

**Hamid Awaludin**

# PEACE IN ACEH

Notes on the Peace Process  
between the Republic of Indonesia  
and the Aceh Freedom Movement (GAM)  
in Helsinki



Translated by  
**Tim Scott**

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**Peace in Aceh**

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## FOREWORD

The Government of the Republic of Indonesia and the Aceh Freedom Movement (GAM) took a courageous and constructive step in the signing of the Memorandum of Understanding dated 15 August 2005 in Helsinki. This Memorandum of Understanding was born from a series of meetings which began in January 2005, ending thirty years' of armed conflict in Aceh.

The Indonesian Government and GAM signed this Memorandum of Understanding with high political will to change the situation in Aceh. Previously, this political will was not there in earlier attempted discussions.

The Government of Susilo Bambang Yudhoyono-Jusuf Kalla agreed that the Aceh conflict could not continue any longer and chose discussions as a means to bring to an end this conflict. The Government opened the road to peace through small initial contacts with GAM members resident in Sweden. This process was facilitated by the former President of Finland, Martti Ahtisaari as mediator.

The Indonesian delegation in these discussions was lead by Hamid Awaludin, the then Minister of Justice and Human Rights. This book is an expansion of his notes taken at these peace talks. These peace process notes have unique historical value and too important to be lost.

The Centre for Strategic and International Studies (CSIS) published these notes with the hope that they will enhance the knowledge of the birth of the Memorandum of Understanding which preceded peace in Aceh.

*Rizal Sukma*

Executive Director, CSIS.

Logo

*Vice President of the Republic of Indonesia*

Greetings!

The Helsinki Discussions in 2005 ended with the signing of the Memorandum of Understanding between the Government of the Republic of Indonesian and GAM dated 15 August 2005 a date which is now very important in our national history.

This process towards peace did not happen suddenly or smoothly. It required an experienced team which had already overcome our local conflicts in Poso and the Moluccas. Both of these peace negotiations involved Dr Hamid Awaludin in the team and in the Helsinki talks where he played a major role in the talks with GAM as head of the Indonesian delegation.

After restoring peace in both Poso and Ambon, I said to Dr Hamid and Dr Farid to ready themselves for a far more difficult task - that of Aceh.

When we initiated soundings on the Aceh peace in 2003 after the Cessation of Hostilities (COHA) talks foundered. With President Megawati's approval I and Hamid and Farid sought to make contact with GAM from Aceh to Europe. In a division of labour, Farid sought to make contact while Hamid prepared material and researched the background to the Aceh problem.

Several attempts were made over this period but GAM was difficult to locate and really our efforts only started again after the Aceh tsunami at the end of December 2004; and with a lot of hard work by Farid and Juha. Finally, discussions started at the end January 2005 with the approval of President SBY with the mediator President Ahtisaari in Helsinki.

In the Helsinki talks, the role of Hamid was extremely important as head of the Indonesian delegation. We chose Hamid because of

his ability, his position as Minister of Justice and Human Rights and his ability to resolve the principals as outlined by our Government's guidelines.

The complete team included Dr Sofyan Djalil,<sup>1</sup> a government minister born in Aceh. Farid and Usman Basya with their lobbying skill and Puja of the Ministry of Foreign Affairs coordinating with the Coordinating Minister for Political and Defence Affairs.

The role of team leader had to bring to these discussions mutual respect and understanding and conviction along with protecting the beliefs of both parties which were the determinants of our success.

As these talks were a means to seek compromise which would be mutually advantageous, our team had to have a good knowledge and understanding of the situation in Aceh and at the same time adhere to laid down guidelines.

I was compelled to direct and provide information that had to be known by Hamid and to examine this information to understand what was possible and what was not possible in granting concessions by the Government during these six rounds of talks.

Due to the experience and ability of Hamid all problems we faced were overcome; although to achieve this it often required tens of phone calls between myself and Hamid during these talks which ran for 4-5 days every month.

It was not easy to resolve a problem which has persisted for 30 years without a certain prior knowledge, ability and patience and at the same time to create a personal bond between the Government team and the GAM team headed by Tengku Malik Mahmud.

All of this was successfully achieved by Hamid and his team. Afterwards I said to Hamid that out of all of the current cabinet members only he would appear in photos at the signing of this historic MOU in the history books of the future.

I am grateful for the publication of this book about the Helsinki Talks as it provides both knowledge and lessons for future generations regarding the problems and the methods of overcoming those problems to protect national unity.

<sup>1</sup> Sofyan A. Djalil was at the time Minister for Communications and Information.

Thank you and my appreciation for all your efforts and your ability in creating peace in Aceh and protecting the Unitary State of the Republic of Indonesia<sup>2</sup>.

Peace be with you!

Jakarta 7 May 2008

Vice President of the Republic of Indonesia

*Signed*

*M. Jusuf Kalla*

<sup>2</sup> Negara Kesatuan Republik Indonesia (NKRI)

Tobacco 8.5.2008

H.E. Dr-Hamid Awabduh

Esteemed Friend,

It was good to see you in Tobacco before your departure to take up your new assignment. I have often been thinking the negotiation process in Fatahki and Aceh. You did lead the Indonesian delegation following the principle "A peaceful solution with dignity for all." You were always ready to meet the Mahsum and discuss with them the issues we needed to solve also in private. You also showed respect towards your elders which facilitated the smooth advance of our negotiations. Trust and confidence was gained gradually.

Peace prevails in Aceh. I was able to witness that during my recent visit to the Province.

We have to move now expeditiously to finalize the remaining issues in Memorandum of Understanding (MOU)

This is important because it will facilitate us moving to the next phase — economic and social development for ACPs.

I want to thank you for the important role you played in ACP negotiations. I wish you all the success in your new challenging tasks.

Yours sincerely  
Kwesi Agyemang  
President (ret)

Stockholm, 31 December 2008

Throughout the discussions between the Government of the Republic of Indonesia (GOI) and the Free Aceh Movement (GAM) in Helsinki, Finland from February to August 2005, Mr Hamid Awaludin, as Minister of Justice and Human Rights and as Head of the GOI Delegation, I observed him closely during these talks where he never once yelled at GAM.

Despite the fact he had actively followed the totality of these talks in detail, it was very clear to me that on many occasions he prevented any debate becoming overheated which would certainly have triggered a deadlock between us. On the other hand when matters heated up, he always offered "the friendly approach" which cooled matters down and assisted in solving the problem we jointly faced.

His attitude and efforts made both parties agree to meet on two occasions in restaurants around the city of Helsinki in an informal and relaxed atmosphere. It was here that he asked us for clarification on our main requests and demands which were not clear in the formal session or which could become a future problem for the GOI if agreed upon in Helsinki. Amongst these issues were the following GAM demands:

1. To allow the formation of local political parties in Aceh.
2. To confirm that Aceh could have direct foreign trade links and have full control of the administration and development of airports and harbours in Aceh.
3. To permit the formation of the institution of Wali Nanggroe Aceh – the protector of Acehnese cultural values.

Further, at the same time we presented to Mr Hamid the difficulties we would face if the GOI rejected these three demands. What was clear was that an atmosphere of openness like we experienced helped both parties find a practical solution with no disadvantage to either side which led to the fruition of the points contained in the final Memorandum of Understanding signed in Helsinki on 15th August 2005, that basically ended this protracted conflict and in the future guaranteed peace and prosperity with continuing economic development.

We sincerely hope that these above wise steps jointly taken will be an example to others seeking solutions to conflicts wherever in the world today.

Sincerely,

Head of the GAM Delegation

<signed>

Malik Mahmud

## INTRODUCTION

In writing a book about the reality of an experience by the author himself he is confronted by a serious dilemma. One aspect of this is that although reality can be told openly, another aspect – the ethical aspect which is regularly confronted in writing – is that reality as told by the author can only really be subjective.

The problem is that the author having experienced this reality of which he relates undoubtedly will be writing by his own personal standards. It is here that the author is continually trapped in this jurisdiction of the first person singular – “I”. And when “I” speaks, objectivity is inclined to be marginalized. Thus, his readers are even condemned by this predicament. This book which is in front of you now cannot be separated from these above comments.

This book “Peace in Aceh” is based upon the actual diary notes I made at the time, mainly in the forum of the talks. After being tasked by the Vice President to take charge of the Aceh peace talks, I started to record every point on the Aceh peace process. Certainly, not everyone involved in some of the scenarios in the talks are mentioned. Because of this, I may be accused of hiding the some of the facts. I hope I can be excused if this in fact occurred.

For a long time these personal notes remained neatly filed and untouched by me. This was largely due to me being busy as Minister of Justice and Human Rights. After I left office as Minister I started sorting out these notes. Then my attention re-focused on these notes. I needed a fair amount of time to re-arrange and reconstruct these notes. Fortunately, these fragments came together neatly building a structure: this book “Peace in Aceh”. Certainly, there are those with

differing assessments and tastes like architects with their pre-ordained house layouts and furniture settings. These differences are properly viewed as only one element - sort of like the fastenings holding the building together. However, in the final count it must be strong and attractive. That was my approach and my interest in writing this book.

I am most grateful to the President and the Vice President of Indonesia who believed that I would succeed in this peace mission. I particularly wish to thank Tomy Lebang who tirelessly helped me reconstruct and edit these notes. To the publishers, CSIS, I wish to express my boundless thanks for their willingness to publish my work.

During the process of sorting my notes and writing this book, I am personally indebted to Andi Marcelnya, my wife. Not least of our problems was our tiny office which we both used in our rented house was tiny. When I wanted to write down an idea when it came to me, my wife was often forced to move out to the living room to write her thesis. Unquestioningly, she accepted all my demands. It was much the same for my two children, Virginia Rose Washington (aged 5½) who was already addicted to emails and Abraham Lincoln Washington (3½) who delighted in computer games; they were continually victimized by being ordered out of my office for this book.

After the publication of the First Edition in Indonesian in May 2008, there was pressure to publish an English version as well as a Second Edition in Indonesian. Well with this English Edition and the Second Edition there is difference in the text with the First Edition: There are another three chapters in the English Edition and the Second Edition.

These three additional chapters are more detailed and point to a more problematic area for some (the correction is not clear). But I am compelled to bring these matters up for fear that in time to come these matters will be buried and lost from the truth. These three chapters I wrote far from the hurly-burly of our country as they were written in Moscow where I am currently posted as our Ambassador.

The English Edition was translated by Tim Scott, a person with extensive knowledge of Aceh and Indonesia over many, many years.

He is an Australian but his Indonesian is probably better than most teachers of Bahasa Indonesia. He did not just translate from the semantic point of view but he also explained things related to structure, substance and atmospherics. To do this he regularly discussed points with me by phone, face-to-face meetings or with emails between Jakarta and Moscow. Thankfully, CSIS was prepared to publish this English Edition. I am thankful to Tim for volunteering to translate my book into English.

History just does not happen. It is created. Aceh's history is one of violence and war from one battlefield in one epoch to another battlefield in another epoch. Thanks to God Almighty, this bitter tale of violence has finally ended. The whiff of gunfire has been blown away by the winds of peace. The crackle of gunfire no longer sounds. Acehnese children have now returned to school, grow and live in joy looking towards a bright future. Social issues which divided Aceh and ripped it apart, have been repaired and stitched back together into beautiful embroidery. There are no more orphans from the violence. There are no more widows from the violence. There no more Acehnese jailed as political prisoners. They have been released with full rights as citizens. Aceh has now really become an abode of peace - *Darusalaam*. This is because of history: A history of the freedom to choose peaceful methods to resolve their differences. Yes, here history did not happen, it was designed and engineered to happen.

A year after the MOU was signed, I along with Malik Mahmud, Zaini Abdullah and Martti Ahtisaari visited a small isolated village in Aceh. After the welcoming ceremony, a mother and father and their children suddenly approached me. They hugged me tightly and sobbed and the man said, "Pak<sup>1</sup> Hamid, I have been released from jail<sup>2</sup> being locked up for six years. This is my son whom I have just seen, who is in his second year at primary school. My wife was pregnant when I was arrested and taken to Java and incarcerated there. Since that day I did not see them until the day I was released."

<sup>1</sup> Pak is an abbreviation for *Bapak*, meaning father and is the courteous way of addressing a male.

<sup>2</sup> In the Indonesian text, jail is euphemistically called a "social institution".

They wept copiously. Their tears were real tears, tears of joy and relief. They were certainly not the tears of sadness. Their tears had touching reason: Their nightmares were now buried. They were real tears because they weren't actors or artists able to weep at will. Thanks and praise to God Almighty!

## TRANSLATOR'S NOTE

In translating these notes I am reminded of a comment I made in another translation I did some years back: "Turning to my task, translation, I should note that at the best of times it is not an easy task to translate from Bahasa Indonesia. Despite its superficial simplicity, Indonesian requires extensive background knowledge of the situation, culture, and history."<sup>3</sup>

Hamid Awaludin's style of writing in Bahasa Indonesia is much the same but is highly literary and oft times had me diving into various Indonesian-English dictionaries as well as Indonesian-Indonesian dictionaries to extract a precise and satisfactory translation. In some parts of his book in Bahasa his prose style is almost Churchillian with those rolling, simple but grand sentences and like Churchill displays a great sense of world history. I am afraid I was unable to convey this feeling in my translation.

Hamid's warm personality radiates out of his writing. His enormous loyalty to Vice President Jusuf Kalla is clear who incessantly tutored him down to the finest points of dress and address. Without a doubt Hamid is a romantic with enormous care for all mankind especially the future of the younger generation in Indonesia especially Aceh.

<sup>3</sup> Translator's Comment in "Benny Moerdani - Profile of a Soldier Statesman" by Julius Pour translated by T. C. Scott July 1993

Without Jusuf Kalla's ironclad determination and agile manoeuvring to achieve a durable peace in Aceh plus his personal funding along with the great and tireless assistance of his noble lieutenant Hamid Awaludin, peace probably would not have come to Aceh in the foreseeable future. It would have remained a bleeding cruel wound in the unitary state of Indonesia for decades to come.

Jokingly, sometime back I suggested in a meeting with Jusuf Kalla it would be appropriate for the Acehnese to name two mountains in Aceh after him and Hamid Awaludin. I would now seriously suggest this and add one more name that of Martti Ahtisaari, (the recent Noble Prize winner) for a mountain too. Also, it would be appropriate to name a small river in Banda Aceh after the river behind Königstedt Manor in Vantaa, Finland where many of the deadlocked problems were resolved well away from the meeting table.

*Tim Scott*

Bogor, 20 November 2008

## LIST OF PERSONALITIES

**Lt Gen (Rtd) Susilo Bambang Yudhoyono**, President of the Republic of Indonesia, often referred to in the text as SBY.

**H. Jusuf Kalla**, Vice President of the Republic of Indonesia, often referred to in the text as JK.

### **Facilitators:**

**Mr Martti Ahtisaari**, former President of Finland and Head of the Crisis Management Initiative.

**Mr Juha Christensen**, a Finnish business consultant, who had lived in Sulawesi in the 1990s.

### **Indonesian Peace Delegation:**

**Dr Hamid Awaludin**, Minister of Justice and Human Rights. Delegation leader and spokesman lead the negotiations.

**Sofyan Djalil**, Minister for Communications and Information. Deputy delegation leader and alternate delegation spokesman worked closely with Hamid Awaludin.

**Widodo AS**, Coordinating Minister for Politics, Justice and Human Rights. Was present in Helsinki during the first two sessions.

in a supervisory role but did not attend the peace table meetings; acted as counsel to Hamid Awaludin.

**Dr Farid Husein**, Deputy Minister for Social Welfare, Ministry of Health; attended COHA<sup>4</sup> and in these talks principally facilitated the personal needs of the GAM delegation.

**Major General (Rtd) Usman Basya**, Deputy Head Indonesian Permanent Mission to UN in Geneva; attended COHA. In these talks reported to the Coordinating Minister for Politics, Justice and Human Rights and to Army (TNI) HQ in Jakarta and briefed delegation on TNI policies.

**I Gusti Agung Puja Wisesa**, Director for Human Rights, Ministry of Foreign Affairs; attended COHA talks and was able to brief this delegation on previous COHA history. In these talks, acted as delegation secretary and reported daily to the President, Vice President, Ministry of Foreign Affairs and to the Coordinating Minister for Politics, Justice and Human Rights

#### **GAM Peace Delegation:**

**Tengku Malik Mahmud**, Prime Minister

**Dr Zaini Abdullah**, Foreign Minister

**Nur Djuli**, Political Officer resident in Kuala Lumpur, Malaysia

**Nurdin Abdurrachman**, Political Officer resident in Sydney, Australia

**Bachtiar Abdullah**, GAM Spokesman

<sup>4</sup> COHA - Cessation of Hostilities Agreement dated 18 May 2003 signed in Tokyo with GAM

## PROLOGUE

There was a time in Aceh when the crackle of gunfire was heard continually throughout the province. Hundred years before this area at the northern most tip of Sumatera was nothing but barracks for soldiers and ammunition magazines. War had commenced there three hundred years ago, in the seventeenth century, against the Portuguese. Since then violent episode upon violent episode has struck this area.

As a result Acehnese will say bitterly: "War here in Aceh is just but a game; death is reality" For example, the heart of the conflict, at Biruen, 218 kilometers from the provincial capital Banda Aceh, children there could tell each weapon's type from the distinct sound of its gunfire.

Aceh's history is punctuated from one battlefield to another battlefield at each change of epoch. As well, their history is a long history of disappointment: First, with the Dutch colonialists; then after Indonesia's independence with the Indonesian Government. Even President Sukarno personally felt compelled to visit Biruen, where he heard for himself the people's grievances against Indonesia. "I wish to meet face to face with the people of Aceh who are forever in my memories" Sukarno said at a meeting of thousands of Acehnese at Biruen on 17 June 1948.

But Jakarta's promises were always empty. On 21 September 1953, Tengku Daud Beureuh with the support of the majority of the Acehnese declared war on the Indonesian Government. For seven

years Daud Beureuh fought a guerrilla war until finally his demands were met and they came out of the hills.

New disappointments always arose. Aceh, like other Indonesian provinces, was resource rich and became a sacrificial cow. Conditions in Aceh from the 1960s to the 1970s reflected this. Annual per capita income in Aceh averaged less than US\$500 while the gas and oil fields of Aceh contributed annual foreign exchange earnings of at least 31 trillion rupiahs.<sup>5</sup>

From this overflowing wealth from the earth, it is estimated that less than 1 per cent was ever returned to Aceh. This fact is clearly displayed in annual Aceh provincial Government budget statements where it is shown Aceh received only IDR 150 billion<sup>6</sup> per annum.

On 4 December 1976, a new opposition leadership emerged when Hassan Tiro waved the GAM flag and brought Aceh back to the battlefield while demanding independence from Indonesia. For the following 30 years Aceh was dripping with blood.

Over this long period in the late twentieth century, there were initiatives for peace in Aceh. Various strategies, tactics and styles of approach were adopted. Every one of them started off with high hopes. With each initiative, millions of Acehnese throughout the province in their mosques would kneel and pray for peace. Afterwards, little by little their hopes vanished entirely followed by the sounds of rows of marching jungle boots and the sharp crack of gunfire.

Amongst the earlier peace efforts there were:

1. Treatment of Humanitarian Cessation for two periods
2. Moratorium or Ceasefire
3. Cessation of Hostilities Agreement (COHA)
4. Joint Military Operations
5. Tokyo meeting for peace agreement on 18 May 2003.

<sup>5</sup> At an exchange rates of IDR 10,000 = US\$ 1, this would amount to US\$31,000,000,000.

<sup>6</sup> At an exchange rates of IDR10,000 = US\$ 1, this would amount to US\$15,000,000,

Every one of them failed.

Later in the period of the Government of Soesilo Bambang Yudhoyono- Jusuf Kalla, their Government did not wish this conflict to continue. Even nature can be terrifying and even more Aceh was shaken by a massive earthquake and then pulverized by the following tsunami of 26 December 2004. With Jusuf Kalla's initiative subsequently, the Government of Indonesia opened a new pathway to peace with GAM.

Lead by the Minister of Justice and Human Rights Hamid Awaludin, a small Indonesian Government delegation met with the GAM leadership domiciled in Sweden. Beforehand small exploratory contacts were made with or without intermediaries until finally they met officially in Helsinki, the capital of Finland.

The Acehnese still believe: "*pat ujuen han pirang, pat prang tan reda*" which translates: Where there is incessant rain, there is unfinished war.

## OPENING THE PATHWAY TO THE MEETING TABLE

### **After Ambon, and freed from Poso**

At this time in March 2002, Jusuf Kalla was still Coordinating Minister for People's Prosperity and I was still a member of the General Electoral Commission. After many days we were on the same battlefield endeavouring to seek peace between the warring religious factions in the Moluccas and Poso, in Central Sulawesi. Once we had achieved peace in those two places I was able to breathe freely and return full time to the routine of electoral work.

But this was clearly not to be the case.

In the middle of the night during the month of that March along with Jusuf Kalla we flew on a commercial flight to Jakarta from Ambon, the capital of the Moluccas. As normal, even before takeoff, I fell sound asleep. This time I slept like a well fed baby. A huge job of creating peace in Ambon had now been successfully completed except for keeping an eye on a few remaining coals of the conflict just in case they re-ignited.

At cruising altitude that night I was awoken. Jusuf Kalla asked me: "Hamid, do you still have any energy? We have cleaned up the eastern area. Are you ready to clean up the western area - Aceh? Tomorrow I will coordinate with the Coordinating Minister of Political Affairs and Defence, SBY<sup>7</sup> and report to President Megawati," said JK<sup>8</sup>.

<sup>7</sup> SBY is the affectionate term for now President Soesilo Bambang Yudhoyono

<sup>8</sup> Jusuf Kalla is also affectionately known by his initials JK.

JK's statement did not require a reply. However, I countered by saying "I am one of your crew, Pak. Whatever you request, I will do." I had already fathomed what his next question would be which was: "If that's so, are you happy to work again with Dr Farid?" By Farid, JK meant Dr Farid Husein his deputy at the Ministry where at the time he was one of the Directors General of the Department of Health.

Outside the aircraft engines roared pulling this metal flying body through the night sky. Now my eyes certainly could not close!

Finally, a question which for long time had been nagging my mind I finally decide to ask JK. It concerned my status for this task. "Pak, your orders to me were not accompanied by any decree<sup>9</sup>. This is usual for official orders. How come Pak ordered me to resolve Ambon and Poso without me ever being given a written order? Now you order me to fix Aceh; and perhaps without a decree as well?"

JK's reply went straight to my heart. He delivered it with his penetrating eyes and stare. He said "Hamid, people who work for humanity's sake do not need decrees. People who work with a decree have to execute a Government order. Bringing peace to those people, your interest is pure. Do not do it because of your status".

Furthermore, no matter how my question was phrased, JK's reply gave no room whatsoever for debate. I nodded respectfully in acceptance.

That was it. After our discussion at an altitude of 30,000 feet above sea level on the flight between Ambon and Jakarta in March 2002 in the pitch black of mid-night, I began to apply myself to Aceh. JK asked me to research in depth Aceh's problems from all available published material.

We began the process of opening the pathway to peace in Aceh by becoming wanderers across the globe. Not once but many times I travelled back and forth to Europe and Malaysia. For certain I flew three times to Holland with JK. All of this occurred in a period of less than two years - between March 2002 and the end of 2003.

<sup>9</sup> Important Government decisions are promulgated by a *Surat Keputusan Menteri* - a decree - which is usually issued by the Minister concerned or by the President.

Our go-between was Mahyuddin, an Acehnese. One day in October 2003, Dr Farid and I met with Mahyuddin in Amsterdam. It was our expectation to meet with the GAM leaders there. After an evening of three-ways discussions, we were utterly disappointed as no one from GAM showed up.

Fortunately, the next morning Mahyuddin appeared with news, but wait for it: Mahyuddin informed us that one of the GAM leaders in Denmark was prepared to meet with me. He really came. He looked like a white man, except his personality: It was extremely militant. This was the first time I had met face-to-face with a GAM hardliner.

We met in a large hotel on the outskirts of Amsterdam. Intentionally Dr Farid left me alone with this GAM leader so we could talk privately, sort of heart-to-heart. "My job is purely to have you sit at the same table and talk. It is not for me to debate or discuss" said Farid to me. On that occasion it was very quiet at the start of winter at the end of October just at the end of autumn where everywhere in Europe trees had shed their leaves.

I met with Yusron for four hours. In those four hours I only heard him insulting the Indonesian Government non-stop. Personally, I was comfortable facing him. My patience here was unusual for me but learned from my experience in the Ambon peace talks to hold back my feelings. We spoke a mix of Indonesian and English.

Every sentence of mine Yusron responded cynically and with a violent jab towards me. There was only one question of mine he could not reply to: That was "How many countries officially support Aceh as an independent state?"

I rejected his argument saying "Because you are unable to give me the number of countries supporting you, it is therefore pointless for us to discuss independence. So let us discuss the deaths of mankind because of these differences," I said.

Afterwards, we went our separate ways without a word of agreement. At least we got to know one another!

## To and from Batam

Apart from Holland, JK and I went back and forth to Batam at least three times. We went to Batam to meet with the GAM leaders in Malaysia, Harun Kancil and Kandang. Both of them had entered Batam on the quiet.

We met them through the good offices of the Governor of Riau Province Ismet Abdullah and the Governor of Aceh, at that time, Abdullah Puteh. Our visits to Batam were merely to discuss technical matters relating to compensation.

Later through Abdullah Puteh, JK arranged for us to meet in Malaysia. Consequently, our Batam meetings were then continued in Malaysia.

One occasion JK and I and Sudi Silalahi (then Secretary to the Coordinating Minister for Political and Defence Affairs) travelled to Malaysia. We departed on a commercial flight late at night and landed in Kuala Lumpur at 1.30 in the morning. Our plan was to meet with the GAM leaders that morning. That appointed morning they did not turn up. With regret we returned to Indonesia at 11.00 am.

Tactics like this – agreeing to meet and not showing up – would later happen again and again with GAM in Holland. Obviously, they wanted to test our endurance and our sincerity.

I went to Malaysia at least three times to meet with the GAM leaders there. Our last meeting was in Ramadan<sup>10</sup> 2004 just before I was appointed Minister. Dr Farid and I went to Malaysia. There in a hotel in Kuala Lumpur, I alone spoke to them after *mahgrib*<sup>11</sup> until when the fast was broken almost at dawn the next morning.

Later, from this we learnt that Harun Kancil and Kandang were not key players in GAM who could make decisions for GAM. Finally we met with them three days before JK was installed as Vice President and I sworn in as Minister for Justice and Human Rights. JK and I flew to Batam in JK's private jet *Athira*.

<sup>10</sup> Rammadhan is the Muslim holy month of fast.

<sup>11</sup> *Mahgrib* is the early evening prayers at about 6.00 p.m.

Here again we met with Harun Kancil and Kandang. At least both of them helped open a pathway to certain key individuals in GAM.

### Meeting with the President

After these Batam and Kuala Lumpur rounds of initial exploratory talks, decisions on Aceh felt reasonably straight forward remembering that the authority of SBY-JK was now far stronger than at the time we started some years back.

With the help of Aceh Governor Abdullah Puteh, JK afterwards was able to make direct contact with the mysterious GAM military commander, Muzakkir Manaf. Besides having now made contact with the GAM field right up to their commander, then efforts actively took place to initiate contact with GAM leaders resident in Sweden. From these enquiries we had spotted fresh footprints on the pathway to peace in Aceh.

