to establish our own TRC, but the President is yet to give his approval’ (The Jakarta Post, 16 August 2007). On 16 and 31 December 2008, the KPK presented the civil society draft version of the TRC Qanun to the Aceh Government and the Aceh Parliament respectively. Asiah Uzia of Kontras Aceh insists that, ‘the Aceh TRC will be based on the national TRC when the latter comes into force’ (Interview with Asyiah Uzia 5 January 2009, Banda Aceh). In 2009 and 2010, local NGOs continued to develop a range of peace-building initiatives such as the Women Love Peace Committee (*Komite Perempuan Cinta Damai*, KPCD) that facilitated discussion groups among village women in high conflict-affected areas of Pidie and Bireuen.

The RPuK case provides an illustration of what local civil society groups often strived to do. RPuK played the role of a watchdog, or regulator, of the Indonesian government and GAM post-conflict policies. RPuK was also highly independent and did not get caught up in lucrative post-tsunami programs as some other NGOs (described in earlier chapters) did. However, RPuK was the exception, not the norm. The range of local NGO peace-building actors was more limited after the tsunami, compared to the pre-tsunami period because many local groups switched to tsunami work. This outcome is ironic given that there was more space for peace-building after the arrival of thousands of international monitors, the cancellation of Aceh’s civil emergency in May 2005, the Helsinki MoU in August 2005, the demobilisation of GAM and the departure of 20,000 Indonesian security forces personnel by December 2005. Yet only well-organised local NGOs that had developed their own effective

fundraising systems had control over the type of work they engaged in. A number of local NGOs such as KontraS, LBH and Koalisi continued to focus on human rights and legal issues, as explained in chapter four. Most civil society actors had moved on to private business activities or engaged in post-tsunami reconstruction programs. In addition, former GAM combatants moved into the public arena and occupied the peace 'space', becoming direct beneficiaries of internationally supported programs such as the World Bank-KDP program, as described below.

It is hardly surprising that most local groups shifted toward tsunami relief given the scale of the disaster and greater funding opportunities in that field. Yet most of the leaders of the referendum campaign entered formal politics by 2006, perhaps indicating that their original motivation for conflict transformation was more for strategic political purposes. Local groups that did continue working on peace-building, did so in a convincingly substantial manner such as drafting new legislation with the aim of securing peace in Aceh (as explained in chapter four), working on establishing the HRC and TRC with the aim of safeguarding the peace, and working on 'grassroots' peace-building campaigns.

c. International 'humanitarian peace-building'

In the post-tsunami period, where a 'natural' and 'political' disaster merged, it is pertinent to ask to what extent did international groups pursue the idea of using humanitarian assistance for conflict transformation purposes? In the pre-tsunami period it is evident that some did combine conflict transformation activities with humanitarian relief. In the post-tsunami period a new dynamic emerged. The domestic political developments suggested that the conditions were ripe for international NGOs to take greater risks by engaging in peace-building activities, yet most of those present in Aceh were risk averse. In this section I will argue that this scenario was the result of the following four things: international NGO concerns about humanitarian access given certain Indonesian political factors; the security situation; funding restrictions and internal organisational politics.

Almost all the international NGOs that came to Aceh in late 2004 and early 2005 did so in response to the tsunami, and tsunami relief was not at all conditional on peace.

Rather, tsunami relief was conditional on *non-engagement* with the conflict. Many organisations believed that they would be expelled if they engaged in the conflict. This legitimate concern was based on a number of incidents in the first few months of the tsunami response described earlier, including the expulsion of UNHCR and Indonesian government suggestions that international groups would leave Aceh by the end of March 2005. The global outpouring of donations for the tsunami meant that well-financed international NGOs saw the conflict as a threat to tsunami programming, and many put activities such as peace-building in the proverbial ‘too hard’ basket. Thus, a different form of politicisation of aid emerged, whereby NGOs and donors engaged in a political project of deciding that the tsunami was a natural, environmental event and therefore ‘apolitical’, while claiming that the conflict was man-made, subversive and therefore ‘political’ and to be avoided. The aim of this section is to describe a number of successful and not-so-successful attempts by international groups at peace-building in Aceh, including the opportunities and obstacles they faced in doing so.

Multilateral peace-building

As mentioned in chapter three, a number of multilateral and government donor organisations were the leaders in peace-building in Aceh. This was surprising as I expected international NGOs, carrying the banner of new humanitarianism, to play more of a leadership role in promoting peace, not groups like the World Bank. This section briefly describes the role of the multilateral organisations, even though these are not the main focus of this thesis.

Days after the Helsinki MoU, at the request of the Aceh provincial government, a group of international agencies partnered together to form a Peace ‘Socialisation’ Team (*Tim Sosialisasi Damai*, or Timsos) to support the peace process. They included the World Bank, UNDP and IOM, and were supported by USAID. The Timsos project developed a number of programs and distributed peace posters, stickers and copies of the MoU, organised peace concerts and a satirical radio drama. According to the UNDP Public Information Officer, Imogen Wall, who worked on both the tsunami response and peace process, ‘previously, we could not even mention the conflict out of fear of following UNHCR and being expelled’ (Interview with Imogen Wall, 11 October 2007, London). Early on in the peace process, ‘the UN could not be visible

because of Timor Leste. Jakarta saw the UN as assisting Timor to break away' (Interview with Imogen Wall, 11 October 2007, London). Thus in the first weeks after the signing, UNDP avoided all publicity. However, Wall suggests that 'as the peace process solidified things became more open and UNDP went public and held peace-building workshops' (Interview with Imogen Wall, 11 October 2007, London). The Timsos project worked well, suggests Wall, 'because it was a small group of people, all of whom became close friends and cared about what they were doing, and were not caught up in 'Jakarta (inter-agency) politics'. We also had money, thanks to the World Bank' (Interview with Imogen Wall, 11 October 2007, London). Of critical importance was the fact that these agencies had long-standing relations with Jakarta and could move in to support the government's own structures, procedures and policies.

As mentioned above, major problems emerged with implementing post-conflict reintegration and compensation programs. Multilateral organisations were in a good position to provide assistance in this field. One problem was that the number of GAM combatants mentioned in the MoU was actually several times lower than the actual figure, leading to a problem in distributing cash grants. Preliminary findings of a World Bank administered reintegration needs assessment presented in Banda Aceh in December 2005 found 3,000 combatants, 2,155 non-combatants, 1,985 former prisoners, 322 village heads, 426 civil servants, 19,597 civilians, 2,000 disabled, 6,500 members of anti-separatist groups, 24,000 IDP families and 12,000 local families were in need of reintegration assistance (World Bank 2005). The number mentioned in the MoU, however, was just 3000.

In February 2006, and as stipulated in the MoU, the provincial government set up the Aceh Reintegration Agency (BRA) to address political, economic and social reintegration, as well as a think-tank, the Joint Peace Forum (*Forum Damai Bersama*), made up of government officials, GAM members and civil society to advise BRA. The later inclusion of TNI-backed anti-separatist groups in the Joint Peace Forum led to internal conflict and the ultimate withdrawal of civil society and former GAM representatives. With no formal civil society representation, work on political issues such as establishing the TRC and the HRC as a part of the reintegration process, was neglected.

BRA's main focus then was on administering compensation. The first attempt to administer urgent reparations to victims of the conflict was a total failure. The BRA called for 'conflict-affected' people to fill in and send the proposals to the agency. As a result, BRA received some 45,000 proposals. Filing and dealing with them was an unmanageable task. The World Bank then stepped in to assist reintegration efforts through the Bank's existing national *Kecamatan* (sub-district) Development Program (KDP, a 'community-driven development' program run through the Indonesian Ministry of Home Affairs), which had village facilitators in every village throughout Aceh. Villagers would then decide how funds should be allocated. Personal and institutional rivalries, as well as the belief that individual claimants, not communities should be recompensed, led to the discontinuation of World Bank involvement in reintegration assistance in June 2007 (Barron and Burke 2008: 50-51).²⁰

The World Bank directly assisted in distributing 80,000 peace posters in Aceh through its KDP network. The World Bank also had a comprehensive research program to support the peace process, including an early piece that contextualised the conflict in tsunami reconstruction (Burke and Afnan 2005), a conflict assessment released soon after the MoU (Barron, Clark and Daud 2005), ongoing GAM reintegration needs assessments, and an ongoing conflict monitoring update, based on newspaper conflict mapping and analysis. Importantly, most of these reports were co-authored by Acehnese and international employees of the World Bank.

When I asked Patrick Barron, manager of World Bank's Conflict and Development program in Indonesia, why the World Bank could do what most international NGOs could not, he simply replied: 'because of Scott Guggenheim' (Interview with Patrick Barron, 17 April 2007, Banda Aceh). Guggenheim, a development anthropologist, was the Lead Social Scientist, East Asia and Pacific Program at the World Bank and was responsible for designing KDP and setting up the Aceh office. According to Barron, there was resistance in the Ministry of Home Affairs for KDP to play a role in BRA. However, Guggenheim was well connected with senior Indonesian government officials and successfully negotiated for KDP to play a key role (Interview with

²⁰ There is also anecdotal evidence that jealousy and lack of inclusion of conflict victims in post-tsunami reconstruction programs led the number of post-conflict compensation claims to increase.

Patrick Barron, 17 April 2007, Banda Aceh). Other factors that helped the KDP to be accepted as a reintegration modality include the fact that KDP did not stop during the martial law period, and the pre-tsunami KDP program was well received by GAM, local NGOs and communities. Individuals such as Guggenheim and Barron, and other staff with deep contextual knowledge, were critical to developing such sensitive programs. The World Bank had people working on its conflict program for several years prior to the tsunami, and in the words of Barron, ‘understanding the post-98 [Indonesian political] dynamics were more important than understanding post-conflict theory’ (Interview with Patrick Barron, 17 April 2007, Banda Aceh). Barron also pointed out that KDP’s focus on economic, social and poverty issues and how they affected all of Acehnese society, including conflict-affected groups, rather than engaging in a ‘conflict discourse’ with government officials, was another key factor in gaining acceptance for KDP to run reintegration programs (Interview with Patrick Barron, 17 April 2007, Banda Aceh).

The key to the multilateral organisations’ ability to engage in conflict issues was their long-standing presence in Indonesia, strong personal and institutional connections to government, and individual interest in peace-building amongst Acehnese and international staff of those organisations.

The Humanist Institute for Development Cooperation

Whereas prior to the tsunami, Hivos did not maintain a regular presence in Aceh, after the tsunami it set up an office in Banda Aceh. Hivos’s approach to development work is to provide institutional support to local communities with a long-term perspective. According to Dewi Suralaga, Hivos Indonesia Program Manager between 2004 and 2007, Hivos was open to working on a broad range of issues:

There was so much money and so many internationals after the tsunami that we attempted to identify any gaps in the tsunami response. One was to strengthen the capacity of local NGOs for the long term, beyond the tsunami...anything from technical or peace support to gender mainstreaming, anything to allow local NGOs to respond to the situation but with eye for new initiatives that dealt with long term. We did not want to disqualify NGOs for working beyond the mainstream donor priorities (Telephone interview with Dewi Suralaga, 31 August 2007).

In addition, Suralaga felt that:

Attention and resources will fade away in Aceh after the tsunami reconstruction is complete, so we need to equip NGOs in case conflict comes back. There is an international moral responsibility to really focus on coordinated exit strategy. We really do need to think and plan how work to mitigate conflict and how it can continue after all the internationals leave (Telephone interview with Dewi Suralaga, 31 August 2007).

Hivos started working on conflict issues immediately after the tsunami. According to Jonatan Lassa, Hivos Aceh Program Manager between 2005 and 2007, 'we first funded a program that supported human rights defenders affected by the tsunami' (Interview with Jonatan Lassa, Banda Aceh, 2 February 2007). This preliminary assistance focused on trauma healing for human rights activists, since many were affected by both the conflict and the tsunami. This program had a budget of USD 100,000 over one year to support AJMI, Kontras, SIRA and LBH, as well a number of small NGOs in Bireuen, including ADAB (*Aliansi Demokrasi Anak Bangsa*, Democracy Alliance of the Nation's Children). These groups worked on human rights and justice issues, were very political and would not normally be touched by most international NGOs. When asked what made Hivos different from other international NGOs that would not go near some of the highly politicised local NGOs that Hivos worked with, Lassa replied that, 'human rights are one of Hivos's main portfolios. So we put our work with Acehnese human rights defenders in the human rights portfolio. We are simply working in accordance to our portfolio and mandate' (Interview with Jonatan Lassa, Banda Aceh, 2 February 2007). Indeed, working to the organisational mandate may seem obvious, but it was a challenge for many other NGOs to do so.