Progress on clearing our narrow pathway to peace was clear. The GAM leadership were now within range. Several times without anyone else's knowledge, except of course JK's, I brought Muzakkir Manaf's mother and older brother, Usman, to Jakarta. I collected them from a place in Jalan Jaksa and escorted them to the Vice President's residence in Jalan Diponegoro.

One day in January 2005, at 11.30 at night I even took them with JK to Cikeas to meet with President SBY. This late night trip was JK's idea, and as it was a secret visit we used a private Toyota 'Innova' arranged by JK. I accompanied JK in his car while Usman and his mother followed as we headed to Cikeas. Regrettably, Abdullah Puteh was unable to join as he had been detained by the Committee for the Eradication of Corruption.<sup>12</sup>

We were only at Cikeas for about 40 minutes. At that meeting SBY requested Usman and his mother to persuade Muzakkir Manaf to prepare to join with us in peace discussions with the Indonesian Government.

<sup>12</sup> KPK - Komite Pemberantasan Korupsi

## Juha Christensen and Me.

Well before this trip to Cikeas, about June 2004, the then Minister for Communications and Information (then Syamsul Mu'arif) and I travelled to Helsinki. Our Ambassador there, an old friend of mine, Mrs Iris Indira Murti, told me that she knew a Finnish parliamentarian, named Juha Christensen who once spent quite some time in Sulawesi, and he wished to meet me.

We decided to visit him at his home in Lahti, about a one hour drive out of Helsinki. Juha told me that he had heard about me from Mrs Iris over my role in the peace process in Ambon and Poso; and as well he knew I was close to JK.

He proposed to try and seek a solution to resolve the Aceh problem. Further, then and there, he proposed he would ask President Ahtisaari to act as facilitator while he tried to find leads to GAM in Sweden. Since then, Juha and I were often in contact by SMS or by international telephone calls.

Our Ambassador there, Mrs Murti, was very diligent in this period contacting me from Helsinki regarding arrangements over these peace matters and other impending issues. Repeatedly, Mrs Murti told me "President Ahtisaari and the Finish Government are very serious about this matter."

Our preparations were now being answered. Our Vice President was most enthusiastic and supportive over our progress.

## The Tsunami Strikes

At the end of December 2004, the tsunami struck Aceh flattening everything in its path after the massive earthquake offshore. The world mourned and shoulder-to-shoulder they helped to lighten the sufferings of many of these tens of thousands of Aceh's tsunami victims.

On a dark night at the end of December 2004, I was called by the Vice President's adjutant to report to the VP's residence. On the second floor there was JK's office, he sat there by himself in the half-light surrounded by piles of paper and books. Without any formalities, JK said: "Hamid, we must strike for peace now. It is impossible to

supply food smoothly if there is still gunfire. Furthermore what would happen if an international aid worker helping in Aceh was kidnapped or murdered? They would all flee leaving the people of Aceh and Nias to suffer"

At this point Mrs Kalla unannounced brought in tea and interrupted saying, "It is late but you two still work on. How can you talk of peace when bodies are scattered all over the place and people are starving?" JK replied, "Precisely the opposite. How can we achieve this if there is no peace?"

"Get everything we need together for this. Tomorrow I will report to SBY. We must immediately start talking to the GAM leadership in Sweden as Muzakkir Manap requested. Are you still in close contact with Muzakkir's elder brother", asked JK. I answered in the affirmative.

The following afternoon I was urged to report immediately to JK's office. Before I opened my mouth at this meeting, JK presented me with a book which he said I must read. "Hamid, I have already spoken with the President about Aceh. He agrees totally with me and endorses your appointment as head of the Government delegation to meet in due course with the GAM leadership. The main thing is that you are ready," ordered JK.

A few days later, President SBY called me specially to confirm his decision. "I am ready to execute your orders and instructions, Pak. Thank you for the trust you have shown in me," I replied to SBY.

"I have never put my personal interests ahead of your wishes, Pak JK. All your orders I am more than willing to do," I replied. "That's a good chap. Not too many questions, just implement orders from above. All orders are for the best and should not be made problematic by subordinates," said JK again.

After accepting that late night order, most of my life from then on was focused on Aceh. Not for one moment could I let up and my boss, JK, was a devil for detail and would cross-check every one of his instructions to his subordinates, and me in particular. What was patently clear was that with every one of his instructions, JK would require me to keep the Coordinating Minister for Political Affairs, Justice and Defence, Widodo AS abreast of his instructions.

This was the process and the inner working I was experiencing. Certainly others may have adopted other paths and other systems. All our efforts flowed towards achieving peace in a devastated Aceh.

What was certain was that the Aceh peace talks would consume at least seven months for five rounds of meetings. I flew back and forth to Helsinki seven times. For each trip, we were given expenses amounting to US\$1,700 to pay for hotel accommodation and food. When I initialled the MOU in Helsinki on 17 July 2005, the Vice President telephoned from Jakarta to congratulate our Indonesian delegation.

"Hamid, with this success what do you wish for as reward?" enquired JK. "Could you buy me a laptop computer so I can write a paper on the peace talks along with all the details of these talks," I replied. "Ask for funds from Farid," continued JK. So this book about the Aceh peace process was written on this computer – a gift from JK.

Later I found out that the funds we used for the talks over those seven months amounted to IDR 3,000,000,000.<sup>13</sup> Part of this was received from the Vice President's wife through Farid. I did not have the temerity to ask if this was JK's personal money and whether or not it would be reimbursed by the state.

On 16 August 2006, the clock showed after 11.00 p.m., the Coordinating Minister for Political Affairs, Justice and Defence Widodo A.S., all the peace talks delegation, the acting Governor of Aceh, Azwar Abubakar and a number of members of our parliament landed at Soekarno-Hatta Airport in Jakarta just arriving from Helsinki after signing the peace accords MOU with GAM.

In the airport VIP lounge the Vice President Jusuf Kalla welcomed us back with a broad smile. One by one each of us was hugged by JK. I for one could not control my emotions at the gratitude our Government showed our mission. When JK hugged me without a word, I had no strength left in me at all. I just went limp with no feeling at all. All I knew was that my arms felt as though they were trembling.

<sup>13</sup> At an exchange rate of US\$1 = IDR10,000 this would amount to about US\$300,000

JK immediately gestured towards my wife who was nursing our youngest, 18 months old. Virginia, who was then three and a half and my wife, wiped their tears away as they too were greatly touched by the proceedings. "These are your children and your wife, Hamid. Their generation will appreciate your bringing peace to Aceh - a bright and shining future," said JK rather poetically.

Straight away Virginia ran at me joyfully and hugged me, asking where the deer skin shoes her daddy had promised were. In fact each time I left home I promised deer skins shoes but regrettably I was too busy to fulfil my promises. I was perturbed by Virginia's request and her hopes. And at the same time felt the disappointment for the people of Aceh for the number of promises also made to them and their unfulfilled yearnings for all of this time. Virginia was still small, and did not really understand much but she enquired about something she had been promised. What about the Acehnese, they understood promises! Thanks to God Almighty, their hopes have now been granted. And Virginia's wishes, albeit three days late, I managed to fulfil my promise: Deer skin shoes for Virginia.

## STARTING FROM TWO SHEETS OF PAPER

The new Aceh peace process is really fairly straight forward to follow. It all started with two sheets of folio paper with notes written by the Vice President two weeks after the tsunami smashed into Aceh. On 9<sup>th</sup> January 2005, the Vice President sent an official memorandum dated 9<sup>th</sup> January 2005 referenced 02/WP/1/2005 to the President. In this memorandum to the President, the Vice President outlined the situation in Aceh post-tsunami including the condition of GAM there. Also, he reported that he had already spoken to Muzakkir Manap, the GAM military commander two days beforehand. In this conversation Muzakkir Manap said that the matter of peace had to involve GAM leadership in Sweden.

In this memorandum, the Vice President explained our meeting plans with GAM using a mediator, the former President of Finland, Martti Ahtisaari. In his memorandum summary, he noted that on 7 January 2005, Malik Mahmud, Zaini Abdullah and Bachtiar Abdullah had already met with Ahtisaari and said that they, GAM, were ready to enter into peace talks with the Government of Indonesia.

Further, the Vice President wrote that the Government of Indonesia must hold talks with GAM in the field in Aceh and at the same time initiate contact with the GAM leadership in Sweden. For this two pronged approach, the Government of Indonesia would have to cooperate with the international community in order to encourage GAM in Sweden to immediately commence these proposed peace

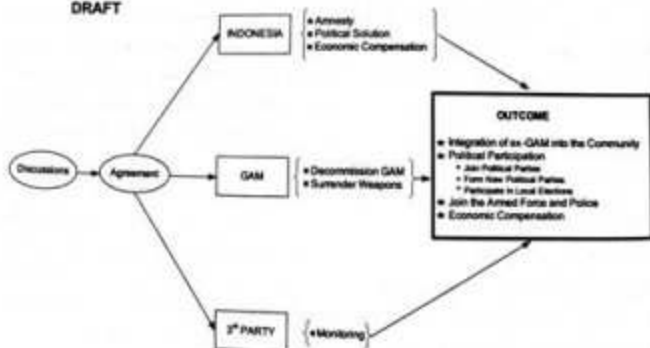
talks with Indonesia. The Vice President felt it was essential to involve the Swedish Government because one of the GAM leaders, Hasan Di Tiro, had become a naturalized Swedish citizen along with Zaini Abdullah and Bachtiar Abdullah.

It was also necessary to approach Libya as it was there that many of the GAM fighters received their military training. Also, Singapore had to be informed as one of their nationals Malik Mahmud was still a citizen of Singapore. As the United Kingdom and the USA still had considerable influence on world affairs, they too had to be involved.

At the end of his memorandum the Vice President explicitly made concrete proposals that to resolve the Aceh problem the Government of Indonesia must offer an amnesty, prosperity, and a political and government program to develop all of Aceh.

Two days after writing that two page memorandum, the Vice President drafted another two folio pages regarding the process and timetable. The first page contained the Government's offer to GAM – amnesty, a political solution and economic compensation. In return it was expected and demanded that GAM dissolve itself and surrender all their weapons. Also, the Vice President included a third party in his process, a party which would monitor the peace accords until completed. The expected overall result was that all GAM members would be reintegrated into the community so that they may participate

## DRAFT



in party politics, form political parties, participate in local elections and become members of the Indonesian Armed Forces and Police provided they fulfilled usual standard entry requirements.

On the second page, the Vice President explained that August 2005 was the month for the peace agreement. That was the plan and we adhered to it.

Later in the third week of January 2005, The Vice President called me to his residence. He handed me his two folio pages of his thoughts on how to achieve peace in Aceh. The first page was a summary of the histories of Aceh's revolts, including every attempted peace effort. What caught my eye was an estimate of the number of weapons held by GAM. Prior to joint Indonesian armed forces operations in 2002 GAM has some 2,000 weapons. By 2005 GAM had only 800 weapons. This number of 800 was only the difference between the claimed real number and those who formally surrender after the peace treaty.

The second page was an amazing matrix. The Vice President, in the matrix as shown below, compared Government positions versus GAM positions covering politics, economy, religion, armed forces/ weapons, government and prosperity. Opposing positions would be bridged by negotiations. The net result, a solution. This working paper was drafted by the Vice President on 23 January 2005 and is as follows:

### A DIGNIFIED RESOLUTION

Target to be achieved :	Maximum effort
Indonesia	Unconditional surrender by GAM
GAM	: Independence
Compromise	: Aceh remains as a part of the unitary state of the Republic of Indonesia with special autonomy and GAM will cease all opposition and surrender their weapons with certain conditions

Points	Indonesia	GAM	Solution
Politics	<i>Unitary State</i>	<i>Independence</i>	<i>Special Autonomy</i>
Economy	<i>Joint Prosperity</i>	<i>Aceh Production for Aceh</i>	<i>Production Sharing Aceh 30% Jakarta 70%</i>
Religion	<i>In Accordance with the Constitution and Pancasila<sup>2</sup></i>	<i>Secular understanding to overall Islam</i>	<i>Islamic law (Syariah) with local regulations</i>
Military/ Weapons	<i>Unconditional surrender</i>	<i>Weapons to be kept personally</i>	<i>Weapons to be surrendered</i>
Government	<i>In accordance with the law</i>	<i>Important role</i>	<i>Call elections</i>
GAM Prosperity	<i>Plantations and funding</i>	<i>Maximum</i>	<i>Negotiated</i>

### Helsinki Meeting 28-30 January 2005

- I. Direct Meeting between the Indonesian Government and GAM  
Initially, not official

Facilitator: Marti Ahtisaari (former President of Finland)

- Substantive discussions
- Ceasefire
- Initial Motive: Post Tsunami Reconstruction

- II. If the outcome of this meeting of 28 January 2005 is approved by the Government, GAM Council and GAM Aceh official talks will then proceed towards the signing of an agreement.

Jakarta, 23<sup>rd</sup> January 2005

With this memorandum and work plan in hand as many as three times during those three weeks, it was crystal clear that the Government was strongly determined to resolve the Aceh problem peacefully and

with dignity. This brief but clear framework of reference was for the Government team like a life raft in the middle of a stormy sea. This framework of reference from JK was like a cooking recipe with all measurements and ingredients. All the delegation had to do was mix the ingredients and cook in accordance with the cookbook recipe.

Once, at about 11.00 p.m. I was called to see JK in January 2005. He gave me his meeting framework of reference. "Mid<sup>14</sup>, you hang on to this carefully as you are the head of the talks. God willing, if we can stick to this we will have peace by this August. I am convinced with five rounds of talks we will end up with a peace treaty. Believe me, 'Mid. Remember what we did in Poso and Ambon. There I used only two pages of a framework too; after that then you and Farid took it to the field. It all then followed according to the plan. Now it will be the same."

"Really your work is easy now because I have made all the preparations. I only urge you to persuade skillfully and convince GAM so that the outcomes in these two pages can be achieved," JK said to me.

"Right, Pak, I will stick to your instructions" I responded to JK.

I observed JK's framework and action plan did not contain tens of accusations that GAM would dictate terms to the Government in our peace negotiations. Many assessed that the Government has conceded too much compared with what GAM had given in to. JK responded readily to criticism like this by saying the Government from the very beginning wanted GAM to stop demanding independence; and apart from protecting the unitary state of Indonesia for GAM to dissolve itself and surrender their weapons. Sure it was no more than that, said the Vice President.

From the statistics, only a small amount was given to Government by GAM; but it was exactly these small amounts which were a source of contention. With all the deaths, the total economic chaos, uncertain education as all infrastructure was wrecked, social cohesion shattered, good relationship between communities which had been annihilated, orphaned children and so on, all of these foregoing negatives were

<sup>14</sup>Mid = the author's name (for Hamid).

impossible to quantify. And that is without being able to quantify the cost of this war over three decades. In short, the Government would profit far more by making peace with GAM compared with an endless war.

From another view point, how was it possible to suggest that GAM could possibly dictate to the Government during these peace talks with our planned probable talks outcomes contained in JK's draft which were in the end achieved. In this context, I never reacted to the accusations and pessimism over the speculated outcomes of these peace talks. On principle, I would let time record the positives which we achieved. One thing is for sure, that on three occasions two folio pages written by JK for the framework of our negotiations in Ambon and Poso conflicts and now with the GAM conflict, negotiations changed history: Violence in Aceh was buried, peoples' lives were saved, social cohesion restored, and the children of Aceh could now grow up joyfully with all looking forward to a bright future

## PREPARATIONS FOR THE TALKS - NOT WORDS CHASING WORDS

New Year 2005 and the peace talks were only a fortnight away. Just after a week when our country was overwhelmed with painful grief for the victims of the tsunami which smashed Aceh to smithereens as well as other parts of North Sumatera, our grief had to be cast aside as our hopes for peace in Aceh was now in front of us.

Days later in the first week of January 2005 our delegation was at cross purposes with some technical preparations. Vice President Jusuf Kalla, usually called JK, already had overloaded me with books and articles on Aceh – from their war against the Dutch colonialists to recent events in *Tamah Rencong*.<sup>15</sup>

For JK it would be right out of the question to commence our peace talks without a deep understanding of Aceh's historical problems. Never half-hearted, JK guided us like a teacher in a disciplined training camp. At every possible opportunity, he checked the status of our reading he had given us and examined me on my comprehension of these books.

Following "the exam", JK would add further reading titles. Amongst the reading that was crammed into us were the writings of Hasan Di Tiro written in the fifties. This book became our breviary. "Understand the way in which Di Tiro thinks before you leave for the talks," the Vice President said on one occasion to me.

<sup>15</sup> Literally the Land of the Acehnese Dagger

Before completing our required Aceh reading, another demand was made. JK insisted we all memorize the Aceh provincial map in its entirety; not only the main towns but also the areas controlled by GAM. The VP continued to act like a teacher in front of his class with me and Sofyan Djalil as his pupils. As well he interrogated us on all sorts of matters. On one occasion I was suddenly called to explain a map we had just studied.

Not unexpectedly, several times Sofyan Djalil was yelled at by the VP only because he was nervous and unable to answer the questions. "What are you? You as an Acehnese say you are ready to tackle the Acehnese but you don't know the position of towns there or the locations of the provincial divisions," said JK.

Besides our readings on Aceh history, anthropology and maps which we had to fully comprehend, we also had to have a thorough knowledge of all the GAM principals – their hobbies, their locations and their position in the GAM hierarchy.

On one occasion Sofyan Djalil and I were summoned urgently to the Vice Presidential Palace. After just opening the door and before being invited to sit, JK snapped "MM are the initials for what or for whom?"

His abrupt question stunned us. We looked at one another hoping against hope that one of us would be able to come up with an answer for the second man of Indonesia. Seeing that we were stunned, the VP ordered us home to get back reading our books. "You are not ready for the talks because you don't know what these important initials MM stand for. Just go home and read more," he said.

Once outside, Sofyan and I each tried to guess what the background of these initials was. We could not crack it at all. Sofyan queried was it the name of a person or a place?

The puzzle over MM was solved that night at about 11.00 p.m. JK rang asking "Where are you and what are you up to?" Immediately I replied I was in my study reading about Aceh. JK asked further whether I had found out what the initials MM meant. Not yet I replied.

"So you can sleep tonight please note that MM could mean Malik Mahmud or it could mean Muzakkir Manaf. You have to know this sort of detail and even trivial details," he said firmly.

I was delighted to learn what the initials MM meant and straight away rang Sofyan to let him know. He listened and burst out laughing. The MM mystery was solved and he too was delighted and relieved.

The following day we met with the VP and with great enthusiasm Sofyan told the VP that we had found the answer to the initials MM. These were the initials for either Malik Mahmud or Muzakkir Manaf.

Upon hearing this, the VP said "Yes, this came from me. I told Hamid last night."

Sofyan's face turned bright red. While the VP went to the toilet in the corner, Sofyan immediately punched me in the chest, saying "Why didn't you tell me that this came from the VP himself. I am really embarrassed as I thought this finding came from our team's research. May God forgive me!"

"Ah, don't be so carried away," I said laughing.

On another occasion meeting at the VP's palace, unexpectedly the VP asked "Malik Mahmud lives where and what's his nationality?" In chorus we both answered, "He lives in Sweden and had a Singapore passport."

"Ah, I see you have been studying hard. That's the way," said JK.

We were delighted that we were able to reply deftly. Our delight did not last long when JK suddenly enquired "Who is ZZ?"

Again we were unable to answer. "Clearly you two fail yet again. ZZ are the initials for Zakaria Zaman, GAM's Minister of Defence."

On another occasion, JK asked about other initials. "Who is SD?" Once again we looked at one another confused and embarrassed by our inadequacy. JK gave a clue that SD probably is two persons both of whom had a connection to GAM. The next day we returned with the answer.

Sure enough, during the full cabinet meeting that day at the presidential palace, the VP summoned us asking for the answer about SD. I replied that SD was the initials of Sofyan Daud, one of GAM's military leaders. Sofyan smiled widely and proud that we had an answer. JK wanted to know who was the second SD. We conceded that we were not able to answer this.

The VP with his certain special smile but with a slightly higher pitched voice said that we were certainly not ready for the talks.

"How is it possible you can discuss with your opponents when you yourselves don't know. SD is Sofyan Djalil," said the VP.

I retorted that this was not a fair question.

"What was not fair?" snapped the VP.

"Yesterday, you said that there were two SD's and both them were linked to GAM. Sofyan Djalil has no connection whatsoever with GAM," I said in our defence.

"Sofyan Djalil it is understood to be one of the members of the Government team meeting with GAM. Therefore he is connected to GAM," he said.

With volleys of questions like this and various puzzle-like oral examinations, in the end each time we were called to meet the VP, we recited the facts beforehand so that we could not be embarrassed and caught out by the very detailed questioning which would certainly be put to us by our boss.

The questions from JK's books were countless. Sometimes I replied legalistically and passed with flying colours, other times I flopped disastrously. Thankfully, when I failed my boss gave me another opportunity in which I was certain to pass.

Learning from experience and from the volleys of questions from JK on his reading lists, I tried to be smarter than my Teacher JK. On the quiet, I contacted A.R. Ramly, our former Ambassador to the USA, who is also a leader of the Acehnese community in Jakarta, asking for additional reading material on Aceh.

A few days later Pak Ramly provided me with a stack of reading on Aceh about 30 cm high. I read it all. With this new fund of knowledge I wished to test myself. Proudly, I went to JK and demonstrated my new found knowledge derived from Pak Ramly's literature. The result – praise for my initiative in seeking additional reading.

On another occasion, with the same intent wishing to test my knowledge with our Mr Teacher JK, I displayed my knowledge from my own researches. The result was a disaster! Almost immediately, JK interrupted naming the sources of my research. In fact, JK went on to say that the information I quoted had been rejected by more recent publications.

May God forgive me, I said. How come JK is clearly well ahead of my own reading progress. To prevent my total loss of self-worth, I said to JK "Bapak, this is like when I learnt *silat*<sup>16</sup> years ago." "What do you mean by that?" enquired JK pointedly. I replied "My *silat* instructor then certainly did not wish to impart all of his fighting skills to his students. For sure, he had other skills he kept to himself as he did not want to be defeated by any his students". "This has no relationship whatsoever with the science of *silat*, Hamid. Basically, you have to work and study harder if you want to succeed in Aceh," stressed JK.

I could not stop wondering from where this boss of mine obtained all of his information for these meetings. All of these tactics and preparations crowded in on me. Finally, it became clear which is explained at the end of this story.

### *GAM Ideology*

GAM's ideology was invariably a strong point of focus for JK. Regularly, he stressed that only by understanding both their ideology and orientation along with GAM motives could Indonesia enter discussions with GAM.

To achieve such understanding, the VP gave us two large volumes written by western observers. Proudly, I took these two books and started reading. JK also had read them. Clearly, I was defeated in short order. Two days later, the VP suddenly called me to his residence on the corner of Jalan Diponegoro. On the second floor in his private library JK was already waiting for me. On entering, he immediately fired a question at me. "Hamid, when did the ideological orientation of GAM change from an independence movement to a democratic movement with basic human rights?" My reading had not reached that point, I replied.

"Oh, you are a slow learner," he said.

"Don't be like that Pak. I comprehend all of what I read not just reading sentences in that book," I defended.

<sup>16</sup> *Silat* is an Indonesian martial art.

"So, you just think that I am merely talking about reading. Not comprehension," he argued.

I continued, "The ideology of GAM changed from a religious ideology to an independence ideology when a number of revolutionary movements in various parts of the world adopted the ideology of independence as their driving force, for example the Moro movement in the southern Philippines backed by Libya."

"Okay, I accept that," he said in partial praise.

"Except you are not able to tell me when GAM ideology changed from a religious ideology to independence and to human rights and democracy?" As I did not reply, the VP ordered "Note this carefully, Hamid. They changed their revolutionary ideology from an ideology and orientation of liberation to democracy and human rights in the early 1990s. This was in line with the changes in global politics at the time when east European countries collapsed. The bi-polar world fell apart. As a result, a human rights and democratic agenda became a demand on the global menu. The ideology and orientation of GAM followed suit with the world," he said.

For JK, GAM's revolutionary ideology in each period had to be fully understood in order that the Government could prepare its arguments for the talks. By understanding their ideology and orientation, we could then understand their tactics and their strategy in the field both domestically and internationally

Therefore with this understanding, said JK, we could understand their overseas networks on the world stage. "As head of our Government's delegation, you must not only understand their orientation but must understand them as persons. Make yourself think as if you were a member of GAM. Without this approach, it will be difficult to find points of agreement because you will not be able to understand their rage," was his guidance which stuck deeply in my mind.

### *Biography*

As days passed, we gained a better and deeper knowledge of GAM's ideology and orientation. But this time JK gave us a new

lesson: Understand the profile of the two GAM members we would be facing at the talks table. They were Malik Mahmud, GAM's Prime Minister and Dr Zaini Abdullah, GAM's Foreign Minister.

The VP instructed us to learn all their personal details – their past history and even their hobbies. I had to be able to differentiate both their lives.

"Tengku Malik Mahmud, I gather likes Bugis-Makassar *pinisi*<sup>17</sup> as his father in the past once owned one in Singapore. You have to dig all of this sort of thing out," ordered the VP. "Remember, Hamid, Tengku Malik has time on this side at the conference table. He is very skilled and has full grasp of the history of GAM's struggle. You must be well prepared with facts to face him."

JK explained Dr Zaini Abdullah was a graduate from the University of North Sumatra. Once he was the head of the coordinating committee of the Muslim Students Association (HMI)<sup>18</sup> of North Sumatra. "Try and locate his contemporaries at HMI and ask them about his private life especially his pleasures," said the VP.

Remembering Zaini's background as a former HMI activist, JK stressed that the talks between our Government and GAM was in fact a reunion of HMI alumni as from the Government delegation members - Hamid Awaludin, Sofyan Djalil and Farid Husein were also former HMI activists.

On many occasions, the VP said, "Really the Aceh peace talks are HMI to HMI or an association meeting."

JK instructed Dr Farid Husein always to keep me and Sofyan Djalil posted on all information on the GAM personality profiles. For sure Farid Husein was a very competent field operator. Farid knew all the strings linking the GAM leadership. Also, Farid gave me a photo

<sup>17</sup> Often nautically speaking, incorrectly called Bugis schooner which to this day trade throughout Indonesia but no longer always under sail and in the 60s transported much cargo to Singapore. The Bugis are Indonesia's pre-eminent sailor-traders. In the past, they traded *bêche-de-mer* from Australia northern coast selling it into the Philippines for onward sale to China. Today they can be still seen at Sunda Kelapa harbour in Jakarta loading a variety of cargo for outer Indonesia.

<sup>18</sup> *Himpunan Mahasiswa Islam (HMI) The Muslim Students Association*

of Tengku Malik's son in Singapore. Later, this photo was to help me form a sound friendship with Malik Mahmud, facilitating our talks.

Later it was shown the VP's order to understand the backgrounds of these GAM bigshots was kind of magical especially during our Helsinki talks with GAM. Understanding most of the facts and facets of their lives, good personal relations between myself and them was readily created. With such good relations, most of our tricky problems were easily communicated and solved.

Also with this good personal relationship, it followed that I had excellent personal communications with them and they reciprocated with trust in me. This was the same method applied by JK from his experience as a reliable and successful businessman. Only with trust can business be done. "At the same time trust can be gained readily while starting to develop personal relations," said JK.

Apart from his order to understand the GAM principals' personalities, JK gave further commands. I must understand Acehnese culture starting with Acehnese songs. "As a delegate you should be able to sing at least a couple of Acehnese songs. Go and get a collection of tapes or CDs of Acehnese songs," instructed JK.