The tsunami opened wide the field of engagement in Aceh, such that even groups that were involved in human rights and peace work could return to Aceh under the cover of tsunami work. That is not to say that Hivos' tsunami programming was merely a cover. On the contrary, apart from small grants for human rights, peacebuilding and vulnerable people, Hivos supported the recovery of shelter and livelihoods in a number of tsunami affected villages, promoted gender equality throughout Aceh, and ran a disaster risk reduction program (Hivos 2008).

After the signing of the Helsinki MoU, Hivos and their local partners re-assessed the situation and adapted to the new conditions by expanding their work further.

According to Lassa, ‘the aim was to provide Acehese human rights defenders with a broader understanding of human rights, beyond what they were previously exposed to, which was limited to concepts of human rights as they relate to armed conflict’. Both the tsunami and Helsinki MoU ushered in a new context in Aceh, and Hivos identified two main roles for human rights defenders in Aceh: ‘First is monitoring the rehabilitation and reconstruction process from a human rights perspective. Second is monitoring the peace process (Hivos 2005: 6). Hivos provided guidance and financial and technical support to NGOs, including civil society gatherings for the first year commemoration of the MoU in August 2006. It also funded a range of peace-building programs, such as computer training programs for ex-GAM combatants in high conflict areas. What’s more, Hivos also invited specialists from Jakarta to coach NGOs on the east coast of Aceh and share tools for conflict resolution, community-based early warning system and facilitation (Telephone interview with Dewi Suralaga, 31 August 2007). In this process, Hivos together with their partners conducted trainings in ‘community-based participatory skills’ for local facilitators, selected one or two people from each village who had participated in the training and helped to develop community level peace agreements. In this plan, communities would develop peace indicators and monitor them themselves.²¹

Hivos is representative of the smaller ‘boutique’ and non-operational European NGO that seeks to empower local groups through facilitation, and has a highly flexible approach and independence over its funding.

Conclusion

This chapter examined the interface between humanitarian action and conflict transformation in Aceh from three different perspectives and in two different contexts. I looked at how international mediation NGOs, the Acehese student movement and local NGOs, and international humanitarian NGOs (both operational and non-operational) attempted to transform the Aceh conflict in both the pre-tsunami and post-tsunami periods. At the beginning of this chapter, I posed the question, what

²¹ Hivos was replicating some aspects of its work from other parts of Indonesia, and in particular drew upon its experience in the aftermath of the inter-religious conflict in Poso, Sulawesi. In Poso, Hivos brought the Christian and Islamic communities together, set up peace agreements at the local level and established community-based conflict monitoring posts around Poso.

were the strategies, choices, and dilemmas humanitarian actors faced in developing conflict transformation activities?

In the pre-tsunami period, examples can be found among all three categories of NGOs playing a 'humanitarian card' for conflict transformation purposes. They packaged political activities as humanitarian ones, an approach which had short-term positive results in that it opened humanitarian access and facilitated different forms of humanitarian protection. However, this approach was detrimental in the longer term because the use of humanitarian principles and humanitarian jargon around political issues in fact politicised humanitarian relief. The approach certainly played into the hands of student groups and GAM who used the humanitarian situation for strategic political purposes. The more politicised humanitarianism also led the Indonesian government to stop trusting international humanitarian NGOs. Meanwhile, the belligerents found themselves at an impasse, and with relatively weak foundations, the peace process faltered and legitimated a military solution, leading to a worsening humanitarian situation. In this situation, the government greatly restricted humanitarian access.

In comparing mediation efforts in both periods it is clear that CMI pursued a different approach to HDC in a very different and more conducive context. CMI referred to the tsunami and the importance of establishing peace to assist in the reconstruction efforts. Yet they did not use humanitarian assistance as leverage and influence for conflict management purposes, as HDC did. Operational agencies separated tsunami reconstruction from post-conflict processes, although the division did blur over time. AMM's focus on disarmament and demobilisation (hardware issues) and neglect of 'soft' issues such as the human rights court and the truth and reconciliation commission was probably positive for maintaining a stable post-conflict process. Furthermore, the conflicting parties were not talking about human rights issues in the post-Helsinki period and it was not in the interest of the AMM to push an agenda that was not shared by the parties to the agreement.

Most international NGOs working on the tsunami response did not engage with AMM or CMI. Yet, this political abstention by international NGOs most likely bought the approval and garnered the trust of the Indonesian government, which no longer saw

international groups as meddling in politics or being pro-GAM. This combination arguably consolidated the post-conflict process during the first three years. Indonesia and multilateral organisations took responsibility to find a political solution to a political problem. The key here is that it was probably more important that there was political will on the part of the belligerent parties to end the conflict than the degree to which international humanitarian organisations engaged with the conflict. In this sense and in the context of Aceh, I agree with Marc duBois who notes that international NGOs should not be driven by delusions of grandeur (duBois 2009).

A positive, and perhaps surprising, result of the mainstream ‘apolitical’ approach was that the international NGOs regained the trust of the Indonesian government and were once again seen as benevolent humanitarians. However, large international NGOs may have limited the negative consequences of humanitarian action – in terms of avoiding a government backlash – by not pursuing conflict transformation activities. It was important for the international community to build trust with the Indonesian authorities, and gradually merge tsunami and conflict reconstruction. Such trust building most likely assisted the post-conflict process.

Local NGOs and the grassroots political movement were limited to a consultative role during both the HDC and CMI processes. In the post-tsunami period these groups showed strength and resolve in maintaining a broader perspective, independence and carrying the important ‘talks after the talks’ activities (community MoU, LoGA consultation process). Most international NGOs underestimated and ignored local NGOs in favour of direct implementation. Local groups did warn international NGOs that their tsunami-only response and lack of peace-building programs, would exacerbate ‘root causes’ of conflict and undermine ‘local capacities for peace’. Yet, there was not much evidence that this occurred.

In the context of the high-profile tsunami disaster, international NGOs did not play the ‘humanitarian card’ for conflict transformation purposes. Donors did not use humanitarian action as a basis for conflict management purposes, although humanitarian assistance was certainly an incentive for all parties to commit to peace. CMI learned from HDC’s past failure and negotiated a comprehensive political solution. HDC was a small and new NGO and when it ran into trouble, the

governments supporting it did not risk their relationship with Indonesia for the sake of HDC or peace in Aceh. In contrast, CMI had more clout whereby the involvement of the EU and ASEAN in the AMM provided much greater political support. Yet the main factors for peace in 2005 were local and not driven by outsiders.

Popular opinion in Aceh was that there had been too much fighting, too much blood spilt and the tsunami was a 'wake-up call' or 'message from God' that it was time for peace. Yet without the pre-tsunami political foundations and global attention, it is unlikely that either side would have been willing to give up their long held positions and put down their weapons. The tsunami was 'face-saving' (Schulze 2005: 25) and a 'convenient pretext' (Aspinall 2005: 2) for the two parties to return to the talks. Political will and political strength were the main drivers for peace. The tsunami was factored into the talks but was not the driving force for peace. The tsunami was an influential factor but *pre-tsunami*, domestic political factors, especially a pro-peace Indonesian leadership and GAM's willingness to drop independence from the agenda, as well as some international factors were more influential. 'Tsunami diplomacy' was not prominent.

Critics of the new humanitarian approach, concerned that conflict transformation and peace-building may 'increase the negative consequences of humanitarian action' or 'exonerate states of their responsibilities', would be comforted by developments in Aceh. The few NGOs that did engage in peace-building activities developed programs that were small enough to go 'under the radar', or whose impact was minimal. Smaller organisations, notably several Dutch NGOs, were better equipped at bridging the gap between tsunami and conflict-transformation activities assistance. They maintained independence over funding, were more conflict-sensitive and perhaps more willing to take risks. They tended to work closely through local NGOs rather than direct implementation, thus sticking to the local NGOs' agenda. Multilateral organisations such as the World Bank and UNDP were groundbreaking and made use of their important connections in Jakarta, and deep contextual knowledge among local and international staff.

Local civil society actors played a marginal role in the official peace processes, but played a significant role 'on the ground', especially in mobilising the Acehnese public

in the pre-tsunami period in favour of a peaceful solution to the conflict and in the 'talks after the talks' in the post-Helsinki period. The division between humanitarian action, human rights and conflict transformation was less pronounced among local NGOs than international NGOs. In the post-tsunami period well-established local NGOs continued to work on conflict issues, albeit with little international support. Some sacrificed or rejected international funding by doing so.

Overall, this chapter showed that humanitarian action is not sufficient, and only political solutions can resolve political problems. It illustrated that there was an indirect relationship between humanitarian action and conflict transformation: whereby the peace process helped broaden humanitarian access to conflict-affected areas, but most international NGOs that would typically be classified as 'new humanitarian' certainly did not lead the way in this process.

Chapter 7. Conclusion – Towards ‘Grounded Humanitarianism’

This thesis is about the operational challenges of ‘new humanitarianism’ in the context of converging disasters in Aceh, Indonesia. Because of the aversion I witnessed among international humanitarian NGOs’ engagement in human rights activities in the conflict period (1998-2005), as well as their general reluctance to work on conflict-related issues in the post-tsunami period (2005-2008), I set myself the task of answering the question: What is the relationship between humanitarian assistance and human rights in practice? I also asked three sub-questions: What external and internal issues obstructed or facilitated NGOs in combining humanitarian and human rights activities? How did groups differ in their approach to humanitarian and human rights work? And how did international and local humanitarian and human rights groups relate to each other in Aceh? I am now in a position to answer these questions.

As I showed in chapter two, the hegemonic approach among scholars and practitioners in the field of humanitarian studies in determining what place, if any, human rights activities may have in humanitarian action, is to juxtapose humanitarian principles with human rights-related activities. For example, Rieff’s (2002) suggestion that the price paid for human rights approaches may be humanitarianism itself, whereby humanitarianism is ‘neutral or it is nothing’ (Rieff 2002: 330). Fox argued that new humanitarianism rejects ‘the traditional principles that guided humanitarianism through the last century’ (2001: 275) and claimed that the ‘human rights approach...amount[s] to the politicisation of aid’ (2001: 288), threatening the very concept of humanitarianism. Fox’s argument is that integrating human rights into humanitarian action equates to an abandonment of neutrality and clashes with humanitarian access. Scholars suggest that more ‘political’ activities such as conflict transformation are at odds with ‘traditional’ humanitarian principles. An example is Terry and Tanguy’s argument that using ‘aid as a carrot to bring about peace destroys all notions of giving aid according to needs and without discrimination’ (Tanguy and Terry 1999: 31). Other scholars promoted a more political and human rights-based approach. Martone, for example, argued that neutrality is obsolete: ‘the slow death of

the word neutrality from the lexicon of beleaguered relief agencies is a welcome evolution' (2002: 2). And O'Brien contended that 'humanitarianism is and should be political, humanitarians should speak out on the justice of war and obligations of belligerents in war, and humanitarians should consider taking funding from belligerents' (2004: 32).

The juxtaposition of humanitarian principles with human rights and political activities treats humanitarianism as consisting of extremes only. However, the key to new humanitarianism in practice might not lie in fundamental revisiting of first principles, but rather in the practical engagement with real-life field dilemmas, or what I call 'grounded humanitarianism'.

Furthermore, as we saw in chapter three, the history of the Aceh conflict is a story of on-again, off-again low-level conflict. However, much of the humanitarian studies literature assumes extreme humanitarian situations, with case studies drawn from some of the tragic, complex wars seen in countries like the former Yugoslavia, Rwanda, Afghanistan, Democratic Republic of Congo, Sudan and Somalia. In addition, many humanitarian specialists learned their trade responding to crises in such extreme environments. Indeed much of the literature emerges from research centres in the UK or the US, such as the Overseas Development Institute, University of Leeds, Nottingham University, George Washington University and Tufts University, with a particular geographic focus that does not necessarily include countries like Indonesia.

The conflict in Aceh was not as intense as some of those places and Acehnese victims of the conflict and tsunami were not at risk of becoming the 'well-fed dead', as Cohen described the tragic situation in Bosnia where there was a lack of political action alongside humanitarian assistance (Cohen 2006: 101). While lessons can be drawn from the humanitarian response in Aceh, especially in regard to funding and coordination, it will no doubt be difficult to apply some of the lessons from Aceh to situations facing state break-down and major crimes against humanity. My contribution will best be applied to less well-known, low-intensity conflicts in places such as Southern Thailand, Burma, Mindanao, Chittagong Hill Tracts, and restive

parts of India. Humanitarians will continue to be challenged in situations like these where state sovereignty trumps humanitarianism and human rights.

In the preceding chapters I have consistently looked at the tensions inherent in the 'new humanitarian' approach of combining traditional humanitarian assistance with more human rights-oriented activities and have identified four key interrelated issues that assist in answering the driving questions of this thesis. They are: humanitarian access; context; funding and independence; and organisational culture. My contribution stresses the fundamental, practical dimensions of new humanitarianism rather than theoretical concerns. Each of these core issues must be viewed in that light.

First, my findings suggest that the key to new humanitarianism in practice often lie in the thorny issue of humanitarian access. Scholars and practitioners agree that ensuring access to populations in need during or following a disaster is of primary importance to humanitarian actors (Fox 2001; Rieff 2002). Combining humanitarian assistance with human rights-oriented activities is potentially problematic because humanitarian access often depends upon agencies securing and maintaining amiable relations with government authorities, while human rights concerns can easily jeopardise those relations and thus threaten humanitarian access itself. In both the pre-tsunami (1998-2004) and post-tsunami (2005-2008) periods, international groups consistently prioritised humanitarian access, which required maintaining good relations with the state. The catchline was: it is better to be cautious and maintain a presence than be expelled. This concern was always uppermost in people's minds. It reflected Indonesian realities, as well as experiences from elsewhere, where humanitarians are constantly negotiating for humanitarian space. Prioritising access was a correct interpretation of the humanitarian mandate.

As Terry (2002) showed us in the context of Rwandan refugee camps in Zaire, delivering humanitarian assistance in politically sensitive environments requires an ongoing calculation of the trade-offs, including the costs and benefits that may be accrued as a result of any given engagement. As I showed in chapter four, international NGOs in Aceh were well aware of Indonesian political sensitivities to human rights issues and avoided any mention of such to maintain access. In the post-

tsunami period, the massive amounts of funding available to NGOs made their leaders more conservative. Activities like advocacy, protection and conflict transformation were low on the order of priorities. Senior management considered human rights-related activities to be antagonistic toward the state and could potentially lead to expulsion. They mostly calculated that the conflict situation was not bad enough to risk humanitarian access. However, we did see exceptions whereby both Oxfam and MSF respectively, engaged in extensive debates about whether to engage in conflict issues, and a relatively innocuous mental health exhibition in Aceh. As we saw in chapter six, there were also unintended and indirect positive outcomes of *not engaging* in the conflict, resulting in the Indonesian government having higher levels of trust in international NGOs, and contributing to the peaceful outcome. More research could be done to uncover the unintended positive dividends of not engaging in sensitive issues.

One practical lesson regarding access was the importance of developing good personal relations with high-ranking government officials, as well as frank professional relationships with them. Such relations are key to successful negotiations. This type of 'humanitarian diplomacy' may be 'day-to-day', for example as humanitarian workers meet military authorities in the field, or be more of an on-going nature working towards longer-term objectives. However, relationships do not trump high-level policy decisions, as illustrated by the restrictions imposed on international NGOs in Aceh in 2003. In the post-tsunami period, productive relations were supported by a mutual commitment on the part of international and local state and non-state actors to 're-build' Aceh. The shared commitment, in addition to the fact that the reconstruction activities were of a highly technical nature, facilitated humanitarian access.

NGOs and donors should emphasise the development of both personal and technical relations with host governments and civil society leaders. There are important lessons to be shared with other politically sensitive areas, including Indonesia's restive Papua provinces, where human rights violations continue in a situation of great humanitarian need, as well as economic and political under-development.

The second theme relates to the importance of humanitarian actors acquiring a good understanding of context in which they are working. There is no doubt that humanitarian workers value political and situational analysis, and many NGOs have developed sophisticated analytical tools for such purposes. However, how are career humanitarians that travel the globe from one disaster zone to another, expected to develop an understanding of a local context, especially when they are deployed within hours of a disaster striking? In large-scale events such as the tsunami response in Aceh, or the 2010 Haiti earthquake, both of which saw the arrival of thousands of humanitarian workers within days of the disaster, it is unlikely and unexpected that many of them would have a good understanding of the context. Indeed, first on the scene are often technical specialists who dive head first in providing essential life-saving assistance. However, NGO chiefs should provide the necessary leadership to field staff on important contextual factors.

My findings demonstrated that there are competing, and sometimes, incompatible contexts in which humanitarians find themselves. For example, in post-tsunami Aceh, most humanitarian workers would have been aware of the simmering conflict, but the conflict was overshadowed by the tsunami. Indeed, as discussed at length in chapters three and four, government authorities made it clear that any conflict response in the early months after the tsunami was 'off-limits'. Situational analyses conducted by international NGOs in the first weeks after the tsunami concluded that in order to maintain access and their post-tsunami program's survival, they should limit their response to the tsunami. However, context is not static, and international NGOs should invest more time and energy into revisiting strategic priorities and listening to the priorities of local civil society groups.

Although many Acehnese saw the tsunami as a major catastrophe affecting their lives *in addition* to the conflict, international donors and NGOs went on to *divide* Aceh into post-tsunami and post-conflict communities and areas. Many international NGO programs focused on the natural disaster and did not adequately contextualise the changing conflict dynamic and peace dimensions in Aceh in the months, and in some situations, years after the tsunami. At the time, civil society activists (and relatively long-time observers, including myself) made predictions of the potentially negative impact of dividing Aceh in this way. Not only was it the right of conflict victims to

receive assistance, we warned that it could be dangerous not to give aid to people affected by the conflict. Conflict-affected people included former GAM combatants and supporters, and depriving them of humanitarian assistance might help reignite conflict. A final reason it was thought to be advisable to provide assistance beyond tsunami-affected areas was that humanitarian assistance should be used as a peace-building tool to mitigate against the return of conflict: if the conflict returned, all the tsunami reconstruction would have been in vain. Given this finding, international NGOs should develop tools that enable them to better analyse ‘competing contexts’. It is important to note, as I showed in chapter six, despite the inequitable situation between conflict and tsunami victims in the first years after the tsunami, the conflict did not return in the first six years following the Helsinki MoU and the peace process has been lauded as a great success.

The third theme relates to the importance of organisational independence on the part of humanitarian actors. As discussed in this thesis, independence (sovereignty of mission and mandate) is a core principle of modern humanitarian action. O’Brien argued that ‘independence has always relied upon belligerents accepting the notion that humanitarianism should not substantially alter the military outcome or political consequence of a conflict’ (O’Brien 2004: 32). As I showed in chapter six, the HDC used the concept of humanitarianism as an entry point to settle the political conflict in Aceh in 2000 and 2001, but this strategy largely failed. At the same time, humanitarian relief organisations did not attempt to engage in political processes, although the Indonesian government did perceive that the rebels were directly (and perhaps unavoidably) benefiting from humanitarian assistance.

Examples I provided from the post-tsunami period in chapter five illustrate that the degree of independence, especially in regard to flexibility around funding and programming, are key to an organisation’s ability to engage in ‘new humanitarian’ action. Employing human rights-related activities and working on politically sensitive issues such as the conflict occurred where there was greater financial independence. The significance of financial independence was evident following several important political developments in 2005 and 2006, which allowed groups like MSF to provide medical relief in conflict areas and run a low-key advocacy campaign on the psychosocial impact of violent conflict on people. Similarly, Women Volunteers for

Humanity, with its own source of funding and long term external support, developed some creative programs such as the community MoU, as seen in chapter six. Small niche NGOs such as Hivos worked nimbly and entrepreneurially in the post-tsunami context, working on conflict issues with local groups from January 2005.

It is of little surprise that in highly publicised disasters such as the tsunami, with an enormous amount of public money donated, that there would be so much scrutiny over how and where funds were spent. Indeed, NGOs and donors should be accountable to those that generously fund humanitarian action. But this raises a fundamental question about the direction of accountability flows in humanitarian action. Humanitarian standards such as the Sphere Project's *Humanitarian Charter* and the Humanitarian Accountability Partnership are designed to encourage NGOs and donors to be accountable to the intended *beneficiaries* of humanitarian assistance (Sphere 2006). However, my findings in this thesis illustrate that in practice international NGOs place greater emphasis on *upward* accountability (to donors), while there is less attention to *downward* accountability (to the intended beneficiaries). The reason that accountability flows are skewed in favour of donors is simple: donors have power, while beneficiaries are often powerless.

Devising concrete and practical steps to build downward accountability is challenging. In chapter five, I introduced the Indonesian concept of *pendampingan* (literally, accompaniment), which in the Aceh context was understood to mean 'being with', 'supporting' or 'providing assistance to' an individual or group that suffered a loss during the conflict. *Pendampingan* closely resonates with the ALNAP definition of protection: 'the protection of a human being in their fullness' (Slim and Bonwick 2005: 30) as it emphasises people's safety, dignity, integrity and rights. My findings suggest that, where such strong links exist, international NGOs should encourage local civil society groups to join the sectoral working groups and clusters that coordinate delivery of humanitarian assistance. Local groups should also be supported to play a more active role in channelling information between community members and international groups in order to improve accountability standards.

The fourth and final theme relates to organisational culture. I found that organisational culture (and individual personalities to some degree) deeply shape

attitudes toward new humanitarian approaches, but are not widely considered in the literature. The humanitarian studies literature emphasises grand policy and matters of general principle, yet it lacks ethnographic detail and nuance. This thesis covered a range of diverse humanitarian and human rights actors with different organisational cultures, mandates and operational approaches. One important distinction highlighted in this thesis was between operational and non-operational NGOs. International non-operational groups working outside Aceh in the pre-tsunami period were often the boldest on human rights issues. They had a 'buffer zone' to work in and shared some of the same concerns as local activist groups in Aceh. They assisted in the evacuation of human rights activists, trained them in places like Europe and the US, and regularly coordinated with humanitarian NGOs 'on the ground'. For some, such as Novib, its non-operational status reflected its organisational culture, whereby supporting local groups from afar was adopted as its way of best empowering local groups, rather than directly implementing the work. Meanwhile, international humanitarian groups working in Aceh did not have this buffer zone with the result that they were more cautious regarding the types of activities they engaged in.

In the post-tsunami period, independent and small international NGOs' organisational culture reflected a more flexible and context driven approach. In contrast, while many of the large NGOs achieved great successes at building houses and re-establishing livelihoods, they were in a rush to spend money, cumbersome and probably over-committed beyond their resource capacity to be as responsive to the changing situation as some observers hoped. Individual personalities within NGOs also influenced the degree to which NGOs would engage, or refrain from, new humanitarian activities. As was evident with the IRC case, a change in leadership led to a shift in organisational orientation away from conflict issues and toward a 'classic humanitarian' response and exclusive tsunami focus. It may well be that there were two main kinds of international humanitarian NGOs that have differing identities and ideas of what they can and cannot do.

There are useful lessons to be drawn from the experiences of 'onshore' and 'offshore' NGOs for other situations with comparably strong civil society. NGOs that were based outside of Aceh and supported local NGOs from afar tended to have better relationships with local NGOs and often supported the most creative elements of civil

society. The perspective of distance from the ground allowed such groups to play a critical, contestability role, while giving ownership to local NGOs. For those groups it was easier to be more creative and take greater risks in their approach, compared to operational groups that tended to prioritise access and thus take a more conservative approach. The tsunami response in Aceh pointed to an emerging trend among international NGOs of re-focussing on what they do well and recoiling away from areas that governments and donors may not approve of. This recognition may be helpful for NGOs in determining what challenges they should stay out of and what activities may be better pursued by complementary actors. The broader lesson here is that big and small NGOs perform complementary tasks, and strategic coordination between such groups will be mutually beneficial.

This thesis also provided a unique perspective by including local groups in the analysis of new humanitarianism. This perspective was novel because most of the humanitarian studies literature posits a vision of international actors as the force bringing human rights and humanitarian assistance to a benighted local population. The distinct perspective this thesis provided was evident in chapter five: not only did it portray local civil society groups as political agents for change, it found that many local groups had a striking semblance with the new humanitarians described in much of the literature. They integrated advocacy, human rights protection and conflict transformation in their every day humanitarian activities. In looking at how human rights activities worked along side humanitarian action, in both cooperative as well as oppositional relationships in the pre-tsunami period, many signs of tension appeared between local and international NGOs. As explained in chapters four and five, local groups were oriented toward human rights *and* humanitarian action, while international NGOs wanted their image to remain thoroughly humanitarian. Local groups used humanitarian assistance to gain access to communities to conduct human rights investigation and used human rights advocacy as a tool of a broader political struggle. In the post-tsunami period, while local groups benefitted greatly from foreign donors, there were some tensions. Local NGO activists felt strongly about the need to broaden assistance to include conflict-affected communities, but international NGOs were hesitant, as described in chapter one.