"How could I immediately understand the Acehnese language", Pak?" with just a few days before the talks started. "Also, I can't sing," I shot back. "It is not necessary to understand, but by listening to Acehnese songs, your heart will certainly be in unison with Aceh. Remember before when we completed Ambon, I got together a number of tapes of Ambonese songs and listened to them. My heart was already united with Ambon before we started the talks," stressed the VP. If you were not already married I would try to marry you off to an Acehnese girl before you leave for these talks," joked JK.

So that I could absorb the life and character of the Acehnese JK ordered me to visit systematically jailed Acehnese in Jakarta. To this I retorted "Bapak can personally check every night on my surprise snap visits."

<sup>11</sup> The Acehnese language is quite dissimilar from Bahasa Indonesia, the Indonesian national language, and derives largely from Chamic roots i.e. Cambodia

"Don't always interrupt. I have not explained my reason for this. You must go to the detention centers and jails where there are numbers of GAM activists. Mix with them so that you may become at one with them," JK added.

Would this be the last instruction from JK I wondered. Certainly not! He instructed me to experience the taste of Acehnese food. "I gather there is an Acehnese restaurant in Bendungan Hilir<sup>20</sup>. Go there as much as possible to taste their food. It is just a *warung*,<sup>21</sup> and should not be expensive. Also, one of your hobbies is food. If necessary wear an Acehnese *picci*<sup>22</sup> when you go there," instructed JK.

### Meeting Eye-to-Eye

At last all the required reading was completed. I felt relaxed waiting for that meeting day.

All preparations in hand? Not yet. I was confused by financial estimates. Instead of preparing administrative matters, coaching from the VP really increased and was becoming complicated. This time it was not forging our intellectual abilities to understand the matters at hand but now it was technical matters which had to be handled in the field.

"Hamid, in these discussions, you must face your opponents. The method to subdue your opponents is to fix their eyes. From now on you must imagine the face of Tengku Malik Mahmud and fix both his eyes," instructed JK.

Several days after the order to depart was issued I was yet again summoned to JK's office. "Are you now able to imagine Tengku Malik? Have you been able to fix his eyes without blinking?" asked JK.

"Yes, Pak, every time I can imagine Malik Mahmud. But I would find it difficult to be sure that I will not blink when I did fix his eyes. The problem is I have never met with him and I have not trained because I have not seen him," I replied.

<sup>20</sup> Bendungan Hilir is a market located off Jalan Sudirman one of the main axial roads in Jakarta.

<sup>21</sup> A *warung* a food stall usually on the street.

<sup>22</sup> A rimless velvet hat

"If that is the case, now sit down in front of me and start to fix my eyes sharply and directly. Remember, don't blink," ordered the VP.

As his underling, I was a bit uncomfortable. How come? With my eyes I had to fix my boss's eyes without blinking. I tried to get out of it but it resulted in me just simply playing for time. He snapped at me and demanded I start to fix his eyes.

As my eyes focussed on JK's, I immediately blinked. JK yelled at me, "Hamid, I said, fix both your eyes on mine and do not blink!"

"It is impossible for me to do so as you are my boss," I replied.

"In this room, there is neither boss nor staff. Who are present is you, Hamid Awaludin, head of our Government team and me. Malik Mahmud is head of the GAM team. You must fix the eyes of the GAM head. Do it now!" he ordered again. I used all my efforts to do so that afternoon. I tried to fix my eyes so that they did not blink but I failed every time.

"Today you have not passed. Go home and practice. Next time you must succeed. If you are unable to fix my eyes then you will be unable to fix Malik Mahmud's," said the VP.

A few days later I was again called to the VP's office. "The exam to fix the VP's eyes has commenced" he said. This time I had improved considerably and was able to do it several times fixing my boss's eyes sharply without blinking. "That's the way," praised JK.

What was the link between fixing my opponents eyes in these talks with resolving the Aceh problem? For JK the eyes are a reflection of your heart which cannot lie. When fixing another person's eyes, we can sense what is on the other person's mind. Also, the ability to fix another person's eyes is a test of one's inner strength.

Later I knew that the principle of fixing one opponent's eyes in talks could be reciprocated on me as well. After the peace process at a dinner function in Aceh with Malik Mahmud, he unexpectedly said that he began to place trust in me in particular and the Indonesian Government in general, on the first day of the talks.

On that occasion, Malik Mahmud fixed my eyes and said he could feel the honesty in my heart, the government representative, to resolve the Aceh problem peacefully and with dignity.

I always sat directly in front of Malik Mahmud throughout the talks. Malik Mahmud acknowledged later that he was aware I fixed his eyes from day one and he knew that I knew that he fixed my eyes too. Jokingly I countered Malik Mahmud saying, "We were both spying on one another, eh Tengku?" He was slightly embarrassed by my joke.

### *Dress*

Right down to minor details JK made preparations for Helsinki even to our style of clothing. Without repeating himself, JK reminded me that I should wear a jacket which should be dark to show that I was really serious in these talks. "A dark jacket is invariably seen as a symbol of seriousness," said JK.

"You must wear a plain coloured shirt with no bright stripes because that will also show that you are serious. With the correct dress, they will feel that you are showing them appropriate respect and appreciation. But wear a bright tie so their attention will be focused on you. This is very important and meaningful factor at the meeting table," added JK.

Apart from guidance on my dress, the VP reminded me to take note of the style of dress on the opposing side of the table. The purpose of this was to be able later to break the ice. "Give them positive comments on their dress."

Truly, although I had known JK a long time this was the first time ever I had heard him hold forth on the matter of colour and dress. I had the opportunity to tease him gently by asking, "Since when have you been so interested in fashion?"

"That's a trade secret," he responded.

Undaunted, I pressed him further, "So that I may execute your orders properly, can I know where exactly did you acquire these lessons?"

"I acquired them during the Presidential/Vice Presidential election campaign in 2004. The colour and pattern of clothing strongly determines appearance and perceptions of the public towards us," he obliged.

Apart from clothing, the VP on many occasions reminded me to practice smiling. "Hamid, you must practice smiling. This is important to convince the other side that you are not angry and are peaceable. Frankly, you are stingy with your smiles. As a result many think you are a snob. What's your problem with smiling at people?"

JK's remark was just like a bolt of lightning striking me. I reacted saying "Pak, for sure my face is not a smiley sort of face. The anatomy of my face gives the impression of anger, but what can I do? But I am good hearted, Pak."

"It is not a matter of good heartedness or not, Hamid. It is a matter of smiling. It is the first impression of a person who is peaceable. Watch me. Even when I am flaming mad I can smile," stressed the VP.

Not wishing to be put down by my boss, I replied, "Your face, Bapak, is really a smiley face. The bone structure of your face makes you seem to be smiling all the time and naturally too. Because of that people always think you are a good person from only seeing your face. I am the opposite, Pak."

"I don't want to know these excuses, Hamid. The main thing is you must increase your smiling training. If need be, every morning you practice in front of the mirror." That was the order of the day from my superior.

Also, JK gave instruction on ethics. His instruction included style, especially in speech. "Hamid, you must remember your opposite numbers are considerably older than you. You must respect them, so watch your manners. Do not attempt to lecture them. I know you are a lecturer. So don't behave like a lecturer in front of his students," counselled JK.

"Oh dear," I complained, "There are too many prohibitions and our talks have not even started."

"Hamid, wherever these talks may be held, there will always be rules of the game. Remember before when we were in Poso and Ambon? There were plenty of rules I placed on you. We succeeded, yes?" countered the VP.

He went on to say "Even discussions between wedding committees have their rules. What about meetings addressing the problems of Aceh?"

Basically," You believe rules are like *fiqhi*<sup>23</sup>, which determine or not your prayers," said JK. The tone of his voice was forceful.

### *Ambassadors*

One of the early steps VP Jusuf Kalla made to resolve the Aceh issue was to invite for a briefing ambassadors of friendly nations: Libya, USA, UK, Australia, Sweden, Finland, Singapore and Japan.

At the first meeting in his office, JK explained why he had invited them. "We have invited all of you here on a holy mission. As you have all witnessed, Aceh is smashed to smithereens by the tsunami. International aid had already started to come in. Further, each one of your countries has actively and generously participated in this aid."

"Now the problem is the humanitarian aid you have given is unable to be totally effective because of the poor security situation in Aceh. We cannot hide the fact that your aid may be plundered mid-way to its destination."

According to JK, the commitment to reconstruct Aceh immediately after the tsunami was not feasible without peace in Aceh. How would it be possible to build bridges, highways, roads, schools and so forth if every time gunfire was heard? It was impossible to guarantee infrastructure development without security for heavy equipment so that it would not be stolen or damaged. Moreover, the worst scenario could happen: Foreign volunteers in Aceh, with their strong interest and commitment, could be kidnapped or worst still even murdered. If this occurred Aceh would be abandoned causing further misery as no further foreign aid would come in.

JK then explained why he had invited each of the friendly countries present. Libya, according to JK, was invited because it was there that GAM's military had received their military training. "We wish that the Libyan Government participates actively to assist us to persuade GAM to enter discussions to achieve peace. If Libya was able to train them militarily, it is certain now that Libya can be responsible in a non-military sense," said JK.

<sup>23</sup> *Fiqhi* in Islam, is the study of ritual laws related to prayers.

Sweden was invited because in that country GAM policy makers and their highest decision makers resided there; also they had become Swedish nationals. In this context the VP's thinking was extremely logical and realistic. For them Indonesia was a benevolent nation which held firmly to the principle of national sovereignty. Indonesia knew very well that the persons who made life or death decisions for Aceh had lived in Sweden for over 30 years. If needed Indonesia, and if so determined, could have short-cut the peace process in Aceh, that is by force or kidnapping these people with the excuse they were creating disturbances within the territory of Indonesia. Except, said the VP, "Indonesia is not Israel. Indonesia highly respects Swedish sovereignty. The way is for Sweden to influence and urge these GAM leaders to sit down and make peace with the Indonesian Government."

Finland was invited as their former President Martti Ahtisaari would act as mediator in the forthcoming peace talks. Finland as host for these talks would play a significant role in the future.

UK was invited because they could influence EU nations to pressure the GAM leadership living in Sweden to come immediately to the peace talks with the Indonesian Government.

USA was also invited, said the VP, because it was hoped they too would use their strong political influence with the international community to support these peace talks. It was hoped they would contact their diplomatic mission in Sweden to urge the GAM leadership to come to the table with the Indonesian Government.

At an interval in the VP's explanation, the Singaporean Ambassador Edward Lee enquired as to why Singapore was involved in Aceh affairs. To which the VP directly responded, "Because the GAM Prime Minister, Tengku Malik Mahmud is a Singapore national!"

Edward Lee intervened enquiring, "Was it correct that he still held a Singaporean passport?"

"Yes, until now Malik Mahmud still is a Singaporean national but is now living in Sweden," replied the VP. "He is a national of yours. Because of this, you must help the Indonesian Government persuade this one citizen of yours. One of the keys to peace in Aceh is in the hands of a Singaporean national."

What about Japan? Yutaka Iimura, their ambassador, enquired as to Japan's involvement. Without hesitation the VP replied that he was invited as Japan was a major world economic power. "Here, use your economic power to urge the GAM leadership to the peace table," urged the VP.

At the conclusion of this early meeting, this group of ambassadors of friendly nations appointed Yutaka Iimura as their spokesman. So Ambassador Iimura often kept contact with the Indonesian Government team. He often came to my office to discuss every development. Apart from these discussions Iimura-san wished to propose that his country, Japan, could host the peace talks. I relayed his offer to the VP.

On different occasions, the ambassadors of USA, UK, Sweden, Australia and Singapore visited me in my office over Aceh matters. My work load was greatly simplified by these ambassadors. They simply wanted information.

Linked to the involvement of these ambassadors, the Libyan ambassador Ali al-Mabruk only appeared at the first and the second meetings. There were those who suspected that the Libyan ambassador was taken aback when the VP announced that GAM fighters had been trained in Libya. Thus Libya must be held responsible for Aceh security.

The style of openness and candour of the VP made these ambassadors nod in approval. Later one of these ambassadors who came to my office said "In my three decades in this career, this is the first time I have come across a leadership so open and candid. There is no courteous diplomatic prevarication. Was he like this before? Or was he like this because he was just angry?"

I replied that the candour was his nature. He was certainly not angry. "Your leadership is unique, he speaks firmly and candidly but he is always smiling. So, I thought he was not angry at all," said this ambassador.

Witnessing the VP's style with these ambassadors an Indonesian diplomat made a request to the VP that it was not customary in the world of diplomacy to use such a direct and candid style.

The VP responded spontaneously, "For sure I am not a diplomat. Your job is to smoothen out these things in accordance with diplomatic rules. My job is to present the requests and targets which the Indonesian Government wishes to achieve."

### *From Meeting to Meeting*

Apart from the several briefings with ambassadors from friendly countries, other meetings for the Government team were with a number of ministers directly involved, such as the Coordinating Minister for Politics, Justice and Human Rights, the Minister for Defence and Security, the Minister for Foreign Affairs, the Minister for Home Affairs, the Commander of the Indonesian Armed Forces, the Minister of Finance, the Chief of Police, the Attorney General and Head of the National Intelligence Agency. These meetings were chaired by the VP himself either at his office or his home. When all preparations were completed on certain issues these meetings were headed by the President either at the Palace or at his residence at Cikeas. For certain at every meeting headed by either the President or the VP, the Coordinating Minister for Politics, Justice and Human Rights was present besides the negotiating team.

I do not know precisely how the division of duties between the President and the VP was made. What was clear is that immediately before departing for each round of talks, the VP brought the team to meet with the President and the same happened on our return. Often between our departures and returns, the VP would take us to other meetings with the President" and there could be several of them in these periods while in Jakarta.

Even during the fourth round of Aceh peace talks, the President had a wedding party for his son at the Bogor Palace. Among the thousands that attended, when I went up to the stage to congratulate the bride and groom, the President had the opportunity to whisper to me to see him at his home at Cikeas the next morning to get our final guidance before leaving. Generally, this guidance from the President was a 'macro-format' of what we were not permitted to do.

Apart from our meetings with the Government committees, there were several meetings with politicians or the parliament with community leaders. Some were headed by the President, the rest by the VP. Amongst all of these meetings, the one that most impressed me was those meetings attended by the Indonesian Armed Forces Commander General Endriartono Sutarto. When he attended the meeting atmosphere was refreshed by his jokes.

On one occasion, after a meeting with the President at the Palace, he called me to a corner room. In a serious manner, he whispered to me, "Hamid, I have to give you my full support because at the end of these talks you have a signing of a peace agreement. Here, this document which will be signed by you could carry the same importance as the Proclamation of Independence. If necessary, we will make a statue of you," he said laughing.

I respected the support and style of this particular general. I felt I was really supported and defended by him. The same sort of support also came from the Police Chief, General Da'i Bachtiar. I often rang him both before I left for the peace table and on my return. He made little comment other than to say, "Keep on going, Hamid. We are all behind the Government peace team."

### *Words Chasing Words*

Less than a week before we headed off for Helsinki to start the peace talks, the time for final preparations had arrived. One day, JK summoned all the Government team to his house. As well, he had asked a senior diplomat considered to be skilled at the meeting table who had already had experience with GAM at the COHA meeting in Tokyo. JK had asked him to give us advice on how to conduct our meeting with GAM and what steps to take.

So this diplomat started. He spoke of the terms and definitions along with meeting procedures. Repeatedly, he had problems with the term for GAM and their status and whether it was appropriate that they should sit at the same table with their minister or not. Seeing that his presentation was just going around in semantic circles and talking about protocol, the VP abruptly closed the meeting thanking the diplomat profusely.

After the guests had left, the VP called me aside and said, "Hamid, my time was up in two hours. Don't you listen to any of what was just said? There was no substance at all. He just went around in circles about protocol and terminology. For certain none of it would resolve the Aceh problem. He did not offer one single solution to the problems we faced. He just chased words with words. Basically, you take charge of all the substantive matters."

In this context, the VP always impressed upon me, whatever was offered by our Government alter it to our Government's wish from GAM. The Government has to give GAM concrete offers, and after acceptance by GAM, was the issue of surrender of their weapons. "The problem rests there," said JK.

JK also always reminded me to conduct the meetings with GAM as friends in a dialogue. "Do not ever think of them as unequal opponents at the peace table, just because they are considered to be rebels while you are a minister representing the Indonesian Government. Remember, meeting means respecting other people" stressed the VP.

Throughout the talks, I firmly stuck to his sound counsel – don't go beat about the bush in the talks. Don't engage merely in word play. The substance must be patently clear. Don't let "Words chase words."

### *Health*

Apart from the technical and mental preparations I had to endure, JK also addressed the matter of health. Repeatedly, he requested us to have a medical. For him, the peace talks needed stamina and high resistance to any illness. "Talks like these can be tough and stretched out. Be ready to meet from morning to night," he said on one occasion. This can only be accomplished if your health is in top condition.

On this topic, Dr Farid Husein, always became the target. JK said, "I cannot have a member of the Government team ill, especially the leader. And if needed, we may even have to take charge of GAM members' health. So that they can meet with us with confidence at no disadvantage," advised JK to Farid. Meanwhile Sabrina (Rina) JK's

private secretary had already had funding arrangements in hand for these medical matters.

I said to the VP we needed health cover not only during the peace talks. "As a minister, I have no health insurance. My monthly salary is only IDR 19 million and we are forbidden to accept other honorariums."

"Hamid, sure your salary is only that much. But you have other privileges which even the filthy rich do not enjoy. For example, when you attend a wedding reception, you are not required to join the queue to congratulate the newly wedded couple. The organizing committee greets you on arrival and escorts you directly to the couple. Furthermore, the other guests are stopped while you are photographed with the wedding pair and their parents. You can't buy this Hamid," stressed JK.

JK added "Again when shopping at a mall, there is always a parking spot for your car. And when you visit the provinces, you are escorted by a police car with siren screaming," he continued.

Returning to the issue of health insurance I added that I paid for my insurance on a family basis to which the VP responded by suggesting that I submit my proposal immediately. Thanks to the Almighty, my health insurance and my families too was paid by the VP. The doors were now open in case of health problems for both us and GAM during the peace talks.

### *Protecting Secrets*

On the matter of secrecy, JK was extremely serious. Continually, he reminded us – the team – that the content of the discussions and even the atmosphere of the talks should not be disclosed to outsiders. "If you discuss this outside the talks, for sure there will be controversy and controversy will affect the course of the talks," said JK.

He regularly warned us to remind GAM participants not to leak the substance of our talks. Both sides must have a joint commitment on secrecy, he went on.

Later, on this point, after the peace accord was signed, JK presented me with a diploma graduating *magna cum laude* for he

believed that I was able to maintain secrecy and follow his orders. Throughout the peace talks not one of the team made any public statements except what had been jointly agreed by the parties and of course with JK's endorsement. I really appreciated my colleagues not making comment to anyone on the outside. Moreover, Pujo Wisesa and Usman Basya - our team members - when I invited them to make comments both declined saying, "One information outlet was enough, Pak," they declared.

Indicative of the tight secrecy that was maintained throughout the talks, Abun Sanda journalist from the Jakarta daily, *Kompas*, who covered the talks from the very beginning, after the MOU was signed gave me a new title: "The Mingy One" because he never succeeded in gouging anything out of me. Further he complained to JK about my tightness with information about the talks. JK scolded him "Real journalists seek information, not handed it!"

The same thing happened to Rossiana Silalahi, editor of SCTV who was present at several rounds of the Helsinki talks. Even with such close friends we had to remain close mouthed. "Basically, Daeng<sup>24</sup>, you will never be rich because you are not diligent in paying your tithes. If Daeng gives us information, that is like tithes. May your sins be lessened a bit by God," Rossiana said provokingly. "Whatever you may say Ossy, you will get nothing out of me. It is true I pay my tithes, but I cannot say even the smallest thing to you because I am under strict orders," I replied using a thick Batak<sup>25</sup> accent. "So the underlings must obey their superior's orders?" queried Rossi teasing me.

In maintaining secrecy, I was extremely fortunate with my wife. She never once enquired what was going on in Helsinki. If indeed she did ask, it was sufficient for me to say that it was not the time. She quietly accepted this. Several times JK met my wife socially where he invariably said to her "Your husband is working for our nation and many matters which he attends to should not be widely known."

<sup>24</sup> *Daeng* is a Bugis aristocratic title often conferred on persons by the Bugis community for good works

<sup>25</sup> By way of explanation Rossiana Silalahi is a Batak, originating from North Sumatra.

## ARRIVAL IN HELSINKI

The Finnair flight which brought us, the Government of Indonesia's delegation to Helsinki, the capitol of Finland, landed on Thursday, 27 January 2005. It was still early morning and quite dark. As we disembarked from the aircraft door, the freezing cold wind hit us immediately. This was the height of their winter. The cold froze our finger tips. From behind the misted airport windows we could see that Helsinki was still in darkness.

I never suspected the number of journalists that were already waiting for us at the airport. Camera flashlights popped welcoming us while TV cameramen almost aggressively pointed their cameras at us with their microphones. I myself remained silent after our Vice President Jusuf Kalla had continually counselled us to avoid the media as they could derail our talks.

Snow covered the ground in Helsinki like a blanket draped over everything, over trees, over roofs - all white. On our way to Wisma Duta, where our Indonesian delegation would stay throughout the peace talks, I was still apprehensive about the enormity of the task ahead of me.

After a brief rest, and lunching with our ambassador to Finland, Mrs Iris Indira Murti, at 3.00 p.m. we headed to the meeting place where we met the facilitator, Martti Ahtisaari. We were picked up in an extraordinary manner: Together with our Coordinating Minister for Politics and Security Widodo A. S., I got into a Mercedes with bullet

proof windows while the other members of our delegation followed behind under tight security escort. My heart was beating strongly for this would be my first meeting with the charismatic Martti Ahtisaari, former President of Finland who was respected by world leaders.

On our arrival at Königstedt Manor, Vantaa, our location for the peace talks, the building and even the grounds were enveloped with snow. On the veranda we were greeted by Martti Ahtisaari. This old mansion was isolated. Widodo alighted first and shook hands with Martti followed by me. From the grip of his handshake I felt warmly drawn to him. I was surprised, more than I had imagined how big he was with his black framed spectacles. I was even more surprised when it was clear he had a good idea what I looked like. "For sure, you must be Minister Awaludin. I learnt a lot about you from Juha. And you will be my partner in these talks," he said firmly but warmly. His eyes looked straight into mine as if to underscore what he had just said and underscore what JK had said before we left.

Martti then asked his staff to escort us to an ante-room where we could hang our overcoats. Then we proceeded to the middle room. It was clean and orderly with chandeliers hanging from the high European style ceilings. In one corner was a grand piano.

We all sat around a fair sized round table where Martti commenced his introduction. In a baritone voice, he welcomed us and thanked us for the trust the Indonesian Government had shown to his organization which he headed – the Crisis Management Institute (CMI) – which would be the facilitator and mediator for these Aceh peace talks. "I have already decided that our agenda will be to discuss special autonomy offered by the Indonesian Government to GAM."

Ahtisaari stressed his attitude was that he did not appreciate meaningless courtesy. "My approach to these peace talks is like salmon fishing. I fish to catch fish, not to kill time or as a hobby, but when I do something it is because I want to get a result," he stressed. Continuing, he said he lived by the maxim of directness. "I do not like to waste time with courtesies which result in half finished work; half-heartedness is testing. I wish us to take off together and land together safely."

Also, he reminded that success did not rest entirely with the talks in Helsinki with him as facilitator. "Success is not in our meetings here but depends on you two, both parties at this meeting as far as possible finding many points of agreement", Martti said.

He then moved on to the substantive issue of the drawn out problems between the Indonesian Government and GAM with three important questions. "Firstly, while these talks are underway, can you guarantee that GAM personnel will not be treated arbitrarily? Do not permit a repeat of events after COHA where GAM delegates were arrested after the talks? Second, who will be responsible for ensuring that the undertakings made in these talks will be adhered to or not? Thirdly, how will you arrange the integration of GAM members back into your political system?" These three questions stuck in my mind. Response to those three questions would determine or not the outcome of these peace talks. If the Indonesian Government were able to take on board these issues, then we will be able effectively to resolve this complicated and prolonged problem of Aceh, Martti stated.

Responding to Martti's introductory remarks Widodo conveyed the Indonesian Government's appreciation to him for his willingness to act as facilitator and peace mediator between our Government and GAM. Widodo preceded his main remarks with a briefing on conditions in Aceh post-tsunami.

Following this, Widodo underscored the Indonesian Government's determination to solve the Aceh conflict. Widodo proposed the following conditions: GAM accepts full constitutional special autonomy in the province of Aceh within the framework of political unity within the territory of Indonesia. To stop the conflict, said Widodo, GAM leaders could return to a normal life and together with the Acehnese community re-develop Aceh after the tsunami destruction. That applied to all other GAM activists. All GAM weapons must be surrendered entirely.

If these conditions can be accepted then the Indonesian Government would give a general amnesty to both the GAM leadership and members. Further, financial compensation would be offered to assist in improving prosperity in Aceh. Participation in the social and political life of Aceh would be opened up to the GAM leadership and

their members. To round this out, the Indonesian Government would intensify development programmes which would be enjoyed by all Acehnese, Widodo elaborated.

After presenting the Government offer and conditions, Widodo asked Ahtisaari whether these peace talks could be kept entirely informal and not internationalized. Straight after this Widodo, explained that the peace talks could start.

Concluding, Widodo said he hoped that these peace talks would be an historic occasion, meaning that Aceh would be free from war and poverty with a peaceful, just and prosperous future.

After these impressive introductory remarks, Ahtisaari explained where the talks would be held to continue the peace process for Indonesian and GAM.

Sofyan Djailil and I did not speak at all after this introduction. Later our ambassador to Finland, Iris Indra Murti gave a briefing outlining the arrangements and support which our embassy in Helsinki would provide us, the Indonesian delegation.

## WE WILL MAKE IT, TENGKU!

Our meeting with GAM was not just about competing tactics, strategies and compromises. It could be said that agreement at the peace table was only a part of all the initiatives to finalize the Aceh problem. Outside, there was persistent lobbying and side meetings as well. The core of our meeting was in reality a gamble to seize hearts and sympathies.

The most important lobby what that between me and the Prime Minister of GAM Malik Mahmud and his Foreign Minister Zaini Abdullah, and the other between me and Martti Ahtisaari, and an informal three-way meeting between me, Martti, Malik and Zaini.

Martti really knew as a skilled facilitator, forcefully dragging the parties by the scruff of the neck to the peace table would not solve the problem. Whenever dialogue discussion temperature rose too far or became dead locked, Martti would ask me to meet privately with him.

"Second floor," was the signal directed at me by him. He would invite me to his office on the second floor of this beautiful mansion where we would then have a heart to heart discussion. If not in his office, our discussion would take place on the veranda at the rear. Afterwards, Martti would request I meet with the two GAM principals, Malik Mahmud and Zaini Abdullah to relay our discussions.

Many times I invited Malik and Zaini to stroll along the banks of pretty stream behind the mansion, enjoying the ripples in the water

and sound of the rustle of the cool air. Our walk along the stream bank did not screen us: We were three men, a group related to one another, representing two parties which were at odds with one another, speaking heart to heart and trying to understand one another and striving for understanding. Any angry thoughts at the peace table, or when one's blood boiled at explanations over past history, were gently blown away by puffs of a gentle breeze from the across the stream. Many times I followed the bank of this stream in winter, and in the changes of seasons and in the summer. On occasions like this I really am aware of the burden on my shoulders. If the talks did not proceed smoothly, there would be a direct and deleterious effect on the continuity of livelihood of the Acehnese.

It was not long before these off-stage talks with Malik and Zaini became comfortable. Fortunately we had Martti too. If we deadlocked, he would come down and join us enjoying the river breezes. With gentle skill but with an underlying firmness he would mediate a position between us.

These off-stage discussions would often involve VP Jusuf Kalla back at home in Jakarta. If the deadlock in our discussions was outside my jurisdiction as leader of the delegation and as Minister of Justice and Human Rights or other members of the delegation, I would telephone the VP in Indonesia regardless of what the time difference was between Finland and Jakarta.

When speaking with Martti, I would call the VP to discuss one or two matters, and then invite Martti to speak directly with him to confirm. The same happened with Malik and Zaini for matters which required the input direct from our national leadership. I would bridge the problem by letting them talk directly to our VP.

Each time JK finished talking to Martti or to GAM, he would ring me back. Conversation with JK often took a fair amount of time, guiding me through an understanding of the background of the problem and giving directions over technical matters in as much detail as possible.

JK would even give directions right up to the implementation stage, for example: How to make excuses to defend a rough idea or how to oppose GAM's meeting logic. As a result, JK was involved

almost in person in these meetings but outside the forum of Helsinki and back in Jakarta..

Martti Ahtisaari himself, each time after talking with JK, would usually support my opinion when we were in a three-way discussion with GAM. There was one exception: The issue of the formation of local political parties in Aceh. This happened at almost the end of our talks where Martti strongly supported the GAM position. He said "Mr Minister, put yourself in their shoes, and you will feel what they are feeling."

That was it! The Helsinki talks really stuck to the outcomes of our talks while strolling along the stream banks at Vantaa. Our talks never did come straight to the heart of the matter. We talked around the problem, there was polite prevarication, and often times our talks just related to personal matters.

One afternoon in an interval in our talks, when winter was at its peak, snow laid everywhere, the three of us – myself wedged between Malik and Zaini, made our way slowly along the stream bank as it was very slippery. The snow was getting deeper around the mansion, and on the roof, the trees and in the garden. I was shivering from the cold as I forgot to bring my overcoat which was hanging in a cloak room at the mansion. Seeing this Malik, who was tall, stretched his arm and put it around me to warm me.

Malik Mahmud was excited by the beauty of the snow surrounding us and his emotions rose. Lowering his voice he half whispered to me, "Pak Hamid, I really miss my family relatives in Aceh. I really wish to be able to stand on Aceh beach again to see the Bugis schooners sailing by. I love those boats. Years ago, my father owned one in Singapore for carrying trade goods to and from Indonesia. Every afternoon I climbed aboard his vessel and joined his Bugis crew in a meal."

He was as if he had unearthed some beautiful shard from times gone by.

"I really understand the character of the Bugis/Makassarese. Here in these peace talks I meet again with two Bugis. I am convinced the Bugis and the Acehnese can get along. Remember, Pak Hamid, a Bugis was once the rajah of Aceh. This meeting of Bugis and Acehnese on this occasion brings us providential blessings for peace in Aceh."

He continued saying, it was a long time since he had breathed the fresh sea air on Aceh Beach.

Zaini Abdullah joined in, "I also really want to savour goat curry *a la Aceh*"

Murmuring Malik said, "Hamid, I also want to see how the Bugis build their boats"

Suddenly, our emotions overwhelmed the three of us. All I could say was, "God willing, Tengku! We shall realize it all in a very short time."

"All of it depends, Pak Hamid, whether or not we can really return home and behold our families. I miss home very much, Pak Hamid. Please!"

Our conversation was carried away on the breeze along the stream but the meaning of it stabbed my heart. I thought I heard the sobs that almost choked Malik Mahmud's voice and if I was not mistaken tears swelled up in his eyes. The Prime Minister who was usually composed and formal groped his pocket pulling out a handkerchief to dry his moist eyes. All the pent up anger at the peace table fell away at the memory of his distant home village.

Even I was affected too. We joined our hands together in the midst of the snow. Once I regained my composure, I said, "We will make it, Tengku! We will make it!"

## ROUND ONE - HEARTFELT FEELINGS

The City of Helsinki was blanketed with snow that morning. My diary showed it was Friday, 28 January 2005. This day we had started early to execute our country's orders. Early in the morning, Vice President had already telephoned conveying, as per usual, a number of instructions.

After our breakfast, we headed off to the mansion at Vantaa where our talks were to be held some 25 kilometers outside of Helsinki. The day previously we had already visited this mansion, the property of the Finnish Government.

The meeting room was not that large, about 7 meters by 5 meters. Our meeting table was horseshoe shaped. Ahtisaari's and his staff's table was at the front, and on his right was our Government's table and to his left was the GAM table.

At 9.30 a.m., just when the sun's rays began to emerge out the fog masking the Helsinki sky, the official peace talks began with the GAM delegation.

The facilitator of these talks, Crisis Management Initiative, had made the meeting preparations efficiently. In this first round, the talks were divided into two parts, a meeting between the two delegations mediated by President Ahtisaari and the second just between our Government delegation and the GAM delegation.

Each of these meetings consisted of five persons from each side. From Indonesia, there was me, Hamid Awaludin, as head of the

delegation Sofyan Djalil, Farid Husein, Usman Basya and I Gusti Agung Puja Wisesa.

Representing the GAM side there were Malik Mahmud, as head of their delegation, Zaini Abdullah, Nur Djuli, Nurdin Abdul Rachman and Bachtiar Abdullah.

From the facilitator's side, there were President Martti Ahtisaari, Hannu Himanen, Juha Christensen and Maria.

Meeting directly with them we circulated amongst them, and one by one their individual personalities I came to understand. Initially, the GAM meeting was dominated by Nur Djuli and Nurdin Abdul Rachman. They seemed to be their spokesmen. However, I was well aware that they were reflecting the wishes of Malik Mahmud and Zaini Abdullah. The former only spoke occasionally at the peace table. While the latter spoke only four times in three days of talks.

Nur Djuli focussed on the general problems speaking in an almost theatrical style using the meeting room as his personal stage. His rhetoric was delivered with explosive power. Continually he hurled angry sentences at us, however, we, on the other side, struggled to suppress our emotions.

While Nurdin Abdurrachman invariably concentrated on subjects that appeared to be casuistic, including his personal matters. The others under him were particularly quiet and if they did speak it was a measured brief delivery. Except, they felt that Nurdin Abdul Rachman sought savage revenge against the Indonesian Army (TNI)<sup>28</sup> and their explanations were inseparable from the presence of TNI in Aceh.

Although both of them had obvious differing styles and approach, this resulted in both delegation leaders having a certain unity - cynicism about the proceedings. For sure their meeting style was pre-arranged as outside the conference room both of them were relaxed and gentle. Perhaps it was because of this initial outburst, later were days of firm friendship with them.

Also, the style and approach of the GAM leadership of Malik Mahmud, and Zaini Abdullah was extremely gentle. Mahmud always

<sup>28</sup> TNI - Tentara Nasional Indonesia - The Indonesian National Army

used polite language. He really demonstrated a moderate attitude and a desire to achieve peace. Invariably, he sought a solution. In explaining something, Malik usually used analogous language.

On the other hand Zaini did not speak much. If he did, his sentences were fragmented and gave the feeling that did not wish to speak at length and wanting to come to the heart of the matter quickly. It was obvious that both Malik Mahmud and Zaini Abdullah had great experience with GAM affairs.

Malik's statements were carefully measured and considered before they were uttered. He endeavoured not to be trapped in a whirlpool of argument and polemic whether it is semantics or be it even substantive. Before I left for Helsinki, Hasan Wirajudha, our Foreign Minister, had already given me his impression of Malik that he had a deep knowledge and experience in the GAM struggle.

From the Indonesian side, Sofyan Djalil and I acted as spokesmen. Political and legal issues were handled by me which was probably a larger brief than the issues covered by Sofyan Djalil – economics, development, prosperity, social matters and religion. This division did not mean in our discussions that either of us was limited to these designated areas. Often, at the peace table, we would frequently interject and complement one another.

In these early meetings, our plan was mainly to show the destruction and chaos inflicted on Aceh by the tsunami on 26 December 2004. Our desire was to shock the GAM leadership about the prevailing conditions of their home villages which was extremely distressing. If these photographs we were to show to GAM shocked them to the very core of their hearts, the road to peace would not be that steep.

With these photos, we hoped we could open the pathway to their hearts to cause them to reconsider Aceh matters not simply in political terms but in greater humanitarian terms.

But our plan failed over one small thing: Sofyan Djalil's laptop computer would not work!

This planned shock therapy had to be accomplished another way totally unintended. For example, Sofyan in explaining these latest photos of the disaster, it brought tears to their eyes. Repeatedly,

he had to interject saying "May God forgive me" in describing the tsunami which struck Aceh almost excusing himself for relating this tale of horrific destruction.

Even I too was affected. The images of this disaster were still indelibly imprinted on my mind, making sentences choke in my throat often breaking up my delivery. I really felt sad thinking about Aceh at that time. Prisons and detention centres under my supervision, as Minister for Justice and Human Rights, had collapsed, swept away and in utter disarray. Hundreds of prisoners were lost without a trace washed away by the ferocity of the tsunami wave. It is not necessary to add the numbers of homes of ordinary folks.....

Instead of listening to our distressing presentation, Nur Djuli interrupted, "Let your tears flow in Jakarta or Aceh. Don't bring them to this peace table! We already understand this grief."

Sofyan was utterly shocked with Nur Djuli's remark, "*Astagfirullah!*"<sup>27</sup> Where is your humanity? We never ever expected such callous outbursts like this in our meetings with GAM.

Thankfully, although this initial dialogue was a forum between GAM and the Government, except GAM in fact faced two like-minded parties – the Government of Indonesia and the facilitator himself, President Ahtisaari.

GAM was firm that any ceasefire was a pre-condition to any peace talks; while the Government's position was that a ceasefire was pointless initially. A ceasefire was only a temporary measure which had been tried in the past but always failed to resolve the problem.

According to the Government, which included Aceh, what had to be won was a total, permanent and dignified resolution of the conflict. Not a piece meal solution but a total package. For the Government delegation, this ceasefire issue was simply a GAM tactic playing for time while they GAM internally consolidated to increase their bargaining strength.

The Government was convinced that any ceasefire now at the start would be like coals which could readily fanned to re-ignite the flames

<sup>27</sup> *Astagfirullah* is Arabic for May God Forgive Me usually uttered after hearing something unpleasant or offensive to the listener's ear.

which would devour everything. This way as proposed by GAM the Government feared would not end the conflict in its entirety and the reconstruction of Aceh would not proceed smoothly.

The basic difference between GAM and the Government was over the starting point and the dialogue format. The Government wished that the Aceh Special Autonomy Law be the starting point and overall framework while GAM did not. GAM felt that this Law was defective and not in any way in accordance with GAM aspirations and furthermore it was drafted by parliamentarians who were allegedly not democratically elected.

Finally, GAM's argument on this was cornered by their misunderstanding of the Aceh Special Autonomy Laws passed in 2001 by the Indonesian Parliament resulting from the 1999 General Election. This election was considered by international observers to be very fair, clean and democratic. As this process was both democratic and constitutional, we must act democratically, so that the people's representatives are thus the voice of the people.

On another issue, GAM differed significantly with President Ahtisaari who was of the opinion that the talks proceed in the context of special autonomy while GAM considered that the talks should proceed outside this context.

This difference between GAM and Ahtisaari became quite heated. GAM accused the facilitator of being partial. To the point, President Ahtisaari stated "Go and check the invitation and the meeting agenda which I sent all of you. Here is clear that this discussion would take place within the framework of special autonomy and not within the framework of independence."

Ahtisaari added, "I am convinced, that you came here after you all read this invitation and the agenda. Consequently, you must have agreed to and accepted these terms of reference before coming here."

Reflecting on this, Zaini Abdullah commented, "Why do we have to be firm on this format?"

Ahtisaari reflecting on this hard-headedness, rapped his pencil on the table, exploded and said, "Don't try to bring the independence agenda to this table. You will be just wasting my time here. If you

really desire independence, get up from the table, leave and don't ever come back here again. Except, before you go, I wish to remind you that I will use all the influence I have in Europe and in the international community so that you never get any international support. What is for certain your dream and wishes for an independent Aceh will never be realized. At least not while I am alive and not while you are alive! Witnessing this hostility between them, we judiciously did not get in the middle of this crossfire.

With this clear statement from Ahtisaari, GAM finally stuck to the agenda he set which was:

- Amnesty.
- GAM participation in political life.
- Integration of GAM members into the community so as to live normal lives and to participate in the reconstruction of Aceh.
- Guarantee to repatriate GAM members that they would not be subsequently arrested nor jailed.
- Cessation of the civil emergency.
- Cessation of military activity.
- Involvement of a third party to monitor the implementation of the peace agreements.
- Respect, in principal, for democracy and basic human rights.
- Time framework to implement all of the above.

The Indonesian position in this first round of talks was one of satisfaction particularly with the fact that President Ahtisaari made it blatantly clear that there would be no further discussion whatsoever about independence for Aceh. Ahtisaari continually stressed to GAM that the Indonesian Government was serious and honestly trying to come to peace referring to the presence of two Indonesian Ministers, one as leader of the delegation, me, and the other, the Coordinating Minister as an adviser.

Further he added that the Indonesian Government had come to the peace table with clear and firm offers, which were both rational and objective, such as: amnesty, economic assistance and regional autonomy. On the other hand, GAM had gone around in circles,

arguing over past history which had only created bitterness and distrust of the Indonesian Government. GAM has entered the talks fired up with anger seeing all offers made by the Government as pettifogging and entirely stratagems.

Also, GAM assessed that the Indonesian Government only wanted to enter these talks because the Government was forced to because of tsunami related factors.

To clarify the above, the following is a selection from the talks:

**Friday, 28 January 2005**

**8.30 a.m.**

***Martti Ahtisaari***

“Welcome everyone. Before we start, let us have a minute’s silence for the many many victims of the disastrous Aceh tsunami. Amen.

“Apart from experience and your bitter past history, you both have come here to sit and discuss together in the same room. I have already spoken to you both separately, that is the Government of Indonesia and GAM, this morning and yesterday. I understand that both parties wish to sit together and talk. I am powerless to do anything except cooperate with both of you. The agenda for these peace talks has been sent to you both. I hope that we are able to stick to this agenda to take maximum advantage of the limited time we have.

This building is the property of the Finnish Government. I intentionally chose this venue to prevent any possible outside disturbance. We are sufficiently far from the city and are thus pretty well isolated. My experience, in such talks, with little outside interference, we will be able to conclude these talks quickly. Our meeting is totally closed off to the outside. I ask both of you to not to talk much to the press. As facilitator I will talk to them when it is appropriate and with your respective permissions. I now ask the heads of the delegations to make their opening remarks.”

**Hamid Awaludin:**

"*Assalamalaikum!*"<sup>28</sup> Thank you President Ahtisaari for you accepting the role of facilitator here. I also wish to express my thanks to the GAM delegation for their preparedness to sit here with us. This is an unique opportunity which has not happened in any of the past of our initiatives to seek peace in Aceh. This is the first opportunity for both delegations to meet face-to-face to talk and to share our experiences. Consequently, I am convinced we will now find our meeting point.

The world is shocked by the hammering of Aceh by the tsunami. Victims fell everywhere. Corpses were spread out on every road and intersection. Tears can no longer flow when describing this sadness. There are no words to describe this. The corpses of children were scattered hither and thither. Who will be the future generation to perpetuate and conserve Acehnese tradition, culture and history? Must this sadness continue and must we still whip our Acehnese brother and sisters. Haven't we now with pure hearts been called here together to do something? We have come here today with noble aims, noble interests and with the humanity to end this war and start life anew in Aceh. The tsunami disaster must become a sharp turning point for us and a start for us all unified in commencing this noble task of making peace in Aceh.

I am Hamid Awaludin, leader of the Indonesian delegation. This is Pak Sofyan Djalil, Pak Farid Hussein, Pak Usman Basya, and Pak Puja. Our delegation has been given full authority from the President for this noble humanitarian task.

We have come here on a mission of peace to seek a solution to this problem which is permanent, thorough, and dignified. Not a temporary solution and not a piece meal solution. This humanitarian mission is an authentic one in its entirety. Our departure from Indonesia for this mission should be properly viewed from this perspective.

**Malik Mahmud**

Thanks to God Almighty. I wish to express my sincere feelings of gratitude to President Ahtisaari and CMI who have agreed to be our facilitator in our search for peace in Aceh. We have all been extremely

<sup>28</sup> The Arabic greeting on meeting, meaning "Peace be with you" which is commonly used in Indonesia today.

affected by the tsunami. Because of this we must now quickly seek a solution, we must now quickly heal our feelings of bitterness. For me personally, many of my family died or were lost as a result of the tsunami. Properly, we should not focus on only our families but on all of the Acehese community. We warmly welcome the support and spontaneous assistance given to Aceh by the international community. My delegation consists of Dr Zaini Abdullah, Nur Djuli, Nurdin Abdurrachman and Bachtiar Abdullah.

### *Sofyan Djalil*

Peace be with you! This is an excellent moment to start our peace dialogue. If we are not sincere in this, the Acehese will start life again from ground zero. You have all witnessed what happened to our village after the tsunami. It can be categorized as a monstrous human tragedy. Probably there has never been an event like this in the modern history of civilization. Aceh was almost destroyed! Aceh reeks of dead bodies and corpses spread everywhere. Even until now we have not been able to assess how many children have been orphaned. I wish to open my heart to you, members of GAM, so that you may see Aceh in a humanitarian perspective. It is not now merely an ideological or political perspective. If all of you can start from this point, thus we shall be able to have many points of agreement leading to total agreement. Once again, I urge you to adopt the overall perspective of humanitarianism. Do not see something just from a point of group interest.

### *Nur Djuli*

We very much appreciate your attendance here for these talks and proposal not to mutually insult one another with hatred. We are here with the same intent to end our problems. Let's stop this war! All of us here want to resolve this problem. We are ready to hear your offers and your assistance.

### *Murtti Ahtisaari*

We are here to achieve a solution for peace and as said by Minister Awaludin, a peace with dignity. With this sort of spirit we will commence. As a result of these talks, the people of Aceh will be able to return to a

normal life. They need employment and as well as the basic necessities of life.

I want to say to you all that this dialogue will require flexibility. This means that the non-involvement of other parties which will only internationalize our problems. Possibly, the future if all goes well, we may need a regional entity to help us.

*Malik Mahmud*

When the tsunami struck, the first thing we asked for unilaterally and urged was a ceasefire. We have stopped but you must do the same as well.

*Hamid Awaludin*

We are seeking a total resolution. Once again I repeat we wish to resolve this peacefully and in a dignified manner. It is not just about a ceasefire but a total permanent solution. Here, although far from Jakarta, we wish to stop the conflict not just to stop armed contact.

*Sofyan Djali*

I will come straight to the point. The Government will be offering a large budget for the reconstruction and rehabilitation of Aceh. If you, GAM, concur with us to resolve this conflict, then together we can apply this budget to rebuild the destruction of Aceh. The Acehnese community will work with us hand in hand to achieve this.

*Martti Ahtisaari*

I have been listening and following your dialogue. No one has raised the agenda item of special autonomy. As it is now time for coffee break, let us close this session. We will reconvene at 11.00 a.m. and move on to discussion of regional autonomy.

**Second Session, 11.00 a.m.*****Martti Ahtisaari***

I am certain you all have more ideas after our break.

***Nurdin Abdurrachman***

We, all of us here, must develop a joint platform then develop a joint plan of action. On this matter which we are addressing, the basis should be to allow the Acehnese to increase their income so that they are not dependent upon foreign aid. I wish to quote President SBY from a newspaper article, "This is the best moment for us to stop this conflict, and then unite as brothers to resolve the problems of Aceh which was smashed by the tsunami." It is fitting that we use this as a starting point. This is a hope, a basis for us all to start this dialogue. This is now the best road to overcome this massive emergency. We have already unilaterally declared a ceasefire, but your Commander has said the opposite. How come?

***Martti Ahtisaari***

You are all here to discuss a larger agenda, not only humanitarian aid. I am yet to hear the Indonesian viewpoint on special autonomy.

***Hamid Awaludin***

We have been ready to discuss special autonomy from the very start. Except, GAM switched to the subject of ceasefire.

***Sofyan Djalil***

Yes, we want to discuss special autonomy. Not anything else.

***Martti Ahtisaari***

Also, it is very important we pay attention to the time frame involved in these talks. Are there any particular points you wish to raise on the agenda item of special autonomy?

**Malik Mahmud**

The Aceh conflict has gone on for a long time - 29 years to be exact on this. This conflict was borne out of numerous other problems. We are unable to discuss this in short period. It would take at least three or four days. Our meeting here today is just a preliminary step.

**Martii Ahtisaari**

Our framework is special autonomy. Our discussion time has already started. Not one of you have touched upon the subject. I wish to put in front of you a list of matters which you must discuss: special autonomy, how is reintegration to be implemented, amnesty agenda, military actions along with guarantees regarding a monitoring system and its mechanisms.

**Sofyan Djalil**

In the framework of special autonomy we offer prosperity, freedom; moreover we can discuss control of police and military. Also, the matter of Islamic law we have already mentioned in Law No 18 of 2001. With all this, no Acehnese will in the future be left behind.

**Puja**

It is best if we put all of our proposals on this table. In fact, we have already given Aceh special autonomy. The other matters we can discuss again.

**Nur Djuli**

This matter of special autonomy has been in front of us for the past 40 years. What is new from the Indonesian Government?

**Martti Ahtisaari**

We have reached lunch time. We will reconvene this discussion at 14.00.

**Third Session, 14.00 hrs*****Martti Ahtisaari***

Now this is not the time for political speeches. We must address the nub of the matter, that is, what is the form of special autonomy, what of amnesty and military law. We also must discuss the matter of participation by the Acehnese in general elections, participation of the community in every internal activity, ending the conflict, human rights, democracy and making a profitable economy.

***Hamid Awaludin***

We must focus on two basic problems: Special autonomy and a permanent, total, and dignified end to the conflict. From these we can develop another agenda, as you suggested.

I would like to start with discussing amnesty. Apart from this being on our meeting agenda, and is in fact a government offer, and especially so as this matter of amnesty is one that I handle personally as Minister Justice and Human Rights. The first thing we will do if and when we can find a point of agreement is to grant amnesty to all activists and persons affiliated with GAM. In principle, we will erase all legal issues along with the sentences they have received or unjustly serving. For those who are now being held prior to sentencing, we will stop this detention forthwith.

As a practical matter, we will release from prison all prisoners or those classified as erroneously. In this context we will grant amnesty only to those who were sentenced because of their association with the GAM political struggle. Not those who have been sentenced for criminal offences unrelated to GAM activities. Amnesty is our main aim and the first door to all of this. The Government will honour this undertaking. For us this amnesty is the start to solving the total Aceh problem. Amnesty will provide both the medicine and the healing of the wounds for both sides. Amnesty is not just simply a technical problem of releasing criminals and detainees along with stopping the legal process, but it is the first door to reconciliation and reintegration. Amnesty must become the launching pad for reconciliation and reintegration. For with amnesty, this bitter past history, we will together expunge the past bitter record.

*Sofyan Djalil*

We will also offer economic incentives such as plantations.

*Puja*

I wish to remind this meeting that at the COHA talks we needed 5 months in which to focus on but one agenda item.

*Martti Ahtisaari*

In discussing special autonomy, the matters I mentioned earlier should be given priority. I do not have all of this year 2005 to discuss all of this. If all of this is discussed what then happens to our discussion program?

*Malik Mahmud*

I heard what you and the Indonesian Government said. Are we being offered special autonomy by the Indonesian Government?

*Martti Ahtisaari*

That is not the context. This is only a framework within which to seek a solution. Also I certainly did not ask you to sign anything at all. This is purely a point from which to start talking.

Amnesty is a concrete offer and an excellent example. We can start from there. Minister Awaludin explicitly and in detail set out the provisions of this amnesty. This is a wise step and a breakthrough from the Indonesian Government. I really salute Minister Awaludin who is representing the Indonesian Government.

*Malik Mahmud*

We just want to say - let the people determine their fate and future. We can but only ask the people. That is democracy.

*Martti Ahtisaari*

If you continue not to wish to forget the idea and discussion of independence, it is probably best you leave this place and this meeting right now! I can only interpret from the facts from the field. There is no reason

whatsoever to revisit discussion about independence. Basically, there will be no discussion about independence. I only wish to discuss with you all within the framework of special autonomy. If you wish to discuss this, well and good. Then there is nothing further I have to discuss with you.

*Nur Djuli*

We are but ordinary persons from the people of Aceh. Why don't we ask the people to determine their future themselves?

*Martti Ahtisaari*

If you have nothing to discuss like this Government offer in front of you, once again it is best you leave this room. There is no reason to debate all of this with you. If you are unhappy with the agenda which I proposed, which is your right, I would be delighted if you left this room right now and never return. You are just wasting my time. But remember, you will never receive any international support. I have stressed and clarified before that our discussion item here is on the matter of special autonomy. That is our framework. Remember, before you leave this room, I wish to say that your dreams for independence will never be realized; at least while I am still alive. I will apply all my influence so that you will never ever receive any international support whatsoever. OK, please leave the room. Mary, would you please open the door for these gentlemen. As there is not one amongst you that wants to leave the room, it means that you wish to discuss this matter on my terms. We shall now start the discussions again.

*Nur Djuli*

We have already invited and ordered the people of Aceh to fight for independence. How is it now possible that you ask us to discuss this in the context of special autonomy?

*Martti Ahtisaari*

Patience and look at the facts. What is it that does not make sense. I sent you a letter many many days ago that our agenda would be special autonomy not independence.

**Juha Christensen**

How is it possible that you can make a decision without a rational assessment based on the facts at hand?

**Martti Ahtisaari**

It appears that you have rejected this offer. I only want to remind you that the agenda I sent all of you before you came here was about special autonomy nothing else. Remember that it was written as an integral part of my invitation to you. Do not drag in other matters. I believe that by your presence here it means that you have implicitly agreed to the invitation and to the agenda which I proposed to you at the start.

**Zaini Abdullah**

But this is only an informal meeting. It is not necessary to be too rigid like this, is it?

**Martti Ahtisaari**

Are you truthfully ready to open discussions with the Indonesian Government? Minister Awaludin opened with a concrete offer starting with amnesty. The Indonesian Government has come a long way on this. Minister Awaludin was very explicit and not feigning with this offer. What is clear is that independence will not ever be an agenda item nor will it ever be so. You will get little satisfaction as long as you live. This is clear?

**Malik Mahmud**

We understand this offer. Are there still other offers to be given to GAM? We feel we have been placed in a difficult position. The problem being that we have been asked to agree and accept something of which we don't yet understand the full form of the proposal.

**Nur Djuli**

Before in Tokyo, acceptance of Law No 18 of 2001 became the starting point of contention in these discussions. It also involved autonomy. But it did not work. Because of this, there is no point thinking about us.

**Hamid Awaludin**

Statements like that are very easily made. Try to see the facts in the field, including the people you claim as supporters and to be your people. They are suffering there. Try and open your eyes and ears as wide as possible to understand that the facts of life there are very bitter and hard for both sides in Aceh. There is no pleasant life there in Aceh. If today's statements are only deceptive, how can we want to talk about a better future?