Including local groups also highlighted the opportunities, although often missed, for international groups to learn from their local counterparts. Conventional approaches to the study of humanitarian action tend to overlook the vital role that local humanitarian actors play. Yet locals are always the first to respond to disasters and have a lasting stake in ensuring a beneficial outcome for their community. Local groups in Aceh provided many examples of strategies in combining advocacy, protection and conflict transformation activities alongside humanitarian assistance, often at great personal risk. In other contexts, where there is a thriving local civil society, international actors should strengthen them in necessary areas and avoid undermining their activities and relationships with the local community. I do not suggest that there is an obligation on international NGOs to follow the preferences of local groups. Indeed, it may be more strategic for international groups to distance themselves from some local groups in some contexts where international assistance may be perceived as ‘meddling’ in a local situation. For theorists of humanitarian action, bringing local actors into the picture allows us to appreciate a more complete, nuanced understanding of the challenges and opportunities for humanitarian assistance.

Returning to the primary question, with these considerations in mind, what then was the relationship between humanitarian assistance and human rights in practice in Aceh? As Slim pointed out in 1997, humanitarian action and human rights are inextricably linked. In probing this link, my findings indicate that there is a large degree of *choice* on the part of decision-makers within NGOs regarding what that relationship should look like. The choices they make will vary depending on the context and the organisational philosophy or mandate of the organisation. Organisational culture matters greatly, as do individual personalities. Most importantly however, as Slim (2005) also points out, the main driver for many international NGOs is ‘operational reality’, not ‘organisational ideology’. I found this to be true in Aceh too. Humanitarian organisations will always put access first and negotiate their way to assist people in need and ensure the safety and security of their staff, and indeed, those they are there to help. Of critical importance here is having deep contextual knowledge, prioritising conflicting objectives and having organisational clarity about goals and outcomes. At the end of the day, there is only so much humanitarian action can do. Humanitarian action may influence local politics,

but local political interests and actors will always have much more transformative power than humanitarian action that comes from outside. Peace in Aceh is a case in point: attempts were made to use humanitarian assistance as an entry point to facilitate peace, but they largely failed. It was only when the two belligerent parties possessed the political will of for a genuine agreement was peace possible.

The debate should therefore not be so much about whether classic or new humanitarian ideologies are more appropriate or whether Wilsonian or Dunantist origins should be highlighted (although they certainly do inform organisational culture). Rather, I argue for a 'grounded humanitarianism' approach to the field of humanitarian studies that considers the day-to-day realities and challenges faced in humanitarian action. Grounded humanitarianism should not be limited to the study of international humanitarian actors. My findings illustrate that local NGO approaches were not dissimilar to those of international NGOs, and likewise involved regularly weighing up the costs and benefits of any particular action, even if the local groups were necessarily more deeply embedded in local political contexts and struggles.

What might be some of the lessons about the relationship between human rights and humanitarianism observed in Aceh that may be applied to situations in other parts of the world? Human rights and humanitarian activities are both inherently political processes because both activities are about assisting people who have been made powerless. When it comes to human rights and humanitarian issues in conflict zones, such advocacy will often target powerful actors that may have a stake in the conflict. Countries like Sri Lanka, South Sudan and Somalia come to mind. Did the international community push too hard for human rights justice in Sri Lanka, and by doing so, further endanger local human rights activists? The expulsion of NGOs from Sudan as the international community pushed for war crimes hearings against Omar al-Beshir is a reminder of the perils of advocacy. Humanitarian groups struggle to maintain a presence in deeply unstable Somalia to provide basic humanitarian assistance, let alone engage in human rights advocacy. When it comes to situations of famine, there is no distinction: human rights are humanitarian issues. The only distinction is survival or death.

Aceh was very different. NGOs could make distinctions between human rights and humanitarian concerns. In most situations, local and international civil society groups will make judgements about the type of action they will take based on a careful calculation of the situation at hand. As NGOs become increasingly bureaucratized, with more staff and larger budgets, such rational decision-making will become more prominent: the more they have, the more they have to lose. NGOs, small and large, will be strategic in their engagement with human rights and humanitarian issues. Humanitarianism may be used as a 'safe' entry point to gain access and gather information that may then be used for advocacy purposes. Or, groups may totally disassociate from human rights in an effort to avoid expulsion and maintain access.

Finally, it is necessary to look at the more particular question and ask: what are the lessons for peace-building and recovery in situations similar to Aceh, where a natural disaster strikes an area affected by a violent political conflict? In Aceh, post-tsunami recovery and reconstruction was largely successful; the peace process and post-conflict transition saw Aceh avoid the fate of most negotiated settlements that tend to break down within the first five years; and no serious outbreak of conflict occurred and peace was cemented. Given that humanitarian assistance sometimes has unintended consequences, such as sustaining warring parties, the fact that many large international NGOs stayed out of the conflict arena in Aceh might be viewed as having had a positive result. While it may be a counterfactual argument, it seems likely that there were some positive consequences of 'dividing' the tsunami response and the conflict response: it is probable that the successful peace process was partly the result of NGOs *not* engaging in conflict-related advocacy, protection or peace-building activities. It had this effect by providing confidence to the Indonesian government that there was no external influence in the conflict or support for an independent Aceh. Staying out of contentious issues at least eliminated any unintended consequences that their actions could have led to, such as equipping GAM.

In addition, it is likely that NGOs gained the trust of the Indonesian government by 'following the rules' in Aceh and not delving into political issues. Indeed, the relationships between NGOs and government officials in post-tsunami Aceh were mostly of a 'technical', rather than 'political' nature. They involved reconstructing

houses, wells, roads, schools, bridges and ports and did not require any concern for the separatist conflict. Many international aid workers in Aceh had no interest in the political situation and strongly believed that NGOs should assist in the reconstruction of Aceh and leave the province as soon as that work was done. While trust-building may have been a result of minimising any harm that a more political form of humanitarian assistance could have done, the more salient explanation for successful peace came down to domestic factors and political will on the part of both the Indonesian government and GAM. International NGOs played at most an indirect role in supporting peace in Aceh.

Compared to Aceh, Sri Lanka saw the other extreme, whereby the Sri Lankan government was determined to militarily destroy the Liberation Tigers of Tamil Eelam (LTTE) in the post-tsunami period. Observers suggest that international NGOs and UN's 'naming and shaming' approach to human rights violations committed by the Sri Lankan government, that saw reduced military and development aid from the West, as well as being voted out of the UN Human Rights Council, did not lead to improvements in the human rights situation in Sri Lanka (Weerasinghe 2008). Such moves in fact led to increased aggression toward local human rights groups and a more defensive stance toward international human rights groups. In this context, Sri Lanka distanced itself from the West and sought increased aid from countries like China and Iran. In the Sri Lankan government's annihilation of the Tamil Tigers in 2009, civilians paid a high price with war crimes being reported.

Burma, also affected by the 2004 tsunami, remained largely closed to foreign assistance. However, in May 2008, Cyclone Nargis hit Burma with much more destructive force than the tsunami three and a half years earlier. While the Burmese junta at first restricted foreign access, the threat of mass disease and death finally led it to open its doors to unprecedented cooperation between the Burmese government and some international humanitarian agencies. Nargis created an opportunity for international donors to reverse longstanding, counterproductive aid policies of sanctions and moves to normalise relations with Burma (ICG 2008).

The major lesson for other situations that experience either 'man-made' or 'natural' disasters is that humanitarian groups can play an important role in building trust with

the host-state or non-state actors by focusing on technical issues while not necessarily directly engaging in sensitive political issues. Groups can work in an indirect way to promote human rights or peace without necessarily naming such activities as advocacy, protection or peace-building. Being highly vocal on human rights issues can also be highly destructive, whereby isolationism can be detrimental for human rights. In situations where a host government is suspicious of NGOs interfering in domestic political issues, it is important that humanitarian groups invest in building relationships, and thereby improve the level of trust of local authorities in humanitarian actors.

As de Waal (1997: 6) argued, 'a humanitarianism that sets itself above or outside politics is futile'. In this thesis I expanded on de Waal's argument to suggest that political problems require political solutions, rather than humanitarian ones. Advocates of new humanitarianism need to be modest in their goals, rather than believing that humanitarianism has the power to transform political structures. However, this does mean that humanitarianism has no role to play. The form that humanitarian action will take in any crisis will depend on a range of features, including domestic politics, funding exigencies, the presence of 'competing disasters', and organisational culture. Greater consideration should be given to the day-to-day realities that contribute to, or deduct from, new humanitarian approaches.

Glossary

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> , Indonesian Armed Forces
ACSTF	Aceh Civil Society Taskforce
ADAB	<i>Aliansi Demokrasi Anak Bangsa</i> , Democracy Alliance of the Nation's Children
AI	Amnesty International
AJMI	Aceh Judicial Monitoring Institute
ALNAP	Active Learning Network for Accountability and Performance
AMM	Aceh Monitoring Mission
APF	Aceh Peoples' Forum
ASEAN	Association of Southeast Asian Nations
ASNLF	Acheh Sumatra National Liberation Front
BAKORNAS-PBP	<i>Badan Koordinasi Nasional Penanggulangan Bencana dan Pengungsi</i> , Provincial Coordinating Agency for Disaster and Refugee Management
BPHN	<i>Badan Pembinaan Hukum Nasional</i> , National Law Development Agency
Brimob	<i>Brigade Mobil</i> , Indonesian Mobile Police Brigade
BRR	<i>Badan Rekonstruksi dan Rehabilitasi</i> , Reconstruction and Rehabilitation Agency
Cafod	Catholic Agency for Overseas Development
CBO	Community-Based Organisation
CGI	Consultative Group on Indonesia
CMI	Crisis Management Initiative
CoHA	Cessation of Hostilities Agreement
Cordova	Institute for Civil Society Empowerment

CSO	Civil Society Organisation
DEC	Disasters Emergency Committee
DM	<i>Darurat Militer</i> , Military Emergency
DOM	<i>Daerah Operasi Militer</i> , Military Operations Area
DS	<i>Darurat Sipil</i> , Civil Emergency
DMD	<i>Damai Melalui Dialog</i> , Peace through Dialogue
FP-HAM	<i>Forum Peduli HAM</i> , Human Rights Care Forum
Forum LSM Aceh	Aceh NGO Forum
GAM	<i>Gerakan Aceh Merdeka</i> , Free Aceh Movement
HAM	<i>hak-hak asasi manusia</i> , Human Rights
HDC	Centre for Humanitarian Dialogue
HRW	Human Rights Watch
ICCO	Interchurch Organisation for Development Cooperation
ICG	International Crisis Group
ICMC	International Catholic Migration Commission
ICRC	International Committee of the Red Cross
ICTJ	International Centre for Transitional Justice
TRC	Truth and Reconciliation Commission
ICVA	International Council of Voluntary Agencies
IDP	Internally Displaced Person
IFRC	International Federation of the Red Cross and Red Crescent Societies
IGGI	Inter-Governmental Group on Indonesia
ILO	International Labor Organisation
IMC	International Medical Corps

INFID	International NGO Forum on Indonesian Development
INGO	International Nongovernmental Organisation
IOM	International Organisation for Migration
IRC	International Rescue Committee
JRS	Jesuit Refugee Services
Kapolda	<i>Kepala Polisi Daerah</i> , Provincial Police Chief
KDP	<i>Kecamatan</i> (Sub-district) Development Program
Kierkenactie	Church in Action
KKTGA	<i>Kelompok Kerja Transformasi Gender Aceh</i> , Aceh Gender Transformation Working Group
KMPD	<i>Komite Monitoring Perdamaian dan Demokrasi</i> , Peace and Democracy Monitoring Committee
Koalisi NGO HAM	Human Rights NGO Coalition
KomnasHAM	National Commission for Human Rights
Kontras	Commission for the Disappeared and Victims of Violence
KPCD	<i>Komite Perempuan Cinta Damai</i> , Women Love Peace Committee
KPK	<i>Koalisi Pengungkapan Kebenaran</i> , Coalition for Truth Recovery
LBH	Legal Aid Institute
LMND	<i>Liga Mahasiswa Nasional untuk Demokrasi</i> , National Student League for Democracy
LP3ES	<i>Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial</i> , Institute for Social and Economic Research, Education and Information
LSM	<i>Lembaga Swadaya Masyarakat</i> , self-reliant community institution
NGO	Non-governmental Organisation
NRC	Norwegian Refugee Council

OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PAWG	Protection and Advocacy Working Group
Pendampingan	Accompaniment
Perlindungan	Protection
PKBI	Indonesian Planned Parenthood Association, <i>Perkumpulan Keluarga Berencana Indonesia</i>
PBI	Peace Brigades International
PB-HAM	Human Rights and Legal Aid Post
PCC	Peoples' Crisis Centre
Polri	<i>Polisi Republic Indonesia</i> , Indonesian National Police
PRD	<i>Partai Rakyat Demokratik</i> , People's Democratic Party
RATA	Rehabilitation Action for Torture Victims in Aceh
Tanah Rencong	Land of the <i>Rencong</i> ; a <i>rencong</i> is an Acehnese dagger
RPuK	Women Volunteers for Humanity
Satkorlak	Provincial Coordinating Agency for Disaster and Refugee Management
SIRA	<i>Sentral Informasi Referendum Aceh</i> , Aceh Referendum Information Centre
SMID	<i>Solidaritas Mahasiswa Indonesia untuk Demokrasi</i>
SMUR	<i>Solidaritas Mahasiswa untuk Rakyat</i>
Solidaritas Perempuan	Women's Solidarity for Human Rights
SPKP-HAM	<i>Solidaritas Persaudaraan Korban Pelanggaran HAM</i> , Solidarity and Brotherhood of Human Rights Abuse Victims
SULoH	<i>Jaringan Informasi dan Pemberdayaan Rakyat</i> , Peoples Empowerment and Information Network
TdH	Terres des Hommes
TEC	Tsunami Evaluation Coalition

TMMK	<i>Tim Monitoring Modalitas Keamanan</i> , Security Modalities Monitoring Team
TNI	<i>Tentara Nasional Indonesia</i> , Indonesian Armed Forces
TRC	Truth and Reconciliation Commission
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WALHI	<i>Wahana Lingkungan Hidup Indonesia</i> , the Indonesia Environment Network
Yadesa	<i>Yayasan Pembinaan Masyarakat Desa</i> , Rural Community Development Foundation
YAPIKA	<i>Yayasan Persahabatan Indonesia-Kanada</i> , Indonesia-Canada Friendship Foundation
YGHL	<i>Yayasan Gampong Hutan Lestari</i> , Forest Village Conservation Foundation

Bibliography

- Agnew, D. 2004. *World Civil Society – The Making of a Global Movement*. In A. Bejan, A. Shiozaki, M. A. Van de Ven, P. J. van der Ven, eds. *Globalization and the State: an overview of current perspectives and potential policy responses*. Lynn, Boston, Brainer, pp. 181-198.
- Albala, J. and J. M. 2003. 'Responses to natural hazards, disasters, and natural disasters: An antitype comparison', *Journal of Disaster Prevention and Management*, 13, pp. 21-30.
- Alexander, D. 1997. 'The Study of Natural Disasters, 1970-1990: A Review of a Changing Field of Knowledge', *Disasters*, 21(1), pp. 20-30.
- Allen, J. and Lipman, C. 2000. 'The 1995-1996 Central America and Mexico Hurricane Season', *Journal of International Development*, 11(1), pp. 41-51.
- Amnesty International. 2001. *Human Rights in the Americas: Human Rights and the Environment*. *Human Rights Watch*, New York, London, 14 March 2001.
- Amnesty International. 2002. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2002.
- Amnesty International. 2003. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2003.
- Amnesty International. 2004. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2004.
- Amnesty International. 2005. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2005.
- Amnesty International. 2006. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2006.
- Amnesty International. 2007. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2007.
- Amnesty International. 2008. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2008.
- Amnesty International. 2009. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2009.
- Amnesty International. 2010. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2010.
- Amnesty International. 2011. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2011.
- Amnesty International. 2012. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2012.
- Amnesty International. 2013. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2013.
- Amnesty International. 2014. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2014.
- Amnesty International. 2015. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2015.
- Amnesty International. 2016. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2016.
- Amnesty International. 2017. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2017.
- Amnesty International. 2018. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2018.
- Amnesty International. 2019. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2019.
- Amnesty International. 2020. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2020.
- Amnesty International. 2021. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2021.
- Amnesty International. 2022. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2022.
- Amnesty International. 2023. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2023.
- Amnesty International. 2024. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2024.
- Amnesty International. 2025. *Indonesia: Human Rights Abuse in Aceh*. *Human Rights Watch*, New York, London, 11 February 2025.

Bibliography

- Aguswandi 2004, 'Aceh: Civil Society – The Missing Piece of Peacebuilding', in A Heijmans, A, Simmonds, N & van de Veen, H, *Searching for Peace in Asia Pacific: an overview of conflict prevention and peacebuilding activities*, Lynne Rienner, Boulder, pp. 381-398.
- Albala-Bertrand, JM 2000, 'Responses to complex humanitarian emergencies and natural disasters. An analytical comparison', *Third World Quarterly*, 2, pp. 215-227.
- Alexander, D 1997, 'The Study of Natural Disasters, 1977-1997: Some Reflections on a Changing Field of Knowledge'. *Disasters*. 21(4). pp. 284-304.
- Allen, T and Styan, D 2000, 'A right to interfere? Bernard Kouchner and the new humanitarianism', *Journal of International Development* 12 (6): 825-42
- Amiruddin, MH 2007, 'Melacak Identitas Aceh: Antara Tradisi Heroisme dan Pluralisme', Paper presented at Aceh Institute, Banda Aceh, Indonesia, 16 March 2007.
- Amnesty International 2000, *Indonesia: Acehnese Human Rights Defenders under Attack*, Amnesty International, 23 February, AI Index: ASA 21/06/00, London.
- Amnesty International 2003a, *Indonesia: Protecting the protectors: Human rights defenders and humanitarian workers in Nanggroe Aceh Darussalam*. Amnesty International, London.
- Amnesty International 2003b, *Indonesia: Impunity in Nanggroe Aceh Darussalam: Appeal cases on human rights defenders and political activists*, Amnesty International, 21 February, London.
- Amnesty International 2004, *New military operations, old patterns of human rights abuses in Aceh (NAD)*, Amnesty International, 7 October, AI Index: ASA 21/033/2004, London.
- Anderson, MB 1996, *Do No Harm: How Aid Can Support Peace - Or War*. Lynne Rienner, Boulder.
- Antara 2005, 'Soldiers kill 120 Aceh rebels over past two weeks.' Antara News Agency. January 20, 2005.
- Antlöv, H 2003, 'Village Government and Rural Development in Indonesia: The New Democratic Framework', *Bulletin of Indonesian Economic Studies*, 39 (2) pp. 193-214.
- Asia Watch 1990, *Human Rights Abuses in Aceh*. Asia Watch: December 27, 1990.
- Asian Development Bank 1999, *A Study of NGOs: Indonesia*. On file with author.

Aspinall, E & Crouch, H 2003, *The Aceh Peace Process: Why it Failed*, East-West Center, Washington, DC.

Aspinall, E 2005a, *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia*. Stanford University Press, Stanford.

Aspinall, E 2005b, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* East-West Center, Washington, DC.

Aspinall, E 2006, 'Violence and Identity Formation in Aceh under Indonesian Rule', in Reid, A. *Verandah of Violence: The Background to the Aceh Problem*

Aspinall, E 2008, *Peace without justice? The Helsinki peace process in Aceh*. April 2008 Report. Henry Dunant Centre for Humanitarian Dialogue, Geneva.

Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford.

AusAID 2007, *AusAID in Indonesia, Community and Education Program in Aceh*, <http://www.indo.usaid.gov.au/completedprojects/cepa.html>, access date: 20 February 2008.

Awaludin, H 2008, *Damai di Aceh*. Centre for Strategic and International Studies, Jakarta.

Bacon, P 2012, 'Human Security: definitions, problems and potentials'. Human Security and Natural Disasters Workshop. Waseda University and the UNU, 20-21 February 2012, Tokyo.

Badan Pembinaan Hukum Nasional 2003, *Keputusan Presiden Republik Indonesia Penguasa Darurat Militer Pusat Nomor 43 Tahun 2003 (43/2003) Tentang Pengaturan Kegiatan Warga Negara Asing, Lembaga Swadaya Masyarakat dan Jurnalis di Provinsi Nanggroe Aceh Darussalam*. URL: www.bphn.go.id/data/documents/03kp043.doc, Access date: 17 March 2006

Badan Rehabilitasi dan Rekonstruksi 2005, *Aceh and Nias One Year After the Tsunami: the Recovery Effort and the Way Forward, A Joint Report of the BRR and International Partners*, December, Banda Aceh.

Barakat, S, Connolly, D & Large, J 2002, 'Winning and Losing in Aceh: Five Key Dilemmas for Third-Party Intervention.' *Civil Wars* 5(4): 1-29.

Barnes, C 2005, 'Weaving the Web: Civil Society Roles in Working with Conflict and Building Peace', in P van Tongeren, Brenk, M, Hellema, M & Verhoeven, J (eds) *People Building Peace II: Successful Stories of Civil Society*, Lynne Reiner, Boulder, 2005: 7-24.

Barnett, M 2003, 'What is the future of humanitarianism?' *Global Governance*, Vol. 9 (3) pp. 401-416.

Barnett, M 2005, 'Humanitarianism Transformed', *Perspectives on Politics*, 3 (4). pp. 723-740.

Barnett, M and Snyder, J 2008, 'The Grand Strategies of Humanitarianism', in M Barnett & Weiss T (eds), *Humanitarianism in Question: Politics, Power and Ethics* Cornell University Press, Ithaca.

Barnett, M 2011, *Empire of Humanity: A History of Humanitarianism*. Ithaca. Cornell University Press.

Barron, P, Clark, S & Daud, M 2005, *Conflict and Recovery in Aceh: An assessment of conflict dynamics and options for supporting the peace process*, The World Bank, Jakarta.

Barron, P & Burke, A 2008, *Supporting Peace in Aceh: Development Agencies and International Involvement*, East West Center, Washington, DC.

Barter, S 2004, *Neither Wolf Nor Lamb: Embracing Civil Society in the Aceh Conflict*. Asian Forum for Human Rights and Development (FORUM-ASIA), Bangkok.

Barter, S 2008, 'Resources, religion, rebellion: the sources and lessons of Acehese separatism', *Small Wars & Insurgencies*, 19 (1), pp. 39-61.

Benedetti, C 2006, 'Islamic and Christian Inspired Relief NGOs: Between tactical collaboration and strategic diffidence?' *Journal of International Development*. 18, pp. 849-859.

Bertrand, J 2004, *Nationalism and Ethnic Conflict in Indonesia*. Cambridge University Press, Cambridge.

Biber, B 2004, *The Code of Conduct: humanitarian principles in practice*, International Committee of the Red Cross. URL: <http://www.icrc.org/web/eng/siteeng0.nsf/html/lall/64zahh?opendocument>, Access date: 20 February, 2008.

Black, G 1981, *Triumph of the People: The Sandinista Revolution in Nicaragua*, Zed Press, London.

Boutros-Ghali, B 1992, *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, United Nations, New York.

Branczik, A 2004, 'Humanitarian Aid and Development Assistance', in G Burgess & Burgess, H (eds) *Beyond Intractability*. Conflict Research Consortium, University of Colorado, Boulder. URL: http://www.beyondintractability.org/essay/humanitarian_aid/ Access date: 1 March 2008.