**Martti Ahtisaari**

It is clear that the Indonesian Government will never entertain or discuss the matter of independence. And I understand that and support that point of view.

**Nurdin Abdurrachman**

We really have not rejected Law No 18 of 2001. But the military presence in Aceh is still defended by the government and the army continue to arrest people. How come?

**Hamid Awaludin**

All of what you have stated is purely a result, not the root cause. Because of this, what we want to resolve is the problem of the root cause not the result. If you wish that they (the military) were no longer there, then we shall discuss it from the perspective of special autonomy. I will guarantee you that your worries about the military will vanish. They are there because they are executing their responsibilities, ensuring security and providing the people with a guarantee that they will not be disturbed. This is a universal standard for the military.

**Martti Ahtisaari**

It is not necessary for us to waste time discussing things ten times. I don't see many options to start this dialogue of ours. If you don't want to start with Minister Awaludin's concrete offer of amnesty, then amnesty won't be offered again. This means we will all cry and regret this in the future.

Autonomy is in fact on the table. But the military presence wrecks all of it. Helicopters fly in and drop food but the people cannot eat it because the military are always there and prevent the people from receiving food. This happens often. How can you explain this?

*Hamid Awaludin*

I do not know for certain where you got this? It sounds like some fiction novel. What happened is exactly the opposite. Members of the military are very active assisting the people to lighten their suffering. Most of their equipment is being used in Aceh to help after the tsunami. How is it possible the opposite could happen? Further, this story is not logical. As you know, several hours after the tsunami struck, as minister responsible for immigration, I opened Aceh for aid workers from wherever to enter Aceh without the usual visa requirements. That meant in Aceh, there were many foreigners. Outsiders for themselves observed the military in action in the field. Yes, it is not possible that the military played up as you just described.

*Marti Ahitsaan*

It is like this, the Government really wants seriously to resolve this problem. Look at their delegation. There are two ministers here in the meeting. One of their other advisors is a senior minister is also here in town. This has never happened before in past attempts.

*Nuridin Abdurrahman*

That is no problem but our experience was that the Government betrayed us. We have no faith in them.

*Marti Ahitsaan*

Hey, look here. You are just wasting my time here.

*Puja*

Try to see it this way. We have two ministers as discussants at this table. We also have a Coordinating Minister in attendance in town. We

are here not to hear accusations but for brotherhood with the best of intentions. Everyone knows why the COHA agreement did not go ahead. With our new Government, there is a new commitment to resolve this problem.

*Martti Ahtisaari*

Let's break for coffee and tea. We will reconvene here in this room at 17.00 p.m.

#### **Fourth Session**

17.00 hrs

*Martti Ahtisaari*

I will let you two delegations discuss directly, independently of me. I will be a way from the meeting table. Please say what you want to one another without me. And do not raise all your bitter history. I need say no more. Your old wounds can be healed by means of resolving this conflict. Don't open old wounds. Try to discuss something that is realistic and that can be achieved.

*Juha Christensen*

I think the physical distance between the Indonesian delegation and GAM is too wide. Let us bring the tables closer to create a sort of family atmosphere.

*Hamid Awaludin*

That is so. All of our differences we must put first to one side. Our agreement post-tsunami is that the people of Aceh whether GAM or not are suffering badly. Imagine orphans endlessly weeping. They are many under 8. Their cute bodies are drawn toward us here asking for our help. Try and feel touched by these cute innocent kids. While we remain normal human beings we will certainly help. See, concrete and constructive negotiations will help these cute kids. This is away to stop the tears that I

just mentioned. Please remember yesterday when Minister Sofyan sobbed trying to explain what had happened in Aceh post-tsunami. He was the first government official to land in Aceh, the same day after the tsunami struck on that fateful morning. Pak Sofyan was unable to describe it. He wept, not because he is an actor, but his emotions prevented him from describing the horrors of that destruction.

### *Sofyan Djalil*

We departed from Jakarta with high hopes to resolve this matter. The basic problem is finished. The army will be pulled out. Villagers in Aceh pray for all of us. We have already held three general elections of international standard. Not a soul was killed. I followed SBY from the beginning. I know this is his program to resolve the Aceh problem with dignity. What happens if international aid does not happen? Aceh will submerge. The guarantee of aid is for all of us if our talks are successful it means we have peace. What would happen if an aid worker is murdered or kidnapped like in East Timor? They would all leave. Reconstruction and rehabilitation efforts would jam up and end then and there. There would be no contractors willing to enter Aceh.

### *Nur Djuli*

We are all grateful of your presence here. All of you. I am sure that we both face the same desires and the same difficulties. We have a similar point of view. Come let us not push one against one another. Once again, do not think of us as GAM. What you need to consider is that your Parliament has not approved of this dialogue. We too have people who need to be convinced. For certain we cannot resolve this with only 1, 2 or 3 days.

### *Sofyan Djalil*

In a substantive sense, special autonomy is like a united federal state system. We understand the Acehnese. We have always stuck to the principle: "Instead of being crooked, it is better being dead." We have never said GAM surrendered. What is essential is that this conflict ends.

Let us return to the Truce of *Ubudiyah*<sup>29</sup>. The term is not important but the substance is. We will pay attention to those members of GAM who have no skills. We will not trouble you with that because you have lived for a long time overseas in a developed country. In the rehabilitation and reconstruction of Aceh we will turnover some 50 trillion rupiah<sup>30</sup>. A fantastic amount with which to open new employment opportunities. If this does not happen do not blame the Government. For certain we can convince both our Parliament and our military.

*Nurdin Abdurrachman*

All of the elections you mentioned were very undemocratic. How is it possible you talk of regulation? Regulations do not represent the people. The people can't go anywhere.

*Hamid Awaludin*

I will be very angry if you consider our election not to be fair. The one with the most authority to speak on elections is me. I am the former head of the General Election Committee which organised those elections. If you consider our general election to be undemocratic, then you slander the international community who were present as election observers, including Jimmy Carter, the former President of USA. Thousands of foreign observers from independent institutions oversaw our elections. Straightaway, they expressed their appreciation that our election was very democratic, fair, open and honest. Remember we have very accurate electoral rolls reflecting both population and voters who would exercise their vote. So don't you try to assess our election in any negative terms? This election gave birth to the current and a most legitimate government which has an extraordinary commitment, and clearly so, to resolve the

<sup>29</sup> The Truce of *Ubudiyah* is the great watershed in the ascendancy of Prophet Muhammad in the Hejaz. After the decisive battle of Badr in 624 when the Qurasyhi, the tribal inhabitants of Mecca were soundly defeated, the Prophet attempted to enter Mecca to make a pilgrimage around the Ka'aba and was obstructed by the Qurasyhi. At *Ubudiyah*, outside of Mecca a ten year truce in hostilities was entered into between the Prophet and his Followers with the Qurasyhi. Shortly thereafter, the Prophet was admitted to Mecca to perform his pilgrimage and accepting changed realities the Qurasyhi gradually entered Islam.

<sup>30</sup> US\$ 5.5 billion.

Aceh problem permanently, comprehensively and with dignity. This is the modality of the present Government.

*Nur Djuli*

I do not want to know anymore from what point we start. All of your offers are the promises of heaven. What happens if with these promises of aid and economic reconstruction for us, and if the Government goes bankrupt? No money to pay monthly salaries of civil servants and are you going to go begging to the IMF?

*Hamid Awaludin*

Ah, it is hard to talk with a person like you who lives in a fantasy world. The outlook of persons who live in such a fantasy is to wander around either deluded or thinking evil.

*Nurdin Abdurrahman*

You only want to talk to us because you are forced to do so by the tsunami.

*Hamid Awaludin*

Your mistake here is pretty fundamental. Forced in this context means it has just now become an issue. Personally I have been involved since mid-2002. There was a time when Dr Farid and I travelled to Holland several times to Holland seeking a breakthrough and to open up with GAM and make a roadway to peace. As well we went to Malaysia, Singapore, and Batam with Dr Farid and others. You probably are unaware that I held lengthy talks with Mustafa Said, Yusron from Denmark, and Harun from Malaysia. In fact, I just learnt of your name.

*Zaini Abdullah*

My point here is directed to Pak Sofyan. In your opinion why did the Acehnese weep when COHA was signed?

*Sofyan Djajil*

Because of incorrect and faulted explanations.

*Zaini Abdullah*

Why was Tokyo all of a sudden chopped? Now we have new offers. The Acehnese want freedom. Aceh is a nation which formed in 1600.

*Hamid Awaludin*

It is already dark. We will continue tomorrow. May we all rest comfortably tonight. Perhaps Tengku Malik wants to go off to a karaoke bar tonight with Dr Farid?

Second Day, 29 January 2005

First Session, 10.00 a.m.

*Martti Ahtisaari*

What are we really seeking here and what is our aim? What is wanted is a total solution. We must agree to this framework if we wish to continue. I would like you both to talk directly to one another: The Government of Indonesia and GAM. I will leave you and if needed I will be in my room on the second floor. Please commence your dialogue between yourselves. Happy discussions!

*Hamid Awaludin*

I think this morning will be the morning in the future noted by history. Why? This is the first time both parties who have been quarrelling for three decades, sit at the same table, meet to discuss matters directly without a mediator. I invite our GAM friends to understand what President Ahtisaari meant by freeing us to talk openly, just between the two of us. Let all our psychological hang-ups disappear. Let our faith guide our discussions.

*Nur Djuli*

I do not agree that we should discuss things in *Bahasa Indonesia*. Let us stick with English.

*Hamid Awaludin*

We are all proficient with *Bahasa*. Furthermore, the problems we are addressing are Indonesian problems. It feels far better to use our own language. Let us all feel as though we are in Aceh enjoying Acehnese food. In *Bahasa* we can explain freely without having to consider semantics.

*Nur Djuli*

We are good at English. And we started the talks in English, so why do we have to change?

*Hamid Awaludin*

That is true. Except we used English because President Ahtisaari as facilitator does not speak Indonesian. Now he has invited us to meet directly with out his presence. So there is no reason to use English any more. In *Bahasa* we can be poetic and make *pantuns*<sup>31</sup> and so on. That would be nicer and we will aim to do that later. Supposing Dr Farid, Pak Puja, Pak Usman Basya and I all could speak Acehnese, I would suggest we speak in Acehnese.

*Nur Djuli*

There is no point in searching for excuses. We stick to what we did yesterday.

*Sofyan Djalil*

Yes, what is the problem if we use our own languages?

<sup>31</sup> A *pantun* is an Indonesian and Malay verse form consisting of a quatrain often composed instantaneously and recited at and often requires a *pantun* response.

*Nur Djuli*

Then what's the problem using English?

*Hamid Awaludin*

Rather than fight which is wasting time it might be best if we find a middle of the road solution: Not Bahasa and also not English, so why don't we use *Bahasa Melayu*?<sup>32</sup>

*Sofyan Djalil*

That's good!

*Malik Mahmud*

May this morning be the meeting point of agreement of the problems we face together? Brothers, we all individually know we have a very urgent agenda to be met and we must also make preparations for the next meeting.

*Nurdin Abdurrachman*

Today, we must make a resolution. We must take the first step in implementing humanitarian aid to Aceh. It is essential, apart from substantive matters, we discuss future implementation.

*Sofyan Djalil*

What is important is that our discussion framework is the Aceh Law as the way of entry into our early discussions. Stopping the conflict is not in the framework of the ceasefire. We stop the conflict totally. That is the framework.

<sup>32</sup> Bahasa Melayu is Malay widely spoken in the coastal areas of Indonesia and of course, is the national language of Malaysia and Singapore. It is almost identical to Bahasa Indonesia.

*Nur Djuli*

Our framework is to stop the conflict within the framework of the Aceh legislation. Is that the substance of the legislation? Is that what we really want to discuss?

*Sofyan Djalil*

We have already reached low tide. We can't just pull the army out of Aceh like that. We will seek a solution while Aceh stays put as usual.

*Nurdin Abdurrahman*

We have to end the conflict first then talk. That is our condition.

*Sofyan Djalil*

You can say whatever you like on anything because you are free to read whatever you want to without feeling persecuted. You stay overseas in a high income community. You live well. Try to see and experience yourself the bitterness of life in Aceh today. Never could you imagine living on the steep slopes of those cold mountains, or the heat or probably the hunger? That is the way your boys live. Not like the average person. Try and visualize this.

*Nurdin Abdurrahman*

You have never experienced having your fingernails pulled out by your army.

Look at my fingernails. I was imprisoned and assaulted there.

*Hamid Awaludin*

I wish to remind you that any ceasefire means stagnation. We have tried that in the past and it resulted in nothing. Let us learn something from the past.

**Zaini Abdullah**

Developing trust is very important. Look what happened in the past as being extremely relevant for future action. Past experience is the best teacher. We wish to study beforehand what has been offered by the Government.

**Hamid Awaludin**

Yes, please study our written proposal. Please also understand the prevailing conditions in Aceh at the moment.

**Sofyan Djajil**

You study it while perhaps at the same time you should organise a seminar on the Aceh law.

**Nurdin Abdurrachman**

In the field, without stopping armed contact now, the fighting and military operations will continue. Everything we have discussed so far now will have no meaning whatsoever.

**Bachtiar Abdullah**

The reality in Aceh post-tsunami is a reality which does not affect GAM at all because we are always cornered. Because of that we must fix the field conditions before we continue our discussions.

**Puja**

I only wish to make a small contribution to this discussion. It is linked to the Aceh Law. In fact this was discussed in Tokyo and has been in effect since 2001. My observation is that the confused perception is here. It is best that we do not open up old wounds because I have plenty of reasons why the Tokyo talks failed.

**Zaini Abdullah**

How can we accept this offer from such a young person whom we do not even know and have not seen before?

**Nurdin Abdurrachman**

On the matter of the Aceh Law, we can discuss that anytime. Is it correct that this law reflects the needs and aspirations of the Acehnese people?

**Hamid Awaludin**

I am the person who will speak on any matter required. We are not meeting here just because you go around over and over again over the past and on the ceasefire. We are getting nowhere. Not slightest advance at all. You all give no room to move in any other direction. Once again, I repeat, we do not want a stop to the armed conflict because it is both temporary and partial. We want something that is both total and permanent. We asked for a program, the one we offered but you refuse to discuss it. What do we do? Let us try to think not in the box of self-importance but in the box of what Aceh needs right across the board. The people of Aceh wish to live untroubled without any disturbance whatsoever. The people of Aceh want to rebuild this destruction. The women of Aceh no longer want to be widows caused by violence. The children of Aceh do not want to be orphaned. The people of Aceh want to go to the prayer house in peace or disturbance whenever they wish. The people of Aceh want schools so as to support a brighter future. The people of Aceh want to be able to chat in their coffee shops. Think about all of this!

**Malik Mahmud**

I think this new Indonesian Government is a very progressive one. The Acehnese and the Bugis have similar roots of origin.

The Acehnese, like the Bugis, want to live in their own homes - a pretty home managed by the owner himself. We will get there Pak Hamid. Because of this, we must forget all past obstacles. It is improbable that our dreams will come true all at once. In a way the tsunami brought a blessing in that world attention is now focussed on Aceh. We understand all of these facts. COHA is like a mouldy old book.

*Hamid Awaludin*

Let's take a break for tea and coffee. We will reconvene at 12.00 sharp.

*Continuing Discussion*

12.00 a.m.

*Hamid Awaludin*

Thank you. We have returned to the peace table. During the break, Tengku Malik, and Dr Zaini Abdullah and I went for a walk outside in the midst of this biting cold. There we reflected that we were all cool-headed and relaxed about continuing the talks here. We have left just one hour to continue this discussion.

*Sofyan Djalil*

The Government is not just about efforts to overcome obstacles but has made you a significant offer. Except our discussions so far have only gone around in circles. So far we have not touched on the nub of the problem. Substantive discussions between us will overcome any obstacles. This is our logic. You invariably talk of the past. That has happened and that is now history.

How can we come to agreement on this? Everyone's hopes are concentrated on us in this room. Come, let us find a way out, not by reliving the past. Our Government position is firm: The Aceh Law is the framework reference for action. Prosperity, justice, self-worth - all of which we will achieve if we address the future seriously. To do this, the Government will remain firm in its position: Solve the Aceh problem permanently and totally, once and for all.

*Hamid Awaludin*

Yes, Pak Sofyan, that is so true. The problems of justice, respect, good fortune, prosperity are our ideal aim. All of this will only be illusory should we continue to go around in circles over past history. Every nation

and every citizen has a past period of bitterness. Does this bitter experience make us daydream, continuing to be miserable? We would be extremely egotistical if we agreed to this. We have to think of the fate of our children and grandchildren here, who need education, and who need to live in calm and peace. Let us be courageous and make something great so that in time to come we are never damned by our children and grandchildren. This is the time we must take the initiative to dip our pen in the ink of history to write that Aceh can return to peace. Not an Aceh that is always in tumult. Not an Aceh that trembles in fear.

*Zaini Abdullah*

All of us tried even if we did not achieve agreement. In these two days we have endeavoured to reach agreement but here we have faced some obstacles. On our next meeting probably we will be able to do so. Rather than quarrel with one another, it best we conclude this round of talks. We are forbidden on religious grounds, including Islam, to quarrel and force one another. What can we do? Today we still have obstacles which prevent us from continuing these talks. We understand the Government's position but please could the Government try to understand our position. Here we have no one who forces and no one who pressures us.

*Nuridin Abdurrachman*

We will keep an open door. There are possibilities that our dialogue will remain open. But beforehand we must stop armed contact in the field. That is a condition.

*Hamid Awaludin*

Although GAM may have a pessimistic view of these talks of ours so far, I am of the firm opinion that they have been of benefit. At least there are several points I would like to put forward. First, we sit at the peace table neatly dressed, with ties and jackets while our boys are in the field cold and hungry and threatened in the battlefield. Second, it is clear now that GAM just wants to play out the talks. Third, the good intentions of the Indonesian Government are quite clear in sending three ministers here to Helsinki. Fourth, we came with a firm and concrete offer. Fifth, we have

shown we can meet directly. This is a new breakthrough in as long as the conflict has been going on. At least we got to know one another. I now know Tengku Malik and Dr Zaini Abdullah and the others. For example I now know that Tengku Malik loves Bugis schooners and he had asked me to take him to the land of the Bugis to see the construction of one when we have peace. And I will honour that promise to him.

*Sofyan Djalil*

The world will accuse us all. Our concessions you have so far refused. May God bless us all. There are no personal differences here. We only have differing visions. If this continues, there is no point in arranging the next meeting. Brothers you may have burnt your bridges. For certain, the news in Jakarta will be GAM rejects offer of peace.

*Juha Christensen*

President Ahtisaari has scheduled the next meeting on 14 February 2005. This will not be implemented if either party disagrees.

*Sofyan Djalil*

The Government came here because we were convinced the Aceh Law would be accepted by GAM as a sound basis for our discussions. If the next meeting does create a wider and more open road, then there is little point in us returning here.

*Hamid Awaludin*

Come let's have lunch. I have seen that lunch looks pretty tempting. We will savour some deer. Perhaps in the future we will be able to run like a deer in solving Aceh's problems. I presume Tengku Malik has no objections to our lunch break?

**Final Meeting**

14.15 p.m.

***Martti Ahtisaari***

I am given to understand you each have your respective positions but not yet have found any point of agreement. I have just spoken with Minister Awaludin. I gather that the Government is serious about an Aceh solution.

***Hamid Awaludin***

In fact, GAM started with the attitude that we were differing with them. That does not matter. There are no meeting points without initial differences.

***Malik Mahmud***

We had high hopes yesterday, but this morning suddenly we felt there were differences between us. In truth, both parties have the same aim. Except we have chosen a different way to arrive at the same end point - peace. This is our position now.

***Hamid Awaludin***

Yes, Tengku Malik who is always wise and learned. What is important for us is that our aim remains the same. The roads may be different, but only temporarily. Except there will ultimately be a main road agreed to and jointly used. Let us get this underway smartly in the following days. Like that Tengku Malik?

***Martti Ahtisaari***

Have you both already discussed my good offer for the next round of talks?

**Malik Mahmud**

Yes.

**Hamid Awaludin**

We do not need to discuss this further as this is our ultimate aim. We came here to bring good news wishing to create peace. Thus all our initiatives to this end, we have exceeded. Thanks to God! We wish to repeat our position. The following task must be a discussion on special autonomy, a total and permanent end to the conflict, along with offers and concrete action and with all technical matters to be resolved in this conflict in a dignified manner.

On behalf of the Indonesian delegation I wish to express my thanks to the GAM delegation for their willingness to clear a smooth roadway to peace in Aceh. Thank you President Ahtisaari and your staff too for their sincerity as facilitator. May we all return to our respective homes safely. While we are in the aircraft flying over Aceh we will look below and imagine our people who need peace from us above. This peace depends totally on us above in the aircraft.

**Martti Ahtisaari**

Both of you have advanced a bit. You now both already want to meet directly. I am prepared and determined to be facilitator in your next round which should happen as soon as possible. I have to postpone a number of my own appointments next month to accommodate your Aceh problem. I wish to repeat and stress, that our next discussions must include: First, discussions on special autonomy for Aceh. Second, amnesty and associated procedures. Third, security arrangements. Fourth, a future security monitoring system. I offer for you to consider the good services of the EU cooperating with ASEAN countries to shoulder some of this security burden. Fifth, there must be discussions on the staging of this achievement along with a timetable. I will expend all my ability to achieve these five points. I will brief the press that both parties are serious in their wishes to resolve the Aceh problem permanently, totally and in a dignified manner.

Goodbye and we will meet again for the next round of our dialogue.



*Rear view of Köningstedt Manor, our meeting place in Vantaa, Finland.*



*Front view of Köningstedt Manor.*



*The Meeting Table: On the left, the Indonesian Delegation and one the right GAM the Delegation*



*The Indonesian Delegation, from the left: Puja Wisesa, Farid Husein, Sofyan Djali, Martti Ahtisaari, Hamid Awaludin and Usman Basya - in the first days of the peace talks at the height of winter.*



*Martti Ahtisaari (left), Hamid Awaludin (centre) and Sofyan Djalil (right) discussing the final draft of the MOU.*



*Lobbying between Hamid Awaludin and Martii Ahtisaari.*



*Hamid Awaludin (centre), Malik Machmud (right) and Zaini Abdullah (left) headed towards the stream for a heart to heart chat.*



*Lobbying between Hamid Awaludin, Malik Machmud, Martti Ahtisaari, and Zaini Abdullah trying to break a dead lock on the talks.*



*Hamid Awaludin telephoning the Vice President from Helsinki regarding local political parties which almost brought the talks to a complete halt.*



*Malik Machmud, Leader of the GAM Delegation, ringing his troops in the jungles of Aceh during a break in the peace talks.*



*Hamid Awaludin, Malik Machmud and Martti Ahtisaari joining hands after initialing the MOU on 17 July 2005.*

## ROUND TWO - MUTUAL OFFERS

The second round of talks started to touch on substantive issues while the differences of attitudes and positions between the Government and GAM remained prominent. In this second round, earlier on GAM appeared to have changed their attitude and started to listen actively to the Government offers.

The proposed agenda for this round was: Special autonomy (government) versus government by GAM themselves. Both sides defended their respective positions. The Government spokesman Sofyan Djalil explained at great lengths the meaning of special autonomy; even going to the length of detailing financial income statistics which would occur under the concept of special autonomy.

From the very outset the real purpose of this second round of discussions was special autonomy, amnesty and other efforts to facilitate agreement, security arrangements, monitoring of the commitment and a time frame. The Indonesian Government delegation was more than ready to discuss those issues and was well prepared. Except the GAM delegation was implacable, only wanting to discuss one single agenda item that of self government.

The origins of GAM's insistence on only self-government was readily identifiable. This idea and demand came from Damien Kingsbury, the GAM advisor, an Australian national and academic. Their stand could be linked to an item run by Associated Press on 21 February 2005 where among other things it stated that GAM demanded

the withdrawal of 50,000 TNI troops from Aceh and self government. TNI was certainly a part of the problem not a separable part of the overall solution.

It seemed in this round we were both stagnating. Ahtisaari asked me to meet with him privately. After this meeting, Ahtisaari asked Malik Mahmud to join the meeting where Ahtisaari tried to convince Malik Mahmud that the concept of self government was extremely difficult for the Government for it was contrary to our Constitution. To find a way around this, Ahtisaari proposed to both of us a neutral semantic option of self-government within the unitary state of Indonesia. This terminology suggested by Ahtisaari attenuated GAM's aggressiveness demanding the use of the term self-government.

Ahtisaari's intervention at this point was really timely and significant. There was no difference at all in meaning with the term special autonomy. This was Ahtisaari's skill in formulating alternative wording bridging this gaping difference. He was able to find a middle of the road solution to the differences which were uncomplicated and basically simple.

After the first day when the problem of terminology was settled GAM's aggressive approach returned. Malik Mahmud took the thread of history back to the fifteen century, the period of a successful kingdom. "Aceh has been known since the fifteenth century. We have struggled to resist colonialists. Historically Aceh has never permitted outside intervention," said Malik. Nurdin Abdurrahman even tried to steer the discussion way from special autonomy. He loudly proposed a zone of peace in Aceh supervised by an independent third party. This was supported by Bachtiar Abdullah who said, "The context of our discussion is really a discussion on security arrangements.

Seeing the signs that GAM in our talks was now trying to side-line our offer, I decided to become firmer. "We have really gone backwards in these talks. The GAM side wants to go around in endless circles. Pak Malik once again drew us into the past again. No solution was offered. Again this is not the time to discuss the past. "This is not the time to discuss something that is unrealistic in our opening a road to peace. Let's discuss matters in a format that is both constructive and seeking solutions. Don't use countering rhetoric. It has no effect whatsoever," I said.

My position was endorsed by Sofyan Djalil who intervened by saying, "We are getting nowhere here. We had expected that special autonomy would be the foundation of our discussions here. It appears that GAM really does not want to move forward. This is disturbing us greatly."

Fortunately, our firm position was supported by Ahtisaari. He said, "Once again, there is no urgency if we are discussing things which are outside the context of special autonomy. If this continues, it is best that I close the talks and say goodbye. Here again I have to stress that I am unable to accept the reason for you rejecting the framework and offer of special autonomy. It is unnecessary for you all to come here to mourn the past. We must go forward. For all of this, it is imperative that we discuss the consequences of the offer of special autonomy for Aceh."

Ahtisaari's firm stance as our meeting mediator was also reflected by his fierce body language. "So far we have heard no substantive counter offer or thoughts from GAM on special autonomy. My impression is that GAM have not even looked at the Indonesian Government's offer. We are just wasting time here. I do not need your rhetoric," he stated.

Seeing Ahtisaari about to explode the GAM spokesman Nur Djuli attempted to ingratiate himself, saying "Both sides in fact are ready to discuss this. It is only a difference of point of view on terminology, that is referendum and special autonomy," said Nur Djuli.

Now the GAM spokesman's statement really made Ahtisaari explode, "I really beg to differ with you. We cannot make fools of ourselves like this. Your concept and desire for a referendum are impossible. It is outside the purview of common sense. This concept is just not in our vehicle. Each vehicle has only special autonomy. Only that is on offer..... Once again, do not always bring up mourning for the past. Search for a practical solution. I appreciate you all have difficulties," added Ahtisaari breathing deeply recovering from his anger.

GAM's attitude of going around and around in circles over past history was aimed to prevent substantive discussions as in our outlined agenda program was a tactic to weigh down their negotiating position

with our Government. Their assumption being that by this tactic our Government would make further concessions to GAM while the context remained special autonomy. From the very beginning, GAM already knew that these peace talks would never broach the subject of independence and a referendum. However, the Helsinki peace talks continued with spirit and motivation over special autonomy. Certainly, the suggestion that Law No 18 of 2001 regarding Special Autonomy for Aceh needed improvement was correct. This was the ultimate aim of our talks.

Another matter needed to be addressed was that GAM had only studied Law No 18. More importantly, GAM had never looked at Law Regarding Regional Government which today amongst other things regulated the authority of regional governments in Indonesia. This placed the Government delegation in an excellent negotiating position.

Sofyan Djalil and I comfortably replied and confirmed GAM demands because all of it was set out in this piece of legislation. Except this weapon of ours we were not going to deploy just now. We were going to save it for later ammunition. In a meeting chaired by the VP prior to our departure for this second round of talks the whole session was devoted to an active discussion in great detail about regional autonomy which was involving a number of government agencies. So, Sofyan Djalil and I were well briefed and truly ready.

After Ahtisaari showed his firm resolve and the Government too, GAM started to speak about a timetable that is for special autonomy. Linked to this was that GAM did not directly bring up special autonomy but cleverly commenced with the issue of political parties, local elections and revenue sharing. Particularly, on this last point, of revenue sharing, GAM roared on. "The Acehnese must be seen to making the offer not just accepting it," said the GAM spokesman Nurdin Abdurrahman. He went on to say that the Government's economic compensation package was "Only an attempt to bribe GAM."

Inevitably, GAM raised the issue of human rights in Aceh. Here Nurdin proposed that the human rights issues should be brought before an international court. As per usual he only spoke of his personal case

of assault as the only basis for any discussion. Because of this Nurdin pressed for all TNI and police personnel who had committed human rights violations to be brought before an independent international body.

Sofyan adroitly reacted to this by saying, "Not only TNI and police personnel but GAM as well. Those who committed human rights violations were not just TNI and the police, but GAM also.

Later I joined in, "How come then police, army and civilians were sadistically slaughtered. How were schools burnt down and destroying the future of Acehnese children? It is very unlikely that the Government would burn down schools as they are government property. Burning down schools is like slaughtering the future of our children. This too is a pretty basic violation of human rights."

Seeing the debate between GAM and the Government had heated up over human rights, Ahtisaari lead in, "One of the many difficulties of life which we have experienced is dealing with the past. Be careful on this point. With all my respect to the present Government, much has been achieved by them in this area. Minister Awaludin absolutely did not claim that Indonesia is totally free of human rights violations. My country is much the same. Except, do not allow this to prolong the sadness of the past. I do not mean to say we sweep it under the carpet. This is what we mean by good intentions. For sure there will always be things that cause regret and dissatisfaction. We need courage to face this but move on. In brief, human rights problems are a problem for the future."

The reason behind Ahtisaari's forthrightness was any discussion about human rights was a matter for the future, not the past. Even GAM did not want anymore to be involved in past human rights issues. What then did GAM want over previous human rights violations? Both parties, including Ahtisaari agreed to resolve this through reconciliation. Innumerable times, Ahtisaari requested GAM to think clearly and realistically. For Ahtisaari, human rights issues were history and could only open a Pandora's Box which in turn would not achieve peace but just the exact opposite. Because of this, he always looked at the context in the future.

Along with this, Ahtisaari asked me if I would give the meeting an overview of the development of human rights in Indonesia. Here, I explained that in Indonesia, we were well advanced because almost all international legal treaties on human rights had been ratified. Indonesia itself had the two main pillars supporting human rights. They were the Law regarding Human Rights and the Law regarding Human Rights Courts. Our independent National Committee for Human Rights had existed for a long time and functioned well. In the area of press freedom, I said, probably Indonesia was one of the few countries in the world which had opened a wide corridor in this area. The formation of political parties was reasonably straightforward. Thus, Indonesia had changed a lot and fundamentally. GAM should see these changes as spectacular.

Following my explanation, Ahtisaari strongly supported me by praising the efforts of the Indonesian Government, adding, "The Indonesian Government has shown signs as a serious government tackling corruption, and is far more democratic today. I have followed these developments in detail along with the positive opinions of other EU countries."

Apart from human rights, GAM started to focus on granting amnesty, economic compensation and Islamic canon law (*Qanun*). With amnesty GAM warmly welcomed the Government offer. Except GAM wanted the release of all GAM detainees from prisons and detention centres prior to the peace talks. On the other hand, the Government position was that amnesty would be granted only after a total peace agreement was signed sealed and delivered. So, although amnesty was one of the points for the peace agreement but we were at loggerheads. Consequently, discussions became stuck again. Ahtisaari invited me and Malik Mahmud to meet him in private. Open proceedings were suspended temporarily.

Ahtisaari, Malik and I sought to find a way out of this dead end. I said that GAM should not worry about the Government honouring its commitment to granting amnesty. The Government had a good record of many grants amnesty from past to the present. Every one of them had been fulfilled. Further, the process to grant amnesty fell directly under me as Minister of Justice and Human Rights. I will settle all of this within 30 days after we sign the agreement," I promised them.

Ahtisaari continued, "I strongly believe you Minister Awaludin. Could I speak to your Vice President on this? Immediately, I rang on my cell phone and the two of them spoke for 7 minutes. After which Ahtisaari gave a thumbs up to Malik Mahmud, saying, "I have been given a guarantee from the Vice President that the grant amnesty will be the first thing the Government will do after an agreement is signed. He has also given Minister Awaludin full authority to arrange it. So we need no longer to worry about that problem. It is best you three talk about this while strolling around the lake at the back."

Malik Mahmud, Zaini Abdullah and I took our stroll in the half-cold. Malik could accept that amnesty would be granted afterwards. He continued to urge for that some of their men who were part of the way through their prison sentences could be released to join our next round of talks. They were Tengku Usman Lampoh Awe, Tengku Kamaruzzaman and Amni bin Ahmad Marjuki.

I said to the head of the Aceh delegation that I would apply my best efforts to do so. Except, I had to add that this had never happened before where a person serving a prison sentence was released and allowed to go overseas for talks? "Will this cause a wave of protests which will upset our talks," I asked. Further, I would have to contact the Supreme Court on this matter. Everything that was possible I would carefully study.

When I later arrived in Jakarta I said I would certainly visit these men in Sukamiskin Prison, Bandung. Hearing this Malik hugged me saying he fully believed in me. Zaini Abdullah underscored this saying they entrusted all of this to me, adding what was important is that I meet with them and tell them that we are halfway through our struggle for all of them. "For sure, Tengku, I will do all of that," I responded. On hearing the conviction in my voice, both Malik Mahmud and Zaini Abdullah smiled widely and invited me back to the peace table.

The Government lobby worked. When our discussions recommenced Malik Mahmud said he had no further reservations about our amnesty proposals. He went on to stress, "All matters, fellow discussants, will be handled by Pak Hamid." Except Nur Djuli and Nurdin Abdurrachman were actively stirring up further problems

over other aspects over human rights. I reacted to this by saying, "All of this will be responded to in a dignified manner through the mechanics of our amnesty. This will be the golden bridge which we will use to bury all of this. What was certain was that all prisoners who fulfil specific criteria will be returned to Aceh and their families. "Let the jails where they were held be desolate. We will see cells that are empty because their occupants will be free.....I do fear that these prisoners may long for their old campus, that is the jail and if that happens I will deny reunion at their alma mater," I joked.

After dealing with substantive issues principally amnesty and human rights, GAM suggested at the next round of talks that they be permitted to bring their team of experts to the peace table. Spontaneously I replied, provided that they only explained and articulated GAM's wishes there would be no problems. This team of experts could not be admitted as part of the GAM delegation. "Our format must remain the same. It is unchangeable including the membership of the discussants. You cannot add or bring in new members. Our problems will then revert back to the beginning again. Consistency is essential. The Government will not bring anyone else in as we are locked in by a presidential mandate and we all know the problems we wish to discuss. Yes, we do not need any additions," I said.

Underlying this appeal was that GAM wanted to introduce Damien Kingsbury, their adviser, and have him join our peace talks. Also, GAM wanted to bring in Siti Saddiyah Marhaban, a GAM member resident in the USA. Our Government spokesman was well aware of this. If we let this happen, it had high potential to bring all our discussions back to square one again. For us Kingsbury was the brains behind GAM which either way could be negative or positive. This was supported by the fact that Kingsbury often ran articles in the press which could heat up the situation. Our gamble was, after considering the options, that we drew the line at the current format, participants and not to change it in any way.

Regarding Kingsbury, Sofyan Djalil said immediately that "We must limit ourselves making public statements. Kingsbury, as the GAM political adviser, often makes public statements on behalf of

GAM. We have to be really careful with this as he may create further new difficulties."

I added to Sofyan's resolute attitude by saying, "The Government of Indonesia is only talking to the GAM members who are present in this room at present. Kingsbury does not represent the aspirations and hopes of GAM and GAM better let Kingsbury know this. His statements could either cloud or confuse the problem which would of course delay our peace process. It would help if Kingsbury does not pretend to know all about Indonesia, including Aceh."

It seemed that Sofyan not entirely satisfied over my feelings towards Kingsbury rejoined loudly with "Kingsbury's press statements are extremely sensitive in our country. He can make these statements as he likes without any responsibility or accountability as he is not Indonesian. He really does not fully comprehend our domestic matters."

I completed the Government's position saying, "It is probably best if GAM convince Kingsbury that we read books too and have a university education as well. Do not let him have pretensions of a monopoly on knowledge."

Our firm stand about Kingsbury was supported by Ahtisaari. He said, "General statements are permissible. However, persons who are not directly involved in the dialogue at this table are not permitted arbitrarily to make statements as this will only create further problems for us all. He does not know exactly what transpired at our table. He is only guessing."

After this when all seemed more relaxed, Ahtisaari skilfully proposed that both parties now focus themselves on the concept of special autonomy which had been proposed by the Indonesian Government and the subsequent mechanics for monitoring it. First, Ahtisaari offered the gathering a Finnish legal expert on administrative law to study the Special Autonomy Law and the Law regarding Regional Autonomy. On the subject of monitoring, Ahtisaari suggested a Finnish general who was well versed in monitoring the implementation of a peace agreement.

At the end, the second round closed on this note that the next round would discuss general elections, including local elections, an audit system for revenue sharing, the presence of the army and

Brimob<sup>30</sup> in Aceh, surrender of GAM weapons, and compensation for integration.

Moreover, in this second round, the concept was starting to emerge that we would conclude with an agreement in the form of a Memorandum of Understanding between the Government and GAM. Participants also agreed that our discussions should end in July 2005 and the signing would take place in August 2005, before the celebrations for the Proclamation of Indonesian Independence, our National Day, 17 August 2005.

The following are my notes from our discussions:

### First Day, 21 February 2005

10.37 a.m.

#### *Martti Ahtisaari*

Welcome back. Thank you all for your attendance at this second round of talks. To discuss our problems in detail we will follow the program I have prepared for you. I stress that our meeting is entirely informal. My plan is for us to discuss the major issue in front of us and then tomorrow we can move into the details. Our discussion must address the matter of special autonomy. I am ready to discuss this with you. Except I have to leave on Wednesday afternoon so let us make the most of our precious time. OK, let's start with the main item, special autonomy. I wish to hear the Indonesia Government's view on this.

#### *Hamid Awaludin*

Thank you Mr President for all your efforts and the initiative you have put in as our facilitator. What you have done so far is a great humanitarian mission not just about special autonomy for Aceh. Our discussions here

<sup>30</sup> Brimob are the para-military arm of the Indonesian Police force.

fall within the overall framework about ending the violence and stopping the killing of human beings. This is something that is universal in nature. Talking about special autonomy means talking about the empowerment of the Acehnese community in a wide range of issues within the context of the unitary state of the Republic of Indonesia. Special autonomy means decentralisation from the centre to the provinces. If this is the framework used by us, then the Indonesian Government is extremely sincere on this point. The facts are that we have already implemented this in all provinces throughout Indonesia since 1999. Special autonomy means that the central government reserves unto itself the matters of defence and security, foreign policy, finance, religion and law. This is the broad format. More specifically for Aceh, this means a percentage of revenue sharing that is 70% for Aceh, and the rest for the central government. In brief, special autonomy means there is greater space. Special autonomy means a greater space specifically for Aceh. Obviously, this space has a sort of flexibility. Because of this GAM, metaphorically speaking may take your arms and strive for a space which is more autonomous and more flexible.

Why are there still such residual responsibilities for the central government? We all of us understand that Indonesia is a state and nation which needs a glue to prevent it from fragmenting apart. Indonesia is a state and nation that mixes in the international community. Because of this, there are matters which require overall standardization. This is amongst other matter why we must have authority in these areas vested in the central government. These residual matters are the cement which bind us together in unity as a nation. This model of authority is like others in most developed and large countries. Not all of this happened at once. The USA is a concrete example of this. Now I invite my colleague Sofyan Djalil to make a wider analysis.

#### *Sofyan Djalil*

Thank you Pak Hamid. The issue of special autonomy is clear in Law No 18 of 2001. It is the same as what we have in Papua. This is said to be 'special' as it does not appear in any other legislation. This provides a high degree of flexibility and is in fact a countering balance to the centralisation of the past. We have allocated a greater portion of revenues to Aceh even though they have a smaller population. Since

1999 Indonesia has changed a lot. We now have an active democracy. Fair general elections have been held as explained by my colleague Pak Hamid in the last round. Political parties can be established whenever by whomever. We hope that in the future there will be no more bloodshed in Aceh: That there will be no more violent deaths of innocent people and that no more schools are burnt down. Our Government really wants to resolve this problem permanently and peacefully. If it is resolved there will be no more Brimob<sup>34</sup> and military, except those stationed locally for law and order purposes to protect villagers and citizens.

*Martti Ahtisaari*

Come let us focus on special autonomy. Are there regulations concerning decentralisation? Is there a timetable for local elections?

*Hamid Awaludin*

Our new regulations outline that local elections can be held in June. This does not mean that the election of governor or mayors or regents will all be elected this June. It will be after that.

*Martti Ahtisaari*

It seems as though your political system is extremely sensitive and I can really understand that. And it is much the same with the formation of political parties.

*Sofyan Djalil*

At the moment political parties in Indonesia are very dynamic.

*Juha Christensen*

Really how many registered voters are there in Aceh?

<sup>34</sup> Brimob an abbreviation for Brigade Mobil, the police para-military arm.

*Hamid Awaludin*

This is easy as we have pretty accurate data for this. We could use the data from the 2004 election.

*Martti Ahtisaari*

Let us now discuss our next agenda item. That is amnesty.

*Hamid Awaludin*

Amnesty, in a juridical sense, is the prerogative of the President; and we have already received both presidential and vice presidential instruction to offer amnesty. The history of Indonesia is a history of amnesty from time past to the present. The last being amnesty granted to former activists opponents of former President Suharto and those who were labelled communists. This occurred in 1999. In the context of Aceh, amnesty means the release of all detained GAM activists whether or not they are serving a criminal offence. Amnesty means a restoration and thus a new clean sheet of paper on their lives is opened. Amnesty means a return to civil and political rights. There is one exception that is Acehese who committed crimes which are totally unrelated to the GAM rebellion. We must be absolutely clear on this point.

*Sofyan Djalil*

Amnesty is an exit to end this conflict. GAM members under detention and became criminals will be immediately released. They can savour the air of freedom. After that we will initiate economic compensation.

*Ahtisaari*

What is on your mind regarding economic compensation?

*Sofyan Djalil*

The grant of compensation will be for GAM activists who repatriated to their families or relatives. Infrastructure compensation, for example,

airport construction to connect one area with another will probably include purchase of commuter aircraft. This all will have a symbolic meaning as well.

*Abtisaari*

I hope this is not the only idea and plan but it is a good offer for a start. What about education?

*Ranid Atwahudin*

As far as we know since the conflict started many schools were torched. We will rebuild this infrastructure.

*Sofyan Djaili*

After the tsunami, we have a lot of commitments to fix jointly this larger aspect of education in Aceh.

*Abtisaari*

What about GAM themselves?

*Sofyan Djaili*

They can become members of the armed forces or the police or work on plantations. This is all within the framework of rebuilding Aceh. All of this we offer for the resolution of the Aceh problem but with no referendum.

*Abtisaari*

There is no discussion about a referendum here only the involvement of all the people of Aceh in a democratic community. Do not smuggle into our agenda this item of referendum from the NGOs. I do not want it, not one bit!

*Sofyan Djalil*

If that is the case, we do not have a problem.

*Ahtisaari*

Now let us discuss the matter of security arrangements.

*Sofyan Djalil*

All of what we have been discussing has to be linked back to a total cessation of the conflict. We must seriously discuss the surrender of GAM arms.

*Ahtisaari*

A third party can handle the matter of GAM arms.

*Sofyan Djalil*

Our principle is that military withdrawal must be accompanied in parallel with the surrender of all GAM arms.

*Hamid Awaludin*

The principle is tit-for-tat. Cash and carry. We will have to do some calculations on this. How many weapons surrendered versus how many military withdrawn? Again this must be in an agreed time frame which is both clear and accurate.

*Ahtisaari*

I accept all of this. That is very important, and I want to re-stress this point. This is not an international problem. Although I have already discussed this with Koffi Anan, the Secretary General of the United Nations who too agrees that this is not an international problem. It is merely an internal Indonesian domestic matter. The only international involvement would be a monitoring team from the EU and ASEAN.

*Sofyan Djalil*

I think both sides can accept this formulation. We have no problem with it provided there are no further attempts to internationalize the issue. In this context, we need some clear rules of the game.

*Hamid Awaludin*

This is correct. What we are discussing here is an Indonesian internal problem - not an international one. It is important that we repeat this because this would have us thinking on a wider level which would make it difficult to solve our problem. Let us focus on the nub of the problem that is how to achieve in Aceh a total, permanent and dignified peace.

*Martti Ahtisaari*

Yes, this is best for both sides. Don't let something happen in the future which was one of the means we used to resolve this problem. I think it is time we stopped for lunch.

**2.15 p.m. after Lunch***Martti Ahtisaari*

I have just had a discussion with Minister Awaludin. I am convinced we will achieve what we set out to do because of Minister Awaludin's progressive, dynamic and optimistic outlook. I now invite the GAM delegation to respond to the Government of Indonesia.

*Malik Mahmud* (reading from a text)

Hasan Di Tiro sought a total solution. Aceh has been known as a country since the 15<sup>th</sup> Century. We have fought against the tyranny of colonialism. Aceh never accepted outside intervention.

We have witnessed the human rights violations by the Indonesian Government. Our historic meeting here must refer to the present situation in Aceh. We sincerely hope that the international community will remain in Aceh until post-tsunami reconstruction is all completed.

We reject the thinking that the Aceh issue is merely an Indonesian domestic matter. While the Indonesian Government rejects the internationalization of the matter yet at the same time we are discussing involvement of a third party, the monitors.

What must be done immediately is to free all GAM detainees held by the Indonesian Government. We wish for several of our leaders to be immediately freed so that they may attend these continuing talks.

*Martti Ahtisaari*

It is best we get to the heart of our talks in accordance with the agenda I sent you.

*Nurdin Abdurrachman*

The most crucial point is the cessation of armed conflict. First we must take steps to stop the complaints about weapons in the field. We must withdraw all troops to their barracks. After that we must drop in a third party independent force to guard a peace zone in Aceh. Second, we must all guarantee the legal implementation and declare Aceh as a military-free zone. The political solution is: Free all GAM detainees in Indonesian prisons. We cannot accept the use of the term special autonomy if this just means the status quo.

*Martti Ahtisaari*

Who else from GAM would like to speak?

*Bachtiar Abdullah*

We feel that the real context of our talks should be a discussion of security arrangements.

*Hamid Awaludin*

We are really going backwards in this discussion. GAM is just going around in endless circles. There are absolutely no signs of any advance whatsoever. Pak Malik drew us outside in our lunch break but there was no solution on offer. Now is not the time to talk about the past. Now is

not the time to talk about unrealistic things seeking our quest for peace. Let us discuss this in a format that is, both constructive and seeking a solution. Don't use confusing rhetoric which does not get us anywhere.

*Sofyan Djalil*

We are not getting anywhere here. We consider that special autonomy is the foundation of our discussions. Clearly GAM does not want to move forward. This is extremely disturbing to us.

*Zaini Abdullah*

So far it does not mean we have agreed to the proposal of special autonomy.

*Martti Ahtisaari*

I need to clear up something here. That is all of you have the right to disagree. I can find no reason to continue these talks if it is always outside the bounds of special autonomy. Once again, I state, there is no urgency to meet here if it is outside the context of special autonomy. The Indonesian Government has already presented the reality of life there. If this goes on, it is best that I end the talks here and now and say goodbye to all of you. I must stress here that I am unable to accept that the offer of special autonomy must be rejected out of hand. It just does not make sense, and totally unrealistic reasons were given for this rejection. Let us not deceive ourselves. You do not need to come here to mourn the past. We must go forward regardless. It is imperative that we discuss right now what the consequences of the offer of special autonomy are for Aceh.

There is no other way to convince neither Minister Awaludin nor the Government of Indonesia, now or at any other time in the future, without sticking to this corridor of special autonomy. Minister Awaludin and Minister Djalil have already outlined a timetable, that is this coming August. What does GAM have to say to this? I do not want to mislead anyone. We must not make fools of ourselves or deceive ourselves. We have already heard that Indonesia will not accept any initiative to internationalize the Aceh problem. We are now confronted with a serious problem. To date we have not heard an offer or even a substantive thought

from GAM on special autonomy. My impression is that GAM have not even looked at the Indonesian Government offer on special autonomy. We' are just wasting time here again. I have no need for rhetoric.

*Nur Djuli*

In fact both sides are ready to discuss this. It is just a matter of a difference of opinion on terminology: that is referendum and special autonomy.

*Martti Ahtisaari*

I really beg to differ with you, Sir. We cannot fool ourselves. Let's be honest with ourselves. The idea and wish for a referendum is right out of the question. This idea is not on our ticket. There is but one ticket and that is special autonomy. Only that is on offer. Nothing else!

I am interested to learn that TNI and Brimob will be withdrawn and security arrangements be discussed after we have discussed special autonomy. Do not overturn this. Don't talk about other issues until the main foundation, which is special autonomy, has been discussed. I request you both discuss this together. After you have done this, then you can summarise your differences if you are unable to reach an acceptable agreement. Do not just say immediately you have differences without discussing it fully beforehand. Once again, do not mourn the past. Seek a practical solution. I appreciate you all have difficulties.

Second Day, 22 February 2005

9.45 a.m.

*Martti Ahtisaari*

Yesterday, we had many discussions outside the official forum. My attention was on the terminology which we should use. There is an acknowledgement to seek a concrete solution. The terminology which I refer to is 'self-government within Indonesia'.

There was a clash two days ago in Aceh. We will not solve the Aceh problem without a mechanism for monitoring. Here we will have to agree to use EU and ASEAN. This must be done professionally.

Also I want to state that I do not want here to blame anyone. If there is something that I say is impermissible, I will apologise. In order to progress our talks further, I urge both sides to endorse fully what we have so far discussed. Don't drag it out or go back and forth. Yesterday the talks were a bit tense. I could not permit the subject of terminology to become an obstacle and also I do not want the matter of terminology to become a hiding place for convictions to ambush others. I now invite GAM to start the discussion.

#### *Nuridin Abdurrachman*

As we discussed informally yesterday, we are of the opinion that we will limit ourselves in using the term special autonomy. We have selected the term self-government. We can advance our discussions using this term. We are ready to discuss this with the Indonesian Government. We have already looked at the articles related to local political parties proposed by the Indonesian Government. We will have to discuss this further in greater detail. Yesterday we heard the explanation of the Indonesian position on local political parties. But this is well distant from the aspirations of the Acehnese people; similarly with local elections. All of it is just status quo. We must bring this up at the meeting table.

Provincial elections are far from our demands and aspirations. The same goes for revenue sharing. The Acehnese must be seen to be making the offer rather than just about receiving any offers from the government. On the issue of human rights and justice, we must agree that all offenders be brought to court. The term self-government for the Acehnese means the ability to determine for oneself without the involvement of the military. On the point of amnesty, the Government must immediately and unconditionally release all detainees starting now. Our negotiators who are detained must be immediately freed before we continue these talks any further. The economic compensation offered we consider it is just a bribe. It is just the same as before. On the matter of law, we have our own law. *Qanun* or canon law is our law which was passed in our local parliament. We need an inclusive dialogue within the Aceh community. Here we can ascertain the direction in which we want to head.

**Bachtiar Abdullah**

On the subject of amnesty our negotiators must be released now. All detainees in Java must be freed and their past records totally erased. We do not wish ever to see a gain a situation like Nurdin who was tortured and assaulted while imprisoned. Nurdin's experience must be brought before this peace table. An all inclusive dialogue means the participation of all Acehnese. On the subject of security arrangements, GAM unilaterally states to end the armed contact. We have also stated to end the overall conflict.

**Martti Ahtisaari**

Rather than use the term the international world, let us use outside monitors.

**Bachtiar Abdullah**

I propose the term foreign forces.

**Martti Ahtisaari**

I never thought of the term foreign forces. Monitoring means the people: both the civilians and military jointly shouldering this task.

**Nur Djalil**

We now understand the term cease fire and cessation of hostilities. We don't need to discuss this further.

**Nurdin Abdurrachman**

On human rights and justice, we will have to have an investigation by an independent international organisation. I myself have already been beaten up while in prison.

**Martti Ahtisaari**

It is good that we are now discussing this. I appreciate all of this. We are really starting to come to grips with the problem.

*Sofyan Djalil*

Thank you for this advance we now have made.

*Hamid Atwaludin*

I now see our GAM friends are being more realistic. This is but an early step, yet a great advance, towards resolving the Aceh peace. Convince yourselves, that we are not here for personal gain but for the gain of Aceh and Indonesia together. What have discussed here today and in the future, all of it is for the children of Aceh and the Indonesian nation. Let the past be the cement upon which we build a bridge to our future and our children's future.

*Martti Ahtisaari*

Let's break for coffee and tea. After which we will discuss the issue of general elections.

**After the Break, 11.30 a.m.***Martti Ahtisaari*

We have about one hour before lunch. We need to hear an explanation from the Indonesian Government particularly on the subject of revenue sharing. We will need an audit system for this. On the matter of self-government and amnesty, there must be some kind of mechanism which can be used by the Indonesian Government?

*Sofyan Djalil*

We have no problems with an audit system as mentioned by President Ahtisaari. All of that which comes from our Government must surely be accepted. This is not bribery as suggested earlier by Nurdin. Our Government's offer is not to simply GAM as such but actually to all the people of Aceh. It is like an incentive for prosperity.

***Martti Ahtisaari***

Excuse me. I would like to interrupt here for a moment. We will help the Indonesian Government on this. The present Government has demonstrated that it is serious about eradicating corruption and is far more democratic now. I have been following this together with other European countries.

***Sofyan Djalil***

Sure, we know that we still have critics about our system which is considered corrupt. Except, now our government is extremely serious about tackling corruption. Our government has taken the initiative to change all of this. I joined the current government because SBY-JK were serious about this. God willing, ultimately we will all be using a system of e-government.

It is the same with human rights. Our Government is serious.