- Bugnion, F 1995, 'From the end of the Second World War to the dawn of the third millennium: the activities of the International Committee of the Red Cross during the Cold War and its aftermath: 1945-1995', *International Review of the Red Cross*, No. 305, 30 April 1995. URL: <http://www.icrc.org/eng/resources/documents/misc/57jmey.htm> Access date: 1 March 2008.
- Burke, A and Afnan 2005, 'Aceh: Reconstruction in a conflict environment. Views from civil society, donors and NGOs', *Indonesian Social Development Paper* No.8. October 2005. World Bank, Jakarta
- Burke, A 2008 'Peacebuilding and rebuilding at ground level: Practical constraints and policy objectives in Aceh', *Conflict, Security & Development*, 8(1). pp. 47-69.
- Calhoun, C 2008, 'The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action', in Barnett, M. and Weiss, T (eds), *Humanitarianism in Question: Politics, Power, Ethics*. Cornell University Press, Ithaca.
- CARE 2001, 'Benefits Harms Handbook', Cooperative for Relief and Development Everywhere, Atlanta.
- Carothers, T 1999/2000, 'Think Again: Civil Society', *Foreign Policy*, Winter 1999-2000.
- Chandler, D 2001, 'The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda'. *Human Rights Quarterly* 23, pp: 678-700.
- Crisis Management Initiative 2005, 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, Helsinki, Finland, 15 August 2005', CMI, Helsinki.
- Crisis Management Initiative 2006, 'The Aceh Peace Process: Involvement of Women', CMI, Helsinki.
- Cohen, R 2006 Strengthening Protection of IDPs: The UN's Role, Georgetown Journal of International Affairs, Winter/Spring 2006. pp. 101-109.
- Commission on Human Security (2003). 'Human Security Now'. URL: <http://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf> Access date: 25 February 2012
- Cornwall, A & Nyamu-Musembi, C 2004, 'Putting the 'rights-based approach' to development into perspective', *Third World Quarterly*, 25 (8), pp. 1415-1437.
- Darcy, J 2004, 'Inter-Agency Stocktaking Meeting on Humanitarian Protection'. Washington DC, URL: www.alnap.org/pdfs/other_studies/protection_workshop.pdf Access date: 15 May 2005.

- de Waal, A 1997, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*. Indiana University Press, Bloomington.
- di Tiro, H 1982, *The Price of Freedom (The Unfinished Diary)*. Information Department, Aceh Sumatra National Liberation Front, Norsberg, Sweden.
- Drexler, E 2008, *Aceh, Indonesia: Securing the Insecure State*, University of Pennsylvania Press, Philadelphia.
- duBois, M 2009, 'Protection: The New Humanitarian Fig-Leaf', paper presented at World Conference of Humanitarian Studies, Groningen February 2009.
- Duffield, M, Macrae, J & Curtis, D 2001, 'Editorial: Politics and Humanitarian Aid', *Disasters*, 25 (4): 269-274.
- Duffield, M 1994, 'The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid', in J Macrae & Zwi, A (eds), *War and Hunger: Rethinking International Responses to Complex Emergencies*, Zed Books, London, pp. 50-69.
- Dunant, HJ 1947, 'A Memory of Solferino', Cassell, London.
- Farza, JK 2001, 'Selama Inpres 4/2001, 107 Orang Terbunuh di Aceh', Tempo Interactive, 14 May 2001, URL: <http://www.tempointeractive.com/hg/nasional/2001/05/14/brk,20010514-26,id.html>, Access date: 16 March 2008.
- Fearon, J 2008, 'The Rise of Emergency Relief Aid', in M Barnett and Weiss, T (eds), *Humanitarianism in Question: Politics, Power, Ethics*. Cornell University Press, New York. pp.49-72.
- Feith, P 2007, 'The Aceh Peace Process: Nothing Less than Success'. Special Report 184. United States Institute of Peace. Washington, DC.
- FEWER, International Alert and Saferworld 2003, 'Conflict-Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding Resource Pack'. URL: http://www.conflictsensitivity.org/resource_pack.html, Access date: 15 May 2008.
- Flint, M & Goyder, H 2006, 'Funding the tsunami response'. Tsunami Evaluation Coalition, London.
- Florini, A 2000, *The Third Force: The Rise of Transnational Civil Society*, Washington, Carnegie Endowment.
- Fox, F 2001, 'New Humanitarianism: Does It Provide a Moral Banner for the 21st Century?' *Disasters*. 25(4). pp. 275-289.
- Francis, D 2000, 'Conflict Transformation – from Violence To Politics'. Committee for Conflict Transformation Support Newsletter Number 9, URL: <http://www.c-r.org/ccts/ccts9/vipolint.htm>, Access date: 25 March 2008.

Frontline 2002, 'Frontline Indonesia: Murders, death threat and other types of intimidation against human rights defenders', Frontline, Dublin.

Gnaedinger, A 2007, 'Protection of civilians in conflict - the ICRC perspective' URL: <http://www.icrc.org/eng/resources/documents/statement/children-statement-140507.htm>, Access date: 3 October 2010.

Goldewijk, BK 2008, 'Why human? The interlinkages between security, rights and development'. *Security and Human Rights* 2008 (1) pp. 24-36.

Good, B, DelVecchio-Good, M-J, Grayman, J & Lakoma, M 2006 'Psychosocial Needs Assessment of Communities Affected by the Conflict in the districts of Pidie, Bireuen and Aceh Utara'
http://ghsm.hms.harvard.edu/uploads/pdf/good_M_PNA1.pdf Access date: 29 March 2008.

Hadiwinata, BS 2003, 'The Politics of NGOs in Indonesia: Developing democracy and managing a movement', RoutledgeCurzon. London.

HDC 2000, 'Joint Understanding on Humanitarian Pause for Aceh'. Henry Dunant Centre for Humanitarian Dialogue. URL: www.hdcentre.org/files/JoU%20FINAL.pdf Access date: 19 March 2008.

HDC 2002, 'Cessation of Hostilities Framework Agreement between Government of the Republic of Indonesia and the Free Aceh Movement'. Henry Dunant Centre for Humanitarian Dialogue. URL: reliefweb.int/node/115329/pdf, Access date: 19 March 2008.

HDC 2009, 'About the HD Centre', URL:<http://www.hdcentre.org/about>, Access date: 6 January 2009

Hivos 2005, 'Strengthening the Position of Human Rights Defenders in Aceh, Indonesia, in the Post Tsunami and MoU GAM-RI Context', Imparsial, Aceh HRD Network, Hivos, on file with author.

Hivos 2008, 'Hivos Community Partners' URL: <http://www.hivos.nl/dut/community/partner/10006689> Access date: 12 May 2009

Honna, J 2005, *Military Politics and Democratization in Indonesia*, Routledge, New York.

Howell, J & Pearce, J 2001, *Civil Society and Development: A Critical Exploration*. Lynne Rienner, Boulder.

Huber, K 2004, *The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation*. East-West Center, Washington, DC.

Human Rights Watch 2001a, *Indonesia: The War in Aceh*. Human Rights Watch Asia Division, Brussels.

Human Rights Watch 2001b *Indonesia: More Murders of Human Rights Monitors in Aceh*, Human Rights Watch URL:
<http://hrw.org/english/docs/2001/03/30/indone275.htm>, Access date: 4 September, 2006.

Human Rights Watch 2003a, *Aceh under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access*, Human Rights Watch, September 18, 2003.

Human Rights Watch 2003b, *Aceh Under Martial Law: Inside the Secret War*, Human Rights Watch December 2003, Vol. 15, No. 10.

Human Rights Watch 2004a, *Aceh Under Martial Law: Problems Faced by Acehnese Refugees in Malaysia*, Human Rights Watch, April 2004, Vol. 16, No. 5.

Human Rights Watch 2004b, *Aceh at War: Torture, Ill-Treatment, and Unfair Trials*, Human Rights Watch, September 2004 Vol. 16, No. 11.

International Centre for Transitional Justice 2006, 'Indonesia: Constitutional Court Strikes Down Flawed Truth Commission Law Decision Presents Opportunity to Address Legacy of Impunity', URL: <http://ikohi.blogspot.com/2006/12/ictj-on-cancellation-of-indonesian-trc.html> Access date: 24 September 2009.

International Coalition For the Responsibility to Protect 2012, 'An Introduction to the Responsibility to Protect' URL:
<http://www.responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop> Access date: 25 February 2012

International Committee of the Red Cross 2008a, 'Mission' URL:
<http://www.icrc.org/HOME.NSF/060a34982cae624ec12566fe00326312/125ffe2d4c7f68acc1256ae300394f6e?OpenDocument> Access date: 1 March 2008.

International Committee of the Red Cross 2008b, 'International Humanitarian Law' <http://www.icrc.org/eng/ihl> Access date: 4 March 2008.

International Committee of the Red Cross 2008c, 'Discover the ICRC' URL:
http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_discover_the_icrc?OpenDocument Access date: 5 March 2008.

International Committee of the Red Cross 2008d, 'ICRC Protection Policy'. International Review of the Red Cross, No. 871, 30 September 2008 URL:
<http://www.icrc.org/eng/resources/documents/article/review/review-871-p751.htm>. Access date: 8 March 2008

International Committee of the Red Cross 2010, 'ICRC presents record field budget to address ever more complex needs', 2 December 2010. URL:
<http://www.icrc.org/eng/resources/documents/news-release/2010/emergency-appeals-news-2010-12-02.htm> Access date: 4 April 2011.

International Council of Voluntary Agencies 2002, 'What is Protection? A definition by consensus', URL: <http://www.icva.ch/cgi-bin/browse.pl?doc=doc00000663#1>, Access date: 31 August 2006.

International Crisis Group 2001, 'Aceh: Can Autonomy Stem the Conflict? ICG Asia Report No. 18, Jakarta/Brussels.

International Crisis Group 2007, *Indonesia: How GAM Won in Aceh. International Crisis Group Update Briefing*, Asia Briefing No 61, 22 March 2007, Jakarta/Brussels.

International Crisis Group 2008, *Burma/Myanmar After Nargis: Time to Normalise Aid Relations*. October 2008.

International Federation of the Red Cross and Red Crescent Societies 2008, <http://www.ifrc.org/publicat/conduct/index.asp>. Access date: 23 February 2008.

International Organisation for Migration 2004, *Humanitarian Protection Needs Analysis*, Jakarta, on file with author.

International Rescue Committee 2005a, 'Protection Strategy', on file with author.

International Rescue Committee 2005b, 'IRC fact sheet' on file with author.

International Rescue Committee 2006a, 'Taking Action: IRC's Advocacy Agenda', URL: http://www.theirc.org/what/key_humanitarian_concerns.html, Access date: 25 September 2006

International Rescue Committee 2006b, 'IRC Programs in Afghanistan', URL: http://www.theirc.org/where/asia_afghanistan_programs.html Access date: 3 October 2006

IRC 2008, 'International Rescue Committee - Aiding refugees and communities victimized by war' URL: <http://www.rescue.org/international-rescue-committee-aiding-refugees-and-communities-victimized-war-0> Access date: 10 January 2011

Kaldor, M 1999, *New wars: Insecurity in a global era*. Stanford, CA: Stanford University Press.

Moore, M 2005, 'Indonesia pulls the plug on foreigners', *The Sydney Morning Herald*, 13 January 2005, URL: <http://www.smh.com.au/news/Asia-Tsunami/Indonesia-pulls-the-plug-on-foreigners/2005/01/12/1105423562018.html> Access date: 2 October 2006.

Kalyvas, SN 2001, "New" and "old" civil wars: A valid distinction? *World Politics*, 54(1): 99–118.

Kay, K 2003, 'The "New Humanitarianism": The Henry Dunant Center and the Aceh Peace Negotiations', WWS Case Study, URL: <http://wws.princeton.edu/research/cases/newhumanit.pdf>

Kautsar 2003 'How to make peace: Civilians demand a part in Aceh's peace process', *Inside Indonesia*, Apr-Jun <http://www.insideindonesia.org/edit74/kautsar.html> Access date: 12 March 2008

Keck, ME & Sikkink, K 1998, *Activists Beyond Borders: Advocacy Networks in International Politics*, Cornell University Press, Ithaca.

Kell, T 1995, *The roots of Acehese Rebellion, 1989-1992*. Cornell Modern Indonesia Project, Southeast Asia Program, Cornell University, Ithaca.

Kellenberger, J 2004, 'Speaking out or remaining silent in humanitarian work'. IRRC Vol. 86 No. 855 URL:

http://www.icrc.org/eng/assets/files/other/irrc_855_kellenberger.pdf Access date: 25 February 2012

Kelman, I 2007, 'Hurricane Katrina Disaster Diplomacy', *Disasters*, vol. 31, no. 3, pp. 288-309

Kelman, I & Koukis, T (eds), 2000, 'Disaster Diplomacy', special section in *Cambridge Review of International Affairs*, vol. XIV, no. 1, pp. 214-294.

Kennedy, J, Ashmore, J, Babister, E & Kelman, I 2008, 'The Meaning of 'Build Back Better': Evidence From Post-Tsunami Aceh and Sri Lanka'. *Journal of Contingencies and Crisis Management*. 16(1). pp. 24-36.