***Hamid Awaludin***

Permit me to explain the human rights agenda. On the subject of human rights, the world at large has witnessed that our Government is serious about it. From the legal aspect, we now have the Human Rights and Courts Law. A number of draft laws related to human rights are currently under discussion. In the near future, two basic human rights instruments will be ratified, that is the International Convention on civil and political rights and the International Convention on social, economic and cultural rights. These are the corner stones of universal human rights. This was unimaginable in the past.

From the institutional point, we now have the National Committee of Human Rights. The Human Rights Court is operational. The Human Rights Ministry which I head, has undertaken various human rights training courses both in country and overseas. We are in the process of forming a Reconciliation Commission. All of this involves human rights. On the matter of democracy and freedom I need not go on at length. Any time you want to form a political party, all you need is 50 persons. Are there any countries in Asia than can beat our press freedom in Indonesia now? There are none. So if GAM now talks about democracy and human rights in a negative manner that was true in the past but not now at all.

The world has witnessed how fair and free our elections were last year. Even you too have witnessed this.

On the subject of amnesty, this is the first thing we will do when we feel we have some understanding here. The act of release from detention means amnesty. Also, the matter of expunging their records that is the essence of amnesty. I do not wish to chat about promises here. I just want to remind you that no later than 30 days after we have signed an agreement, all detainees who meet the criteria, will be returned to Aceh to their families. Let the prisons where they were held be empty. We will see that they are empty because their occupants will be freed. The other matters you wished to bring to this table I will have to study it first because it involves other agencies, such as the Supreme Court. You all know that we really observe the separation of powers, which means that the government cannot intervene with some other institutions, such as the courts.

Give me the time to study this. I promise you on my return I will visit your spokesmen in Sukamiskin prison. I will also arrange for them to come here if this is possible. Please do not let this become the criteria for continuing or stopping these talks. After I have visited them I will let you know the result before we start the next round of talks. I would like to invite Juha Christensen to accompany me to the prison to prove to GAM that I did it. I have already been given an order from both the President and the Vice President to give the highest priority to this proposed amnesty. You will never regret cooperating with me on this matter. I am concerned that these detainees of yours will miss their alma mater, the prison, but I will absolutely refuse permission for any reunion!

*Martti Ahtisaari*

Are there any problems with the National Committee for Human Rights?

*Hamid Awaludin and Puja*

Certainly not!

*Nur Djuli*

The laws you just explained totally do not represent the reality. Just look at East Timor.

***Martti Ahtisaari***

One of the difficulties of life is what we have experienced and what related to our past. Be careful on this! With all my respect to the present Government, there have been innumerable advances. Minister Awaludin certainly did not say Indonesia was totally free from human rights violations. My own country is the same too. Do not flow back into the sadness of the past, please.

East Timor which you just mentioned shows how difficult the past is to reconcile. There is no perfect system. South Africa is another example. I ask GAM that whoever heads GAM, they will never resolve anything if the past is always on their agenda. This is a difficult problem.

We will be unlikely to include this in any written draft because it is so sensitive. This in no way means we exclude discussion about it. I do not mean that we sweep it under the carpet in our agenda. This is what we means by good intentions. For certain it will always be regretted and never be satisfied. We need courage to face this. In short, the human rights issues are matters for the future.

***Nuridin Abdurrachman***

The agenda on human rights has become a priority issue for us. The case of East Timor is a good example. There were some brought to court.

***Sofyan Djalil***

What about human rights abuses by GAM? Will you also want them brought to court? Aren't you opening a Pandora's Box?

***Hamid Awaludin***

Yes, to be fair on human rights don't just pick on the Government and the army. We are discussing this with a holistic approach just as Pak Sofyan said before me. What about the police, army and ordinary people who were sadistically butchered? Who was responsible for this? What about the schools that were burnt smashing the future of Acehnese kids and their nation? Why do we have to mutually accuse one another? Our

statistics demonstrate more than one thousand schools were burnt and damaged by GAM. It is not possible that the Government would do this as they are the property of the Government. Destroying schools is like butchering the future of our children. This a pretty fundamental abuse of human rights.

*Puja*

Our method here is to view Indonesia in a panoramic sense not from a narrow field of view. For example just see the burgeoning numbers of NGOs in Indonesia today and how they interact with our parliament. In a while we will have our own commission on truth and reconciliation.

*Nur Djuli*

Hey, we just want to discuss human rights in Aceh not nationwide.

*Hamid Awaludin*

This is something we cannot acquiesce to. Aceh is an integral part in a greatly changed Indonesia. Please view this problem proportionately. Don't be emotional.

*Martti Ahtisaari*

Let's look at South Africa, Mandela. I visited Mandela while he was in prison. Through their committee for truth and reconciliation all of this was able to be settled satisfactorily. All of this can be achieved provided the Government really wants to do it, just as said by both Ministers Awaludin and Djaliil. Both of your sides will have to work together on this. There is no point at all to mutual accusations.

On our next agenda there is an item of representation. Indonesia can decide this as it involves the peoples' wishes through an election which is both free and fair. Indonesia has already proven that they can do this. There is no point making further issue with this. It is far easier to say than to do. But I have seen and the world had seen the great changes which have occurred in Indonesia today. All that remains is for us to find a future mechanism.

On the matter of amnesty and detention, this is the area of expertise of Minister Awaludin. Please now make your submission clearly on this point.

*Hamid Awaludin*

Regarding amnesty the Government remains firm on its principles. As agreed, the President, with the consideration of our parliament, will make a presidential decree granting amnesty to all GAM activists, both those inside detained and those on the outside. The same applies for GAM activists overseas. All are subject to this amnesty. There are two categories of GAM detainees, those who have been sentenced and those held waiting to be sentenced. Both categories will be freed. This presidential decree will absolve those imprisoned and those on the outside from all further charges.

The operational side of all of this is my responsibility. Consequently, all of this I will do as quickly as possible. What we say at this peace table is what in reality will happen. Last night I discussed this at length with my colleague Minister Djalil. I will be guided by his hand in implementing all of this. Further, a real timetable has already been drawn up by us for all of this.

We already have a list of the detainees' names and their respective locations. In Java, where there are the greater numbers of detention centres, there are about 500 GAM detainees. However an even greater number are held in North Sumatra and in Aceh. I have continually visited all of them and held discussions with them. Our brothers are nervously awaiting their release to become free men again. They pine for their families and for a normal everyday life. But all of this now depends on GAM here. Their wishes and yearning of these GAM activists will be decided by us at this peace table. Will we keep them nervously waiting? Will we let their children and relatives on the outside, who long for their reunion with those in detention, continue to wait? All of this I hand over to GAM!

I wish to say this here to you, I once met a 12 year old GAM in prison. He had been in for four years. This meant he was imprisoned when he was 8. He is in Java. He no longer wants to return to Aceh because he is traumatized by the violence he experienced there in Aceh. He looked at me sharply when we met. His lips were wet from his tears thinking about his mother and father and his younger siblings who were swept

away by the tsunami. He has nobody anymore now, except a hope to return to continue his education at junior high school outside the walls of the prison. How many more kids are like this I wonder? Come let us do something so that they remember us as people of merit in their lives who did something for them to realize their dreams: Children's dreams that will for sure welcome a brighter and happier and peaceful future.

***Martti Ahtisaari***

We have to be realistic here about the cessation of armed contact and ending the total conflict. We have to be clear in our thinking about the means for this. How are we going to do this? It is best that you discuss this with one another beforehand to start this discussion. I know a bit about this and have experience here. What is important is that the armed forces in Aceh will be withdrawn. The Indonesian Government has proposed this and we have all heard this. Are there any questions?

***Nur Djuli***

What about military groups?

***Hamid Awaludin***

I think this is covered in my analysis. Come let's try not to be too hallucinated.

***Martti Ahtisaari***

It is now time for lunch. Minister Awaludin earlier asked what was on the menu today. I was pleased to inform that we would be savouring some reindeer. It would appear that Minister Awaludin really likes deer meat. Let this help him run fast in resolving our peace talks. Please enjoy your lunch. Oh yes, I would ask Minister Awaludin and Malik Mahmud to meet with me upstairs for a moment. There is something I wish to discuss with them after lunch.

**After Lunch**

2.55 p.m.

***Martti Ahtisaari***

I have just met with Minister Awaludin and Malik Mahmud. I am now optimistic because both of them gave me a clear picture of their positions which was very encouraging. Furthermore, as well I spoke with the Vice President Jusuf Kalla on Minister Awaludin's phone. He guaranteed everything that has been explained by Minister Awaludin on amnesty. Further Mr Kalla said that all matters related to amnesty were delegated to Minister Awaludin as this fell under his ministry. So I now personally can guarantee this to GAM.

I am worried about our remaining time. We have been a bit long on this session as there have been matters which could obstruct us achieving peace in future rounds. We must maintain this momentum. We will return to Helsinki in March. Can you all be here on 18 March 2005?

***Zaini Abdullah***

We will need time to study the government proposal.

***Martti Ahtisaari***

Well then how about we start the next round on 10 April 2005? We must give priority to this timetable. Are there any other agenda items suggested by the Indonesia Government?

***Hamid Awaludin***

We already have a clear agenda. We should focus only on that.

***Bachtiar Abdullah***

We wish to bring several of our experts to the next round.

***Martti Ahtisaari***

You can do that.

*Hamid Awaludin*

However the meeting format must remain unchanged. It must not be changed including the arrangement of discussants. Do not add or introduce new persons. Then problem will be, if we do that, that we have to start all over again. Consistency is important. The Government team will remain unchanged as they have a presidential mandate and who already have full understanding of what we wish to discuss. Yes, we need no further additions.

*Martti Ahtisaari*

That is correct. Our existing format is good and we have already achieved a number of successes. We won't change it.

*Sofyan Djailil*

All of us here have to limit ourselves making any public statements. Kingsbury, the GAM adviser, is continually making public statements on behalf of GAM. We really have to watch this because in the future this could create new additional difficulties for us.

*Hamid Awaludin*

The Government of Indonesia is only discussing with GAM who are present in this meeting room. Kingsbury is not GAM's hope and GAM must inform him on this point. Public statements can either cloud or complicate the problem; and probably may delay our peace process. It may be best that Kingsbury does not pretend to know all about Indonesia including Aceh.

*Martti Ahtisaari*

Also this applies to the Indonesian delegation. The sensitivity applies to both sides here. I must limit both sides doing this. You have brought up a very fundamental issue now that we are making satisfactory progress. Please do not let anyone be seen or appear who could upset all of this.

*Sofyan Djailil*

Kingsbury's articles in the press are extremely sensitive domestically. Without any responsibility, Kingsbury can make statements because he is not Indonesian and resides in Australia. He really does not understand our internal affairs.

*Hamid Awaludin*

It may be best for GAM to convince Kingsbury that we also read books and have a reasonably high standard of education. Don't let him pretend he has a monopoly on knowledge.

*Martti Ahtisaari*

General statements are OK. Except persons who are not directly involved in this dialogue at this table should not say just anything they like about these talks because it will create future problems. Kingsbury does not know precisely what was said in this room. He can only guess. Let's all of us try to guard against this. Our following agenda is the concept of self-government versus special autonomy. Let us first look at the legislation involved. Minister Awaludin will be able to spell out all of this out for us. Please.....

*Juha Christensen*

We have only six weeks in which to prepare ourselves before the next round. So GAM please study carefully the proposal from the Indonesian Government.

*Malik Mahmud*

Really we have quite a problem on this one because our best legal expert Sofyan Ibrahim Tiba died in jail swept way by the tsunami.

*Hamid Awaludin*

There is something I want to say about Sofyan Ibrahim Tiba. This will touch all of our hearts. Several days before the tsunami I was visiting

the Banda Aceh prison in my capacity as minister under which prisons fell. On that occasion I joined in the Friday prayers in the prison. All of a sudden a man with spectacles and wearing a *peci* approached me asking if I would come to his cell after prayers. I did this. He was the late Sofyan Ibrahim Tiba of whom Tengku Malik just spoke.

He whispered to me, that he knew that there had been secret meeting between Jusuf Kalla, Farid Husein and myself with GAM leaders in a number of countries. He went on to say that he salute and support all of this. It is as though God wishes this all, so please Pak Hamid take my *peci* and give it to the GAM leadership in Sweden as a signal that both of us had been in touch and I approve of a real peace; one with no lies within it. My *peci* is my signal of communication. Please return my *peci* if we can really make peace, said Tengku Sofyan.

Sadly, gentlemen, I am unable to return this *peci* to Tengku Sofyan, as he was lost along with his prison, washed away by the tsunami. May the untimely loss of this GAM leader make us all strive for peace as he himself urged me to do so immediately clearing way to our peace in Aceh, yes peace in Aceh.

#### *Nur Djalil*

After the Tokyo talks failed, we were all declared to be enemies by the Indonesian Government. We are not criminals.

#### *Hamid Awaludin*

All of this will be addressed in a dignified manner via the amnesty mechanism. This is like a golden bridge which crosses the river of conflict to peace on the other side and then we shall bury all of this. What is important now Nur Djalil is your friends Hamid Awaludin and Sofyan Djalil.

#### *Martti Ahtisaari*

I feel Minister Awaludin's analogy to be most appropriate expressing your feelings. Amnesty will be a therapy. I ask the Indonesian Government to return here in six weeks from now.

I suggest that Minister Awaludin prepare for us selected readings on the legal principles regarding amnesty. Also, I ask Minister Djalil to prepare concrete proposals on plantations and energy projects.

After that, we must be prepared to discuss the agenda for general elections at provincial level, local political parties, political participation at the local level, an audit system for revenue sharing in Aceh, the presence of the army and Brimob (including the numbers which are certain to leave Aceh), militia (if there are any), surrender of GAM weapons, and integration into the army and police i.e. recruitment. Now we will take a break. If Minister Awaludin has no objections could we not meet briefly after this break?

#### **After Coffee Break**

4.45 p.m.

#### ***Martti Ahtisaari***

I have just finished talking a lot with Minister Awaludin outside. I know he was freezing and shivering but he was always warm in wishing to resolve our problems. I discussed with him the possibility that we finish these talks successfully in about July. He requested that we be able to sign an agreement before Indonesian Independence Day about mid-August coming. Both a request and an expectation which are logical.

Are there still issues to be raised? My question to you all is how are we going to codify all of this? Perhaps with a Memorandum of Understanding? This is not a formal agreement. There are a number of matters which we have not addressed, such as the monitoring system.

#### ***Sofyan Djalil***

Let's talk about the MOU or whatever we call it. All of this we can do at the end of our dialogue. Now we must focus on the essentials.

#### ***Martti Ahtisaari***

What are infrastructure conditions in Aceh like at the moment?

*Sofyan Djalil*

The northern part is normal. Some 156 kilometers to the south is smashed to smithereens. We will commence work there in about two months. Road repairs will take two years. We have to relocate roads as they were swept away by the tsunami. They are gone, destroyed by the tsunami. Airports are still good and can be landed on by a Boeing 737. The cellular telephone system is already working well. Slowly schools are starting to function again. People who lost their homes are being accommodated. The Banda Aceh master plan is ready. And we will be planting mangroves again along the coast to lessen wave impact..

*Martti Ahtisaari*

We are now finishing our dialogue today. I invite you to enjoy your freezing night in Helsinki. Do not talk non-stop. We will meet again in the morning.

**Third Day, 24 February 2005**

10.30 a.m.

*Martti Ahtisaari*

I hope you all slept well last night. As I said yesterday I have prepared a press statement which I will read out at 3.00 p.m. this afternoon. It is entitled "Seeking a Dignified Solution to Peace".

Our agenda this morning is Special Autonomy versus Self Government and Security Arrangements.

I propose our next meeting round be on 10 or 17 April 2005. I hope all delegates return to continue our dialogue.

*Hamid Awaludin*

Our agenda is special autonomy not self-government.

*Martti Ahtisaari*

Yes, I will change the term. The list of subjects which we will discuss in the next round will be: special autonomy or self-government, provincial

elections, local political parties, financial regulations (an audit system for provincial revenue, the percentage of taxes for the centre and for the province and facilities for the integration of GAM), amnesty (definition, scope and legal issues), security arrangements (reduction of army and police, after agreement and surrender of weapons), outside monitoring (military and civil elements and the role of EU and ASEAN) and a community dialogue to prevent any misunderstandings.

*Nur Djuli*

Say whatever you want to say.

*Martti Ahtisaari*

That will be the case for sure. I really would appreciate it if you both came here wanting to talk directly to one another without me. All of this is based upon the principle that nothing agreed until all agree is agreed. By the way I will not disclose this agenda to the press. I am a dictator when it comes to these matters.

*Nuridin Abdurrahman*

What is this statement?

*Martti Ahtisaari*

Only for you?

*Nuridin Abdurrahman*

Security arrangements must be given priority.

*Martti Ahtisaari*

You are always doing this Pak Nurdin. For sure we will discuss this and if you disagree, one thing is for certain is that we will never resolve our problems. We have already listened to the Government on its position. You have been listening to outside rumours associated with our peace process, so let us share them. Just don't keep it without some sort of clarification.

***Nuridin Abdurrahman***

Negotiators, we must free ourselves immediately from the Indonesian Government's apparent good intentions to continue these talks in this coming round.

***Martti Ahtisaari***

We have already heard Minister Awaludin's comprehensive explanation on this. Give the Government the opportunity to deal with it. Listen carefully and try to understand other people, and this is a larger part of good intent. I have spoken at length with Minister Awaludin on this as I said beforehand. With all of this related stuff, let Malik Mahmud talk to Minister Awaludin. I really hope we do not become trapped by the press fishing around us. Do not use the press to relay your feelings and wishes. The peace table is the only place for this!

***Malik Mahmud***

Our friend here, Nurdin, has explained the facts on what really happened in Aceh. There is still a war going on between us. We need to show the people of Aceh that we are absolutely sincere in trying to resolve this. How do we speak of peace when there is war and violence there now? I hope that we are all speaking of peace here not threats.

***Martti Ahtisaari***

I will certainly use my best efforts to achieve peace making use of all my facilities to this end.

***Hamid Awaludin***

Let us dream by ourselves. Do not let us be lead by others, not those who are unhappy with peace, or by those who spread gossip and slander. There are many, including NGOs, who are sincere and at one with us. Do not permit these NGOs to play us one against the other and who happily seek every opportunity to find cracks to divide us and takeover.

***Martti Ahtisaari***

Yes, this is true. It is best that we carefully take note of the Indonesia Government's words. I now invite the heads of both delegations to say some final words at the end of our second round of talks. Who is going to lead?

***Malik Mahmud***

What we have achieved in these final days is a monumental achievement. This is a new chapter in the history of Aceh. I hope that both delegations will return to meet here again with the same mission. Our thanks to the Indonesian Government for coming here with such honesty. We will now depart for our respective homes with more relaxed thoughts and hearts.

***Hamid Awaludin***

History is not just like that. History is made by men who possess certain superiority in their epoch. What we have achieved here is an initiative for the Indonesian nation and for the world. A history about stopping a continuing human tragedy. A history about stopping continuing violence. I am thankful to President Ahtisaari and to the GAM delegation who too wish to inscribe a new page in our history.

In 1996, a few seconds after the American space shuttle 'Challenger' returned to earth it exploded killing all of the six astronauts. On this occasion President Reagan in conveying his condolences said: "History has never been the property of cowards, it is owned by those with courage." Those with courage will always take risks in what they do. All of us here are men of courage because we are the men who want to assume all the risks to our person - ourselves - for the decisions we will take here at this peace table. Because of this, history is our property. Thank you and until we meet again.

***Martti Ahtisaari***

Thank you all of you and we are moving forward. I am unable to say anything after Minister Awaludin's closing speech.

Safe journey home and until we meet again.

## ROUND THREE - THE INDEPENDENCE ISSUE EVAPORATES

In this third round of our peace talks between the Indonesian Government and GAM, most of the meetings were held without the mediation of Ahtisaari. Apart from that the lobbying between the delegation leaders and Ahtisaari were more spread out. In the early part of this round GAM still refused to budge and demanded our discussions only focus on self-government but later on they became productive and constructive. Our discussions had now touched upon more substantive issues. As an example GAM actually considered and proposed some concrete ideas which they wanted.

Before meeting with the GAM delegation, in doing his pre-meeting rounds, Ahtisaari met with the Indonesian Government Delegation. He asked us to be ready to answer on the following points: The presence of TNI, GAM's political participation, including local elections, dialogue within the Aceh community at large, and self-government. "You must be ready on these points as GAM will certainly raise them at the peace table," counselled Ahtisaari.

I replied, "On the TNI problem specially, Mr President, you do not have to be concerned as TNI have already accepted the situation and are ready to implement our President's wishes to seek and achieve peace in Aceh. I personally witnessed the President ordering the TNI Commander to support these talks."

"Our President said to the TNI Commander, TNI must obey all political decisions of the President. To which the TNI Commander

replied, TNI is ready to obey and fulfil all presidential commands and decisions." I relayed this on to Ahtisaari, our facilitator, who then went on to say that GAM would be searching for a legal expert who would help them study Indonesian positive laws which were linked to their demands.

This cooperative attitude of GAM's was inseparable from the overall Indonesian approach. The second and third rounds of talks were only separated by a couple of weeks. In that period, Dr Farid and I were in regular telephone contacts with GAM as well as our Vice President. Because of this GAM really felt the Government was serious and had a clear agenda to resolve this Aceh problem.

We did much the same with Ahtisaari during this break and he too, by telephone, actively bridged the wishes of both sides. To the extent, Malik Mahmud, said in our discussion forum, "We very much appreciate the efforts of the Indonesian Government in telephoning us long distance, as well as appreciating the attitude of Pak Jusuf Kalla, and you Pak Hamid and Pak Farid who always maintained active and regular communications with us. We believe that the Jakarta side really wants to make a continuing peace in Aceh."

Discussions at the start of this third round were preceded by a GAM demand for a new Aceh law. They proposed that a special committee be established consisting of legal experts to draft this proposed new law. Moreover, Nur Djuli wanted the formation of this special committee to a precondition to continue these talks. On hearing this, I was furious. "I feel our discussions this time are really uncertain. Meaning our discussion will have to be on the agreed points, which means your wish cannot become a precondition as to whether these peace talks continue or not. Your logic is completely upside down. Certainly we will discuss these points. Not to stop the talks if this issue is not in place."

Nur Djuli had no opportunity to consider my statement when Ahtisaari intervened even louder, "I think Minister Hamid's logic is spot on. You just cannot demand the formation of a special team of experts. What we need now is a re-evaluation of current Aceh legislation. You do not need a committee of experts for this. We have plenty of legal experts. I do not know how we can proceed if you

behave like this. Come, let us assess where the difficulties are of developing Aceh with current and existing legislation. It is on that subject we must focus."

What was interesting and amazing was Nur Djuli response to Ahtisaari's and my interventions. He protested, "The existing legislation does in no way reflect the aspirations of the Acehnese people. *Syariah Law*<sup>28</sup> is not our aspiration." This was the first time GAM had actually made a statement on their ideological wishes. On hearing this I reported this to the Vice President straightaway. Without thinking for long the VP replied, "Right, my theory is that GAM ideology is not a religious one but a secular one."

For sure from the early days of our peace moves, the VP had on many occasions said to me and others that GAM ideology was not based upon ideology, especially Islam. The use of the Islam flag was simply a tactic of the rebellion, not the ideology of the rebellion. For JK the driving motivation for GAM was injustice, principally economic injustice. Because of this thinking, JK strongly believed part of the therapy to solve the Aceh problem was, amongst others, a well focussed discussion on revenue sharing.

Again in this third round GAM were still unable to stick to the proposed meeting agenda. This time GAM was opposed to the legal matters of Indonesia in relation to Aceh. They wanted a total change in the legislation for Aceh. Their argument was that the existing laws were unrepresentative only because they were not made by Acehnese.

Ahtisaari explained, "All processes in making modern laws require the mechanism of representation. There is always a division of the task between the central government and the province. The framework of our thinking must not depart from this viewpoint and not embrace others" Ahtisaari also underlined, "We have to make an explanation here, what is it that we want - regulations or rules of the game; that is the substance of the law or the implementation of it in the field? Do not digress from this."

<sup>28</sup> *Syariah Law* is Islamic law.

Feeling that they were getting nowhere on this legal issue, GAM through their spokesman, Nurdin Abdurrahman, turned to demand yet again that the talks could not continue before armed conflict had stopped: "We must state here and now there must be an end to the armed conflict before we discuss any other matters. Show your good intentions."

Nur Djuli joined in later saying loudly, "Show the world that you have done something. If this goes on, there will be no progress in what we have done so far."

Seeing this as an indication that GAM was deferring our proposed agenda, I responded speaking loudly, "I reject this sort of view. Who says we have not made progress in our dialogue? For what reasons are you here in this third round if you feel we have not made any progress?"

Also, I pressed him further saying, "Throughout Indonesia and the developing world, people have witnessed we have moved forward. You will be making a big mistake if you deny all of this. Who is it who does not want progress here? Was it not from the very beginning we all agreed to talk without the condition of cessation of armed conflict? Was this not our motivation in the very beginning, and to this we all agreed, that this dialogue would adopt the perspective of totality, finality and dignity for all parties? So as a consequence there has been no cessation of armed conflict."

Sofyan Djalil added, "Why is that the Aceh Law is unable to be implemented? It is because we have a conflict? Do not be fearful of the legal issues. Our constitution has been amended as many as three or four times in a very short period. And remember, that all of those amendments gave birth to regional autonomy and special autonomy."

Not satisfied with my response or with Sofyan's, Nur Djuli countered immediately, "What happens if all of the constitution and the legislation is suddenly changed yet again?" Then Nurdin Abdurrahman joined in and attacked loudly, "Let us look behind the history of the Indonesian constitution. Soekarno trampled over the constitution like in 1959<sup>36</sup>. This could occur again in the future. The

<sup>36</sup> In 1959, President Soekarno dissolved the Parliament and introduced his concept of "Guided Democracy" a sort of benign dictatorship.

Aceh Law passed at a time of conflict. We will not accept it. Why is it that you do not want the people themselves to determine their own fate?"

It was obvious that Ahtisaari noticed the frown on my face wishing to reply to these two GAM spokesmen. With a wink, Ahtisaari signalled me to be quiet. Ahtisaari then stated, "There is not one nation in the world which is able or would want to give a guarantee they would never change their constitution. Constitutional change is a dynamic of democracy for both the domestic and the international community. Your past negative history has repeatedly shown this will not solve the problem. Why is it as if you never want to listen to what Minister Awaludin and Minister Djalil have to say that Indonesia has undergone spectacular changes in democracy? I really do not know what more I have to explain if your attitude remains like this."

Following Ahtisaari's firm words, perhaps GAM felt later it was no longer essential to take issue with constitutional and legal matters. After that Djuli suddenly changed tack wanting to talk about the form of government and democracy. He even put forward a concrete proposal that it may be best if we learned from Malaysia which had four kings! (Sic)

Upon hearing this, Ahtisaari countered by saying Indonesia was not a kingdom. Then I joined in saying that now the Indonesian Constitution was an extremely effective means of preparing a fertile field for planting a practical democracy. With regards to press freedom, for example, Indonesia was well advanced, probably exceedingly so. Indonesia had implemented presidential and vice-presidential direct elections. All of which meant, GAM dreams of democratic practice had already been implemented in Indonesia.

Sofyan Djalil stated that in Indonesia today everyone had the access to participate politically, including as GAM would in the future. GAM could come forward as an election candidate. At this point, the Government position was further strengthened by Ahtisaari confirming that Indonesia has undergone significant changes with an improved constitution and most importantly there were no obstacle to implementing autonomy at provincial government level.