Kent, RC 1987, *Anatomy of Disaster Relief: The International Network in Action*. Pinter Publishers, London.

Kent, RC 2009, 'The Future of Humanitarianism: Dimensions of Continuity and the Dynamics of Change'. Keynote speech delivered at the World Conference of Humanitarian Studies, February 2009, Groningen,

Kingsbury, D 2006, *Peace in Aceh: A personal account of the Helsinki peace process*. Equinox Publishing, Jakarta.

Kompas 2002, *Damai dengan Sentuhan Kemanusiaan* URL:

<http://www2.kompas.com/kompas-cetak/0211/24/NASIONAL/dama30.htm>
24 November 2002. Access date: 13 March 2009.

Lahdensuo, S 2006, *Building Peace in Aceh: observations on the work of the Aceh Monitoring Mission (AMM) and its liaison with local civil society*. Crisis Management Initiative, Helsinki.

Lanord, C 2000, 'The legal status of National Red Cross and Red Crescent Societies'. 31 December 2000, *International Review of the Red Cross*, No. 840, URL: <http://www.icrc.org/eng/resources/documents/misc/57jq9.htm> Access date: 1 March 2008.

Leebaw, B 2007, 'The Politics of Impartial Activism: Humanitarianism and Human Rights', *Perspectives on Politics*, 5 (2): pp. 223-239.

Lindorf-Nielsen, M 2002, 'Questioning Aceh's Inevitability: A Story of Failed National Integration?' URL:
http://www.globalpolitics.net/essays/Lindorf_Nielsen.pdf

Macrae, J & Leader, N 2001, 'Apples, Pears and Porridge: The Origins and Impact of the Search for 'Coherence' between Humanitarian and Political Responses to Chronic Political Emergencies', *Disasters*. 25(4), pp. 290-307.

Macrae, J 2002, 'The new humanitarianisms: a review of trends in global humanitarian action', *HPG Report* 11, Humanitarian Policy Group, Overseas Development Institute, URL: <http://www.odi.org.uk/resources/download/243.pdf>, Access date: 11 April 2005

Mahmud, M 2004, 'Official ASNLF account of the death of Ishak Daud'. The Government of the State of Aceh in exile. Stockholm.
<http://www.asnlf.com/topint.htm> Accessed: 13 September 2004.

Martin, H 2006. *Kings of Peace, Pawns of War: the untold story of peace-making*, Continuum, London.

Martone, G 2002, 'The Compartmentalisation of Humanitarian Action'. *Humanitarian Exchange* 21, July: 36-38.

Mathews, JT, 'Power Shift,' *Foreign Affairs*, 76, 1, 1997: 50-66.

McDonald, JW 2003, 'Multi-Track Diplomacy', in Burgess, G & Burgess, H (eds) *Beyond Intractability*. Conflict Research Consortium, University of Colorado, Boulder. URL: http://www.beyondintractability.org/essay/multi-track_diplomacy/

Media Indonesia Online 1999, 'Menyinggung Aceh Mega Menangis, Bila Cut Nya' Pimpin Negeri Ini' Media Indonesia Online, 30 July, 1999, URL: <http://www.library.ohiou.edu/indopubs/1999/07/30/0000.html>, Access date: 12 September 2004.

Miall, H 2004, 'Conflict Transformation: A Multi-Dimensional Task'. Berghof Research Center for Constructive Conflict Management, http://www.berghof-handbook.net/uploads/download/miall_handbook.pdf, Access date: 11 March 2009

Mohamad, C, Westerbaan, W & Sexton, P 2000, 'PBI Aceh Assessment External Report'. PBI Indonesia and East Timor Project, on file with author.

Morfit, M 2006, 'A happy, peaceful anniversary in Aceh', August 15 2006, Asia Times Online, URL: http://www.atimes.com/atimes/Southeast_Asia/HH15Ae01.html Access date: 21 August 2006.

Morfit, M 2007, 'Beyond Helsinki: Aceh and Indonesia's Democratic Development', paper presented at the First International Conference of Aceh and Indian Ocean Studies, 24-27 February 2007.

MPBI 2003 *Masyarakat Penanggulangan Bencana Indonesia*, URL:
<http://www.mpbi.org/id/> Access date: 5 March 2009

MSF 2005a 'MSF Operations & Financial Overview - Nine Months After the Asia Tsunami Disaster', 25 September 2005, URL:
<http://www.doctorswithoutborders.org/news/article.cfm?id=1598&cat=field-news>
Access date: 15 October 2008.

MSF 2005b 'One year after the Indian Ocean tsunami disaster' URL:
http://www.msf.org/msfinternational/invoke.cfm?objectid=4779BD1E-0323-28C7-D4BF508ECF63E0E6&component=toolkit.article&method=full_html 20 December 2005. Access date: 15 October 2008.

MSF 2006 'Digest of MSF UK Discussion Evening: Protection Issues – the Limits of Humanitarian Responsibility', 23 March, URL:
www.uk2.msf.org/uknews/events/discussionevenings2006/digest/protectionissuedigest.doc Access date: 25 September 2006

MSF 2009 'Funding' URL:
http://www.msf.org/msfinternational/invoke.cfm?objectid=7EE7DFC5-15C5-F00A-255EF1E361C0EDAF&component=toolkit.article&method=full_html Accessed: 19 October 2009

Norwegian Refugee Council 2006, 'Core Activities', URL:
<http://www.nrc.no/NRC/core/indexeng.htm> Access date: 25 September 2006

Novib 2003a, 'Aceh Advocacy Review', 15 October 2003, on file with author.

Novib 2003b 'NGO Meeting on Aceh, Brussels, European Parliament', 24 October 2003, on file with author.

Novib 2004 'Input for the EU-Troika to Indonesia', 28 October 2004, on file with author.

O'Brien, P 2004, 'Politicized Humanitarianism: A Response to Nicolas de Torrente'. *Harvard Human Rights Journal*, 17 pp. 31-39.

OCHA 2005, Directory of Local NGOs in Aceh, OCHA, Mitra Sejati Perempuan Indonesia (MiSPI), Banda Aceh, on file with author.

OHCHR 2000, 'UN Rights Experts Call on Indonesia to Probe Abuse Allegations and Protect Aceh Population', United Nations Commission on Human Rights, 22 November 2000.

OHCHR 2012a, International Covenant on Civil and Political Rights, URL:
<http://www2.ohchr.org/english/law/ccpr.htm>, Access date: 25 February 2012

OHCHR 2012b, International Covenant on Economic, Social and Cultural Rights, URL: <http://www2.ohchr.org/english/law/cescr.htm>, Access date: 25 February 2012

- Oxfam 2003a, 'Aceh Background Brief', 22 May 2003, on file with author.
- Oxfam 2003b, 'Aceh Reactive Advocacy Plan', 30 May 2003, on file with author.
- Oxfam 2005, 'Advocacy Framework for the OI Aceh Tsunami Response', on file with author.
- Oxfam 2007, 'Oxfam International Tsunami Fund, Third Annual Report'. Oxford, <http://www.oxfam.org/sites/www.oxfam.org/files/OI-annual-report-2007-en.pdf> Accessed: 19 October 2009
- Padden, B 2009, 'In Aceh, Indonesia Foreign Aid Creates Tensions Between Tsunami, Conflict Victims', VOA News, 13 August 2009, URL: <http://www.voanews.com/english/2009-08-13-voa24.cfm?renderforprint=1> Access date: 17 August 2009
- Peace Brigades International 2002, 'PBI Indonesia Project Mission Statement', on file with author.
- Pictet, J 1979, 'The Fundamental Principles of the Red Cross: Commentary'. URL: http://www.icrc.org/web/eng/siteeng0.nsf/html/5MJE9N?OpenDocument&style=Custo_Final.3&View=defaultBody2 Access date: 3 October, 2006
- Poulsen, S 2001, 'The Return of 'Shock Therapy'', *Inside Indonesia* 68, October-December. URL: <http://www.insideindonesia.org/edition-68/the-return-of-shock-therapy>
- Pupavac, V 2006, 'The politics of emergency and the demise of the developing state: problems for humanitarian advocacy', *Development in Practice*, 16:3, pp. 255-269.
- Randel, J. and German, T 2002, 'Trends in the financing of humanitarian assistance', in J. Macrae (ed), *The New Humanitarianisms: a review of trends in global humanitarian action*. Humanitarian Policy Group Report 11. Overseas Development Institute, London. pp. 19-28.
- Reid, A 1969 *The contest for North Sumatra: Atjeh, the Netherlands and Britain 1858-1898*, O.U.P. London.
- Reid, A 1979 *The blood of the people: revolution and the end of traditional rule in northern Sumatra*, O.U.P. Kuala Lumpur.
- Rieff, D 1999, 'The False Dawn of Civil Society' *The Nation*, 22 February, pp11-16
- Rieff, D 2002, *A Bed for the Night: Humanitarianism in Crisis*, Vintage, London.
- Rigby, A 2001, 'Humanitarian assistance and conflict management: the view from the non-governmental sector'. *International Affairs*. 77: 4, pp. 957-966.

Riker, JV 2002, 'NGOs, Transnational Networks, International Donor Agencies and the Prospects for Democratic Governance in Indonesia', in S Khagram, JV Riker & K Sikkink (eds) *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, University of Minnesota Press, Minneapolis, pp. 181-205.

Robinson, G 2001, 'Rawan is as Rawan does. Violence and the state in Suharto's Indonesia', in B Anderson (ed.). Southeast Asia Program Publications, Southeast Asia Program, Cornell University, Ithaca.

Robinson, G 2010, *If You Leave Us Here, We Will Die: How Genocide Was Stopped in East Timor*, Princeton University Press, Princeton.

Rona, G 2004, 'The ICRC privilege not to testify: confidentiality in action'. 28 February 2004. URL:
<http://www.icrc.org/eng/resources/documents/misc/5wsd9q.htm#a3> Access date: 1 March 2008.

Save the Children 2009, 'Our Finances'
<http://www.savethechildren.org.uk/en/101.htm> Accessed: 19 October 2010.

Scheper, B, Parakrama, A, & Patel, S 2006, *Impact of the tsunami response on local and national capacities*, Tsunami Evaluation Coalition, London.

Schulze, KE 2004, *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. East-West Center, Washington, DC.

Schulze, KE 2006, 'Insurgency and Counter-Insurgency: Strategy and the Aceh Conflict, October 1976-May 2004', in A Reid (ed.) *Verandah of Violence: The Background to the Aceh Problem*, Singapore University Press, Singapore.

Schulze, KE 2007, 'Mission Not So Impossible: The AMM and the Transition from Conflict to Peace in Aceh, 2005-2006'. Working Paper No. 131. S. Rajaratnam School of International Studies. Singapore.

Schulze, KE 2011, 'Transforming the Aceh conflict: from military solutions to political agreement', in AL Freedman (ed.) *Threatening the state: the internationalisation of domestic disputes*, University of Toronto Press, Toronto

Shatz, A 2002, 'Mission Impossible – humanitarianism is neutral or it is nothing'
URL:
http://www.msf.org/msfinternational/invoke.cfm?component=article&objectid=E75B9E30-D338-48E6-99565A21285CF2DB&method=full_html Access date: 1 September 2006

Siapno, JA 2002, *Gender, Islam, nationalism and the state in Aceh: the paradox of power, co-optation and resistance*, RoutledgeCurzon. London.

Siegel, J 2000, *The Rope of God*, University of Michigan Press, Michigan.

- Singer, P 1972, 'Famine, Affluence, and Morality', *Philosophy and Public Affairs*, Vol. 1, No. 3, pp. 229-243.
- Sjamsuddin, N 1990, *Pemberontakan kaum republik: kasus Darul Islam Aceh*, Grafiti, Jakarta.
- Sepúlveda, Magdalena; van Banning, Theo; Gudmundsdóttir, Guðrún; Chamoun, Christine; van Genugten, Willem J.M. (2004). *Human rights reference handbook* (3rd ed. rev. ed.). Ciudad Colon, Costa Rica: University of Peace.
- Slim, H 1997, 'Relief agencies and moral standing in war: principles of humanity, neutrality, impartiality and solidarity'. *Development in Practice*. 7 (4): pp. 342-352.
- Slim, H 2005, 'Idealism and Realism in Humanitarian Action'. Two Talks Given at the ACFID Humanitarian Forum Canberra, 5 October 2005.
- Slim, H & Bonwick, A 2005, 'Protection: An ALNAP Guide for Humanitarian Agencies', Overseas Development Institute, London.
- Solidaritas Persaudaraan Korban Pelanggaran HAM 2007, Resolusi Kongres Korban Pelanggaran HAM, 23 July 2007, on file with author.
- Sommaruga, C 1999, 'Humanity: Our Priority Now and Always: Response to 'Principles, Politics, and Humanitarian Action'', *Ethics and International Affairs* 13(1): 23-28.
- Stoddard, A 2002, 'Trends in US humanitarian policy', in J Macrae (ed) *The new humanitarianisms: a review of trends in global humanitarian action*, HPG Report 11, Overseas Development Institute, London, 39-50.
- Stoddard, A 2003, 'Humanitarian NGOs: challenges and trends', in J Macrae & A. Harmer (eds), *Humanitarian Action and the 'Global War on Terror': A Review of Trends and Issues*. HPG Report 25, Overseas Development Institute London; 25-36.
- Tabloid Kontras 2001, 'Kasus RATA Menjadi Sumber Ancaman' No. 125, February 21-27, 2001. URL: <http://www.indonesia.com/serambi/kontras/125/lap10.htm>
Access date: 9 March 2009
- Tapol 2000a, *A Reign of Terror*, March 2000, on file with author.
- Tapol 2000b, *Bantaqiah trial: an examination of the indictment*, 25 April 2000, URL: <http://tapol.gn.apc.org/reports/r000425aceh.htm> Access date: 4 March 2009.
- Tapol 2000c, *It's the military, stupid!* paper presented at the International workshop on Violence in Indonesia: Its historical roots and its contemporary manifestations. Universiteit Leiden, 13-15 December 2000. URL: <http://tapol.gn.apc.org/news/files/p001213mili.htm> Access date: 4 March 2009

- Tanguy, J & Terry F 1999, 'Humanitarian Responsibility and Committed Action: Response to Principles, Politics, and Humanitarian Action', *Ethics and International Affairs* 13(1): 29-34.
- Telford, J, Cosgrave, J & Houghton, R 2006, *Joint Evaluation of the international response to the Indian Ocean tsunami: Synthesis Report*. Tsunami Evaluation Coalition. London.
- Terry F 2002, *Condemned to Repeat? The Paradox of Humanitarian Action*. Ithaca and London, Cornell University Press.
- Tiwon, S 2000m 'From heroes to rebels' *Inside Indonesia*, (62) April-June, 2000
URL: <http://insideindonesia.org/content/view/554/29/> Access date: 22 January 2008
- Tiwon, S & Bunyamin, A 1999, 'Human Rights and NGOs in Aceh', Hivos, on file with author.
- UNDP 1994, 'Human Development Report: New Dimensions of Human Security'
URL: <http://hdr.undp.org/en/reports/global/hdr1994/> Access date: 25 February 2012
- UNICEF 2002, 'Humanitarian Action Indonesia Donor Update', URL:
http://www.unicef.org/emerg/files/Emergencies_Indonesia_Donor_Update_290502.pdf Access date: 16 June 2008
- UN News Service 2002, 'Displaced Indonesians suffer from higher rates of poverty, poor health, WFP reports', 7 May 2002 URL:
<http://www.un.org/apps/news/printnewsAr.asp?nid=3600> Access date: 16 June 2008
- UN News Service 2005a, 'UN refugee agency ends emergency tsunami relief operations in Indonesia', 24 March 2005 URL:
<http://www.un.org/apps/news/story.asp?NewsID=13760&Cr=tsunami&Cr1> Access date: 16 June 2008.
- UN News Service 2005b, 'UN refugee agency invited to return to Aceh for tsunami rebuilding effort', 27 June 2005 URL:
<http://www.un.org/apps/news/story.asp?NewsID=14778&Cr=tsunami&Cr1=> Access date: 16 June 2008.
- Upadhyay, R & Hollister, D 2008, 'Breaking new ground on disaster risk reduction in Indonesia', CPR Newsletter. URL:
http://www.undp.org/cpr/newsletters/2008_4_fall/article3.html Access date: 5 March 2009
- USAID 2005, 'Office of Democracy and Governance: Civil Society'
http://www.usaid.gov/our_work/democracy_and_governance/technical_areas/dg_office/civ.html, March 17 2005, Access date: 16 January 2008
- Valencia, M 2005, 'The International Politics of Tsunami Aid'. *The Jakarta Post*. Jakarta.

Van Bruinessen, M 2002, Genealogies of Islamic Radicalism in post-Suharto Indonesia. URL:

http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/genealogies_islamic_radicalism.htm#_ftn1 Accessed: 14 May 2008.

Van Rooy, A. & Robinson, M. 1998, 'Out of the Ivory Tower: Civil Society and the Aid System', in A Van Rooy (ed.) *Civil Society and the Aid Industry*, Earthscan, London.

Van Tongeren, P, Brenk M, Hellema, M & Verhoeven, J 2005, *People Building Peace II: Successful Stories of Civil Society*, Lynne Reiner, Boulder.

Vaux, T 2006, 'Humanitarian trends and dilemmas', *Development in Practice*, 16:3, 240-254.

Warner, D 1999, 'The politics of the political/humanitarian divide', *International Review of the Red Cross*, 833. pp. 109-118.

Weerasinghe, M 2008, 'A Perspective from Sri Lanka: Human Rights, double standards and the Asian Century'. Paper presented at the Asian Studies Association of Australia, 1-3 July 2008.

Weiss TG 1999, 'Principles, Politics, and Humanitarian Action', *Ethics and International Affairs* 13(1). pp. 1-22.

Woodward, S 2007, 'Do the root causes of civil war matter?' On using knowledge to improve peacebuilding interventions', *Journal of Intervention and Statebuilding*. 1(2). pp. 143-170.

World Bank 2005 GAM Reintegration Needs Assessment. December 2005, Banda Aceh.

Yunis, T. *Kelahiran dan Perkembangan LSM di Aceh*, Social Monitoring and Early Response Unit, SMERU, August 2000.

Primary Sources

- Abdullah, B. (2007) Interview with Bachtiar Abdullah, GAM, 10 August 2007, Stockholm.
- Abdurrahman, N. (2008) Interview with Nurdin Abdurrahman, 24 March 2008, Bireuen.
- Adriana (2001) field notes with Women Volunteers for Humanity (RPuK) worker, 27 August 2001, Banda Aceh.
- Aguswandi and Patria (2011) Interview with Aguswandi and Nezar Patria, 29 June 2011, Jakarta.
- Aguswandi, (2007) Interview with Aguswandi, 16 April 2007, Banda Aceh
- Aldred, T. (2007) Interview with Tim Aldred, Cafod, 19 October 2007, London.
- Alex (2004), Email communication with Alex, 2 August 2004.
- Arianto, B. (2010) Interview with Budi Arianto, 23 January 2010, Banda Aceh.
- Arifin, K. (2007) Interview with Khairani Arifin, RPUK, 11 April 2007, Banda Aceh.
- Barron, P. (2007) Interview with Patrick Barron, World Bank, 17 April 2007, Banda Aceh.
- Beau, C. (2007) Interview with Christophe Beau, 27 September 2007, Geneva.
- Beer, M. (2007) Interview with Michael Beer, Nonviolence International, 2 November 2007, Washington, DC
- Budian, H. (2007) Interview with Hendra Budian, AJMI, 16 April 2007, Banda Aceh.
- Burke, A. (2009). Email communication with Adam Burke, DFID Consultant, 6 May 2009.
- Candra, E. (2005) Interview with Ephie Candra, Deputy Director of Flower Aceh, 24 January 2005, Banda Aceh.
- Cornish, E. (2007) Interview with Erin Cornish, 11 April 2007, Banda Aceh,
- Darmi, A. (2007) Interview with Afridal Darmi, Director LBH Banda Aceh, 11 April 2007, Banda Aceh.
- de Brune, M. (2007) Interview with Marcel de Brune, International Rescue Committee, 31 January 2007, Banda Aceh.
- de Ruitter, K. (2007) Interview with Kees de Ruitter, ICCO and Kierkenactie, 29 August 2007, Utrecht.

Djamil, J (2007) Interview with Juanda Djamil, Director of PCC, 29 January 2007, Banda Aceh.

Drajat, Ben Perkasa (2007) Interview with Ben Perkasa Drajat, Counsellor, Indonesian Embassy Sweden, 12 July 2007, Stockholm

Erwanto (2007) Interview with Erwanto, SMUR leader, 1 September 2007. Amsterdam

Fadli, H. (2007) Interview with Hendra Fadli, Kontras Aceh, 10 January 2007, Banda Aceh.

Fan, L. (2007) Interview with Lilianne Fan, Oxfam International, 1 February 2007, Banda Aceh.

Green, M. (2007) Interview with Margaret Green, International Rescue Committee, 1 November 2007, New York.

Hakim, L. (2007) Interview with Lukman Hakim, 27 April 2007, Alu Dua, North Aceh.

Iksan (2007) Interview with Iksan, PB-HAM South Aceh, 9 March 2007, Tapaktuan.

International NGO chief (2007) Interview with international NGO chief, 5 February 2007, Banda Aceh

Jalil, A. (2007) Interview with Abdul Jalil, 13 February 2007, Meulaboh.

Jansen, A. (2007) Interview with Annette Jansen, Novib, 30 August 2007, The Hague, Netherlands.

Jones, S. (2007) Interview with Sidney Jones, International Crisis Group, 12 May 2007, Jakarta.

Junaidi (2007) Interview with Junaidi, RATA, 3 May 2007, Bireuen.

Kamaruzzaman, S. (2007) Interview with Suraiya Kamaruzzaman, Flower Aceh, 10 April 2007, Banda Aceh.

Knight, M. (2007) Interview with Mark Knight, IOM, 1 May 2007, Banda Aceh.

Korber, R. (2007) Interview with Renate Korber, EU, 1 May 2007, Banda Aceh.

Lacsana, Y. (2008) Interview with Yanti Lacsana, Oxfam Indonesia, 8 November 2008, Jakarta.

Lassa, J. (2007) Interview with Jonatan Lassa, Hivos Indonesia, Banda Aceh, 2 February 2007.

- Liong, L.S. (2007) Interview with Liem Soei Liong, 28 August 2007, Amsterdam.
- Loof, A. (2007) Interview with Anne-Marie Loof, MSF-Holland, 12 January 2007, Banda Aceh.
- Madani, E. (2007) Interview with Enayet Madani, UN, Lhokseumawe, 3 May 2007.
- Mahdi (2007) Interview with Mahdi, former student leader, 1 September 2007, Amsterdam.
- Mason, J. (2007) Interview with Jana Mason, 2 November 2007, Washington DC.
- Maulana, A. (2004) Interview with Arie Maulana, 24 June 2004, Jakarta
- May, B. (2007) Interview with Bernhard May, GTZ, 20 April 2007, Banda Aceh.
- May, B. (2009) Email communication with Bernhard May, GTZ, 2 May 2009.
- McInnis, P. (2007) Interview with Patrick McInnis, Oxfam International, 10 April 2007, Banda Aceh.
- Miller, J. (2007) Interview with John Miller, 13 November 2007, Brooklyn, NY.
- Mohamad, C. (2007) Interview with Charmain Mohamad, Human Rights Watch, 18 October 2007, London.
- Ngu, H. (2007) Interview with Henny Ngu, Cafod. 22 January 2007, Banda Aceh.
- Novell, M. (2007) Telephone interview with Mike Novell, Save the Children US, 30 April 2007, Banda Aceh-Jakarta.
- Rachman, R. (2006) Interview with Risman Rachman, March 15 2006, Banda Aceh.
- Shields, D. (2007) Interview with David Shields, Catholic Relief Services, 28 April 2007, Banda Aceh.
- Suralaga, D. (2007) Telephone interview with Dewi Suralaga, Hivos, 31 August 2007, Netherlands.
- TNI (2005) Interview with TNI official, 22 January 2005, Lhokseumawe.
- Utrecht, A. (2007) Interview with Artien Utrecht, 30 August 2007, The Hague.
- Uzia, A. (2009) Interview with Asiah Uzia, Kontras Aceh, 5 January 2009, Banda Aceh.
- van der Lee, E. (2007) Interview with Eric van der Lee, Stichting Vluchteling, 30 August 2007, The Hague

van Goor, T. (2007) Interview with Tini van Goor, Hivos, 30 August 2007, Den Haag.

Wall, I. (2007) Interview with Imogen Wall, UNDP, 11 October 2007, London.