After opposing us on this issue, Malik Mahmud shook hands with me explaining, "Certainly, the constitution has been amended several times, and there is no opposition from us on this. What we want is an acknowledgement that there will be elections, specially in Aceh and the form of government or whatever name we give it in the future. The government in Aceh will be a government which is directly elected by the people of Aceh,"

He added that Jusuf Kalla, Megawati<sup>27</sup> and Gus Dur<sup>28</sup> had all stated that Aceh could ask for anything except independence. Because of that, Malik said, they had not from the start wanted to really talk about independence. "What we require are the principles of the broad framework of this thinking. We do not need to talk about it in detail. We need some experts to help us. Pak Hamid we will continue to consult with you if we require answers on a number of matters outside this forum," Malik Mahmud explained.

After Malik had put forward his point of view, I feigned the need to visit the toilet where I could telephone Jusuf Kalla and not be overheard. Upon hearing my report that Malik Mahmud said explicitly that GAM would no longer ask for independence, Kalla's voice was lost a few times. Shortly, I heard expression of gratitude from my phone. "Thanks to God, Hamid, we must immediately ritually bath and now pray expressing our thankfulness. Our main aim has now been achieved with GAM no longer demanding or negotiating for independence," Kalla said to me.

I was overjoyed as I had achieved something that the Government had wanted to achieve for over three decades and something had caused both sides trying to destroy one another in Aceh. At least my boss Jusuf Kalla had given his appreciation to the government team for we had presented something of great value to the Government.

After this discussion, Ahtisaari approached me and whispered, "Pak Minister, I think that Malik Mahmud's remarks regarding no longer demanding independence are very serious and sincere. For

<sup>27</sup> Megawati Sukarnoputri, the daughter of Indonesia's first president, Sukarno, was Indonesian President from 2001-2004

<sup>28</sup> Gus Dur, is the nickname for President K. H. Abdurrahman Wahid was President from 1999-2001

some time he has been proposing this to me. Your Government must consider this initiative and seriousness of GAM's desire for peace. The Government has now plenty of modality to deploy." I passed on by telephone Malik Mahmud's statement to both the President and the Coordinating Minister for Politics, Justice and Human Rights.

In fact, Malik Mahmud had already once explained this to me during the second round of talks. At that time, public opinion in Jakarta was at its height, via the press, demanding that the Government pressure GAM to stop demanding independence. Malik and Zaini Abdullah said this while the three of us were by the lake's edge at the rear of the mansion. Malik asked me to understand that the issue of the demand for independence no longer needed to be discussed.

"Please understand, Pak Hamid, we have internal difficulties. In fact, by not raising this issue early on, I thought Pak Hamid would have understood we no longer wanted to discuss it," said Malik. As Malik Mahmud's remarks were made outside the forum, I did not let anyone know for fear this position could change.

On the second day of the third round of Aceh peace talks, Ahtisaari played a smart tactic which worked well for both of us. He started the discussion with the agenda item of facilitation of integration putting aside the matter of self-government which was very sensitive to both camps.

Afterwards, Sofyan Djalil even offered that in the future GAM activists would be able to join the military, the police, and become businessmen and so on, while fulfilling all prevailing requirements and criteria. Those who wanted to remain in their villages, such as farmers and fishermen could do so. The Government would assist them provided these GAM activists returned to a normal peaceful lifestyle.

Sofyan explained, that funds for the rehabilitation and reconstruction of Aceh post-tsunami would amount to IDR50 trillion<sup>9</sup>, a fantastic amount to stimulate the Aceh economy. Referring to this point, Ahtisaari endorsed the Government's position and offer. As much as 70 per cent of the revenues required by Aceh would be returned to

<sup>9</sup> IDR 50 trillion at an exchange rate of IDR 10,000 = US\$1 is about US\$500 million.

the people of Aceh as a start of the accounting. It was an excellent and fabulous offer.

Apart from explaining this economic compensation package, Ahtisaari asked me for the umpteenth time to explain the agenda for amnesty, and at the same time outline the future mechanics of the execution of the amnesty. This was Ahtisaari's smart tactic to avoid GAM wanting to talk about the past.

In fact I had already explained amnesty many times previously. Because of this, I only said that within two weeks of signing a peace agreement, all Acehese criminals and detainees who had been sentenced or charged for GAM activities would be released forthwith. While GAM activists overseas would be permitted to return at the same time.

Upon hearing my explanation regarding amnesty, Malik Mahmud responded directly. "Pak Hamid, we really do understand and believe your statements. Except we want to stress that amnesty is not asking for forgiveness, not an acknowledgement of sin nor regret. This is a moral and spiritual issue." Using diplomatic language I replied, "Amnesty is not identical with clemency. In a substantive sense, I very well understand Tengku Malik's explanation of his feelings on this issue."

Seeing the atmosphere had settled down, Ahtisaari straight away started on a new agenda item, that of monitoring the agreement. This time for the first time, Ahtisaari brought one Brigadier General Jaako Oksanen, a Finnish military area commander, who was experienced in monitoring the implementation of agreements in various parts of the world. For Ahtisaari, both the EU and ASEAN would have to be involved in any future monitoring program. Without monitoring anything could happen and it was feared that without it, it would negate the substance of any agreement. Both parties accepted General Jaako and agreed that he should be involved in any future monitoring institution.

After openly discussing the system and mechanism for monitoring, both sides started to discuss concrete proposals from GAM related to economy. Ahtisaari invited me to chair this discussion as he wanted to absent himself on other matters. Nurdin Abdurrachman commenced

with the sentence: "Aceh gives to Jakarta, not receives from Jakarta." He then went on to comment that GAM had no problems with the concept of rupiah exchange rates. However, GAM insisted that the supervision of exploration and exploitation of Aceh's natural resource must be managed by the Acehnese themselves. "We also wish to allow trade transactions with anyone, including foreign parties. Jakarta will only receive reports from us, not Jakarta dictating what we must do," he said.

Also, he added that Aceh wanted to manage for themselves education and Aceh airports<sup>40</sup>. Apart from this, provincial cultural and sports teams sent overseas would use the name Aceh.

For the first time, in this third round, the GAM delegation came with concrete proposals and clear wishes. As a consequence, I explicitly expressed our appreciation and thanks to GAM. After that my tactic was to consider education. My expectation was that GAM would take pity if I linked this with the future of children in Aceh. I explained that if peace was not immediately realized and the Aceh education system overall was not fixed, then Aceh faced a dark future if they had no educated citizens. Be informed that throughout the conflict well over 1,000 schools and *madrasahs*<sup>41</sup> had been burnt down. "The Government fully supports GAM's idea to fix up properly the education system," I said.

The management of natural resources presented no real problems provided they met standards. For example, natural resources must be linked to environment because environmental matters had both national and international standards. Regarding management of airports was not simply a matter of maintaining buildings, grounds and infrastructure but involved air traffic control and air safety. Because of the latter points, I stressed, that they introduced an international parameter which required rational discussion.

On the third day of the third round, our dialogue between the Government and GAM continued along our established format.

<sup>40</sup> GAM seemed not to be interested in the harbours in the talks.

<sup>41</sup> *Madrasah* is a small educational institution attached to a mosque.

Ahtisaari intentionally absented himself so that the parties may continue to discuss matters without him.

I opened this day's discussions by emphasizing the fact that GAM's demand for self-government had been operating successfully in Indonesia since 1999 - meaning regional autonomy - was not just rhetoric and was already being practised in Indonesia. Furthermore, I added, this was not only practised at provincial level but at both regency and city levels. Therefore regional autonomy that was now being practised in Indonesia was far more advanced than ever imagined by GAM.

Being in the chair, I invited Nurdin Abdurrachman to give the meeting a summary of the GAM demands. Thanks to the Almighty, Nurdin was well prepared with a detailed listing. He proposed in the future that regional government use the term departments e.g. Departments of Education and Culture, Law and Justice, International Relations, Finance, Agriculture and Animal Husbandry, Development Planning and so forth.

According to Nurdin, GAM also wanted Aceh representatives in the Jakarta parliament to have veto rights over any decisions made by the parliament on any Aceh matters. The issuing of passports and ID cards would be done in Aceh. Further central government representative offices must display the emblem of Aceh and fly the Aceh flag. GAM did not want to limit population movement within Aceh. Closing, Nurdin said GAM wanted to be able to form political parties in Aceh and in this context they wanted to exclude persons of non-Acehnese descent being eligible as candidates.

Our Government saw no problems with the number of departments or their structure because this in fact was within the authority of the provincial government. The number of existing services depended upon the respective needs and ability of individual provinces. What was a problem was the name or term that would be used for these departments. The usage of the term department could be confusing, differentiating the Acehnese one from the Jakarta ones. To add to this confusion there were now department stores! I wisecracked, "The people will be confused with the term department and won't be able to see the difference with a place to buy things. Because of this, we will use the term 'service'.

Also, the Government could accept the issue of passports and ID cards by Aceh. Passports could be issued by every immigration office within the province of Aceh; and similarly ID cards could be issued by every village district.<sup>42</sup> The problem of flag and emblem was no longer a problem as every province throughout Indonesia, even regencies and cities now had their own flag and emblem.

My notes from the Third Round are as follows:

### Third Round

First Day, 12 April 2005

9.00 a.m.

#### Meeting between Martti Ahtisaari and the Indonesian Government Delegation

##### Martti Ahtisaari

Welcome back. I hope that our dialogue in this third round will advance us further than our previous rounds. A pleasing matter is that GAM have found an outside expert to assist them. I have suggested to this Swiss government administrative law expert to meet with you first before he meets with GAM. Beforehand Minister Awahudin can discuss with him the substance of Indonesian law and the system. I do not know how you propose to explain recent developments in Indonesia.

##### Hamid Awaludin

Thank you President Ahtisaari for all the inconvenience we have put you and your staff to in bridging our two sides which have been parted for three decades. We trust you as our strong bridge which we will continually cross over. We also trust you as our host who accommodates our every need. All of this will be recorded by history. A history about the Initiative

<sup>42</sup> Kufunaher

of human beings who want to give dignity to the value of human life in Aceh. It is within this framework I place your participation, Mr President. Not merely a facilitator who controls the traffic of differing ideas and opinions. Once again thank you.

*Martti Ahtisaari*

Perhaps you start by explaining the role of the Indonesian army.

*Hamid Awaludin*

TNI falls under the authority and command of the President of the Republic of Indonesia. TNI follows and is obedient to every presidential order to seek and find a peaceful solution in Aceh. Do not worry about this Mr President. I guarantee this as I have personally witnessed President SBY giving orders to the TNI Commander that TNI must fully observe and implement presidential decisions.

*Martti Ahtisaari*

I intentionally brought this matter up so that you may prepare yourself. GAM will certainly raise this in any future discussions.

*Sofyan Djalil*

Recently there have been some kidnapping involving GAM. An Indonesian ship in the Straits of Malacca was also held up by pirates demanding as much as US\$50,000 as a ransom. The master of this vessel was brought before the GAM leadership. A Japanese ship was also pirated but the master freed.

*Martti Ahtisaari*

There are several agenda items to which I need to draw to your attention. First, self-government within the framework of special autonomy within the Republic of Indonesia. Second, political participation, meaning the holding of local elections which will be monitored. Third, the matter of a dialogue with the Acehnese people. Following that I wish to ask you

how many army and police casualties have there been from November last until the end of this February? Also, I wish to ask if GAM may be permitted to bring their team of experts into this room.

*Hamid Awaludin*

Provided these experts are not in a position of discussants. We do not wish to change the number of discussants, existing format, and mechanisms. Their experts may be admitted only to clarify and assist GAM articulate their wishes. No more than that. We wish to stress that we are prepared to discuss anything for peace. We were already prepared for this prior to our arrival here Mr President.

**Lunch Break**

During this break Ahtisaari held talks with GAM lasting well over two hours.

14.30 p.m.

**Indonesian Government Delegation returns to meet with GAM**

*Martii Ahtisaari*

This morning I propose that lunch and dinner tomorrow will be held together, bilaterally so to speak. Please would both sides use the opportunity to exchange information and share their thoughts. We are all here together for one reason only that is to seek a peaceful solution. I hope there has been no change in attitude.

A critical determining factor is this concept of self-government. I have handed out several comparative academic studies on self-government. Those examples which are inapplicable do not follow them but let them become a basis for consideration. Please read them as they will become a part of our agenda. Let us now start our discussions by inviting Minister Awaludin to give the introduction.

***Hamid Awaludin***

Mr President, Permit me to say thank you to Pak Malik and Pak Zaini and their friends from GAM for their willingness to return to these peace talks with the Indonesian Government.

Your presence here gentlemen is not only a reflection of a strong commitment to create peace but also a clear signal of this. May the Almighty have mercy upon us all here.

***Malik Mahmud***

I have read the Koran. I also wish to express my thanks to the Indonesian Government for their tireless efforts to achieve peace. We were very appreciative of the number of international calls made from Jakarta to us in Sweden preparatory to this round. Pak Hamid we really appreciate your efforts to maintain communications throughout this period. Also, Pak Farid thanks too. We trust Jakarta will achieve a continuing peace in Aceh.

We are extremely concerned about future misunderstandings. Apart from the problem of the Acehnese people's suffering, we are also concerned about escalating military operations there which give the strong impression that Indonesia is not being sincere at all. We request a ceasefire. Students, the press, and the international community also demand there be a ceasefire in the field. We do not wish to hear statements that our members continue to be jailed or detained by the Indonesian Government.

***Hamid Awaludin***

It's best we focus our talks upon the main agenda. Repeated discussions are not productive and only review matters which we have already discussed. All of those points raised by Tengku Malik will be resolved by themselves when we sign a peace agreement. The matters in front of us at this table are the ones we will resolve.

***Martii Ahtisaari***

It is best if we now embark on a substantive discussion of the agenda item of self-government. Please GAM start this as you were the ones who brought the subject up for this agenda.

*Nurdin Abdurrahman*

For all of us here we wish to see proposals which require the passage of a new law for Aceh. It would be best if we formed a special committee consisting of experts to write a new draft law.

*Nur Djuli*

We must record all of it and write it down. We cannot continue these talks until we have this.

*Hamid Awaludin*

I feel our discussion this time is getting us no where; meaning our dialogue will discuss these matters which you raise in due course. Your wishes cannot always become a pre-condition for continuing these talks. This logic is upside down. In fact this is what we are discussing in this dialogue; but not to continue the dialogue if this is not yet in place.

*Martii Ahtisaari*

I think Minister Awaludin's logic here is correct. You cannot talk like that just wanting to form a special team of experts. What we need now is to evaluate the laws which govern Aceh today. All of you do not need a team of experts. We have already plenty of experts. I no longer know how we are going to go forward if you are going to be like this. Let us try and assess where the difficulties in developing Aceh under existing legislation are. This is the point we must focus upon.

*Nur Djuli*

There are several matters which disappoint us with these existing laws. In themselves these laws contain many problems. We did once upon a time have our own system of laws.

*Malik Mahmud*

On the matter of self-government, we want laws for us Acehnese made by us Acehnese; not made by another party.

***Nur Djuli***

We have already said too much on this issue. The existing legislation in no way represents the aspirations of the Acehese people. Syariah law is not aspired to by us. Remember, Syamsuddin Mahmud and Gozali left the meeting room over this point.

***Martii Ahtisaari***

The process of making modern laws must be based upon the mechanisms of representation. There is always a division of labour between the central government and the provincial government. Our thinking must be from this point of view and not purely from a legalistic point of view.

***Nurdin Abdurrachman***

Our understanding is that today our discussion will be about self-government where law is a central part of that.

***Martii Ahtisaari***

We need to make a clarification here. What really do we intend the rules of the game to be? Legal substance or its implementation in the field?

***Bachtiar Abdullah***

Why don't we start with comparisons of what we already have? We no longer have a legal expert as Sofyan Ibrahim Tiba is no longer with us, killed by the tsunami. Let us now just take a snap shot of the prevailing conditions in Aceh and start by discussing an agenda of security regulation, escalation of military operations and cessation of armed conflict.

***Martti Ahtisaari***

What is the probability that we all have the same view? It is not possible to talk about other things, such as a monitoring system before

we have agreement and have signed the peace accord. Our starting point must be from that sort of perspective.

*Nurdin Abdurrachman*

We must have before anything else a cease fire before we can move on to other matters. Show us good intent!

*Nur Djuli*

Show the world you have done something! If we continue like this there will be no progress in anything we do.

*Hamid Awaludin*

I reject such a view. Whoever said we were not progressing in in our dialogue? Why did you come to this third round if you felt we were not getting anywhere? All of Indonesia and the world have witnessed our progress so far. You will be making a grave error if you disavow all of this.

Who is it who really does not want to advance these talks? Did we not agree in the very beginning that our discussions would proceed without the precondition of a cessation of armed conflict? Wasn't our motivation from the very beginning that we would deal with the problem as a whole, completely and with dignity for all sides? There is no cease fire. This will happened when we both sign a peace agreement. Come let us appreciate the consensus we have built so far. Come let us all appreciate the initiatives we have taken so far. Do not deny this!

*Martti Ahtisaari*

So what is it that GAM is proposing? We must start with the discussion points. Don't always take a step backwards. Come in here with positive and constructive ideas.

*Sofyan Djalil*

Why is it that the Aceh Law cannot be implemented? Is it because we have a conflict? Our constitution has in a very short time been amended

three or four times. We already have in place regional autonomy and special autonomy.

*Martti Ahtisaari*

The most complex problem is self-government. I am very sympathetic towards you, GAM, as you do no longer have your legal expert. Because of this I request you to take advantage of this forum to discuss the legislative issues associated with regional government. Let's take our coffee and tea break and reconvene at 4.30 p.m.

**1630 hrs After Coffee Break**

*Martti Ahtisaari*

I would like to invite the Government delegation to commence with this discussion.

*Hamid Awaludin*

We will straight away start with the implementation of elections for Regents/Mayors and Governor. This is a big jump in the political system and leadership recruitment in the provinces. Now, the citizens predominate in determining who their leaders are.

*Nur Djuli*

What happens if the laws all of a sudden change again?

*Hamid Awaludin*

Our Constitution has already opened a pathway on this matter. This is the highest law. No laws can overturn the Constitution. What else do you want?

*Sofyan Djali*

Indonesia had changed greatly since 1999.

***Pudja***

In the context of democracy, it is not fair if you compare the past with the present. Now we are consolidating our democracy.

***Hamid Awaludin***

The idea and demand for a direct election system is not demanded from above by the government or the parliament but demanded from below by the people, the electorate. I was personally directly involved in this process when I was a member of the General Election Committee.

***Martti Ahtisaari***

I think the Government's explanation is good.

***Nuridin Abdurrahman***

Thank you very much for this explanation. Let us look at the background to the Indonesian Constitution. Sukarno ignored the Constitution like in 1959<sup>40</sup>. This could occur again in the future. The Aceh Law was borne in a climate of conflict. We cannot accept it. Why is it that you do not want to have the people determine their destiny?

***Hamid Awaludin***

Once again it appears that you do not wish to go forward in our discussions. The irony is that you feel it is us who do not wish to make progress. Your pattern of thinking is that the past is too far in the background. You who have been educated overseas have witnessed in full or in part the fundamental changes in parts of the world, especially in the growth of democracy and human rights. Indonesia is too a part of that worldwide fundamental change. It is unjust if the Sukarno period is used as basis for comparison. For sure, at that time, the world had not changed. Today it is a very different world we live in.

<sup>40</sup> This was when President Sukarno introduced his Guided Democracy concept of government and dissolved the parliament in 1959.

**Martti Ahtisaari**

There is not even one government in the world that would give a guarantee that they would not ever amend their constitution. Constitutional changes are changes brought about by domestic and international dynamics. Your continual repeating of your past history will not help solve our problem. Why does it appear that you do not want to listen to Minister Awaludin and Minister Djalil that Indonesian has made spectacular changes with democracy? I do not know what I have to do to make clear this to you if your attitude continues like this.

**Nur Djuli**

Malaysia has four kings who are untouchable.

**Martti Ahtisaari**

Indonesia is not a kingdom.

**Hamid Awaludin**

Are you talking about democracy? Our Constitution provides a fertile ground for guaranteeing the practice of democracy. Indonesia today probably has the highest degree of press freedom in the world. Direct presidential elections have started and brought forth SBY and JK as our leaders. This is a first in the history of our Republic. Freedom of expression in Indonesia is No 1. The people elect their parliamentary representatives to make their Constitution. This is the way of a modern state and its people to make their constitution. The people have full sovereignty to choose the system and mechanism of government and politics according to their wishes. So what is your problem with Indonesia now? From the perspective of democracy what are your dreams and your demands?

**Martti Ahtisaari**

Please try to focus on the main discussion. Indonesia has changed a lot. Now the Constitution is very good. What is most important is that there are no obstacles to regional autonomy.

*Sofyan Djalil*

Every person has access to participate in politics, including GAM, once we have settled this conflict. As well GAM will be able to put up candidates for election. We have already plurality in matters of ethnicity, tribe, language, religion and so forth. All of these are the elements which re-enforce the conduct of our democracy.

*Martti Ahtisaari*

What is it that GAM is really proposing? Is it that you want to revisit and enter the arena of election of regional heads or is it another position?

*Malik Mahmud*

Thank you Indonesian delegates. Certainly, the Constitution has been amended several times and that fact is acceptable to us. There is no opposition to this from our side. What we wish for is an acknowledgement that there will be a special election in Aceh and the formation of self government or whatever we term it. The government of Aceh will be a government which is elected directly by the people of Aceh. We have no intention of contesting this coming election.

Jusuf Kalla, Mega, Gus Dur have all said Aceh can ask for anything except independence. Because of this, we have never wanted to talk about independence from the very beginning of these talks until now. What we require and demand are the main principles behind this thinking. We do not need to discuss this in any detail now. For sure we will need time to discuss this. We will need a number of experts to assist us. We need time. Pak Hamid, can we still consult with you outside this forum if we require a response?

*Hamid Awaludin*

From the very start until now and into the future, I will always be open and prepared to meet with you here or outside.

*Sofyan Djalil*

I thoroughly agree with Pak Malik that what we discuss here are the main principles. Detailed discussions can follow later.

**Martti Ahtisaari**

I think we have discussed things long enough for today. It is now 18.30. We can continue this tomorrow morning. Have a good rest.

*That night Hamid Awaludin, Malik Mahmud, Zaini Abdullah, Farid Husein and Juha Christensen met at the Hotel Radisson.*

**Second Day, 13 May 2005****Martti Ahtisaari**

Welcome back here. Before we discuss self-government, let us first concentrate on facilitation of integration. Who wants to lead?

**Hamid Awaludin**

We think Pak Sofyan Djalil.

**Sofyan Djalil**

In the beginning we agreed that if GAM activists wished to return to a normal life they could so. They could also serve in the armed forces, the police and become businessmen and so on. We can facilitate all of those wishes. Those who wish to remain in their villages as farmers and fishermen can do so. We can facilitate all of them. The overriding principle is that they can live a normal life. We can discuss this further to prevent social envy arising now or in the future.

As you already know, about IDR50 trillion has been allocated for post-tsunami rehabilitation and reconstruction. The allocation of taxes we can discuss further on.

**Nur Djuli**

The fact is that many Acehnese want to work at Exxon, but not one of us Acehnese who have been made manager there. Aceh must control their natural resources.

**Martti Ahtisaari**

I think that the number of 70 percent which you have now is a good basis to start your calculations. Before you start on the agenda item of political participation, you will both require considerable preparation. You will need land that is clearly defined for the people. Both of you need to have the same understanding of local election requirements. Don't allow differing interpretations to arise in the future. Are there still other comments? Is it best if we now move on to the topic of amnesty as a start to turning on the tap of political participation? For certain Minister Awaludin has jurisdiction here. Please.....

**Hamid Awaludin**

Our position from the very beginning has been clear. Thus, from the sequence of implementation, amnesty is a matter which we will implement first up when we have agreed to sign a peace agreement. Amnesty will be the first breath we take before anything else. We offer that at the latest two weeks after signing our peace agreement, we will release all GAM prisoners and detainees who fulfil the criteria, that is that their activities were directly linked to GAM's political struggle. Robbery, murder, kidnapping, illegal possession of weapons which have no link whatsoever to the GAM political struggle will not be categorized as persons who will be granted amnesty.

GAM activists outside prison walls and those outside of Indonesia will also be embraced by this amnesty. They will, in the eyes of the law, return as our full citizens and there will be no further problems. Their rights will be fully restored and be just like the rest of our citizens who have never been involved with GAM.

The mechanism is straight forward enough. The President heard the parliament decision regarding this presidential decree. I, as Minister, under whom these specific community issues fall, will implement the technical aspects of the decree. For certain this will require a number of administrative conditions, for example registration for future consideration. This entails identity and the existence of the person and their family. That is but a brief sketch of amnesty. Mr President, we are ready to do this. We have a long history of granting amnesty. Because of this, we have the expertise and the knowledge to do so.

**Malik Mahmud**

Thank you, Pak Hamid. We have thoroughly understood your explanation. I wish to explain one thing that amnesty is not an act of asking for forgiveness, or acknowledgment or regret. This involves a moral and spiritual aspect.

**Hamid Awaludin**

Amnesty is not identical with clemency. From a substantive point, I fully understand your feelings, Pak Malik Mahmud.

**Martti Ahtisaari**

However, as from now there can be no further arbitrary arrests.

**Hamid Awaludin**

Arbitrary arrest is strictly forbidden. This is not the era for that sort of stuff.

**Nur Djuli**

I hear that human rights violations will not benefit from this.

**Martti Ahtisaari**

We shall see.

**Zaini Abdullah**

There have been many cases of human rights violations in Aceh. We want an international court to try these perpetrators.

**Martti Ahtisaari**

This is a difficult issue. You yourself did not experience this? We had better take a coffee break. Could I see you Minister Awaludin on the second floor beforehand? I wish to ask you something.

10.30. a.m.

Presentation regarding Regional Regulations by Brigadier General Jaako Oksanen, Finnish Military Area Commander who has been a member of a UN team of military experts.

*Martti Ahtisaari*

Allow me to introduce General Jaako. He is well experienced in regional peace keeping operations. I know him well. His international reputation is high for handling matters like Aceh in the near future. I hope that there will be discussions with ASEAN apart from EU, as ASEAN is more familiar with the problem than the others. I know that the EU has a special committee to handle matters like this. A person from ASEAN must head any proposed team. This is not to internationalise the Aceh problem. Absolutely not! Police will be able to cooperate with civil authorities to resolve this.

*Shadia Marhaban*

1,500 personnel will be insufficient to meet all the demands throughout Aceh.

*Bachtiar Abdullah*

Can we get a copy of this plan?

*Martti Ahtisaari*

For sure you can.

*General Jaako*

These monitors will have to be identified with their own uniform.

*Martti Ahtisaari*

I have a security issue that is bigger than our presentation today.

**Zaini Abdullah**

After COHA military operations started they were not happy because there were foreigners in Aceh.

**Martti Ahtisaari**

Your concern here is quite valid. The issue before us now is how to free the Acehnese community from such pressure. How about the actions of the police and TNI? Making peace is an extremely risky business.

We have now two important agenda items. I suggest that the two delegation leaders meet first to discuss these before bringing it to the forum.

If I am not wrong, all the non-organic TNI and police forces will in the future leave. The question is how will this be done? How then will the organic TNI and police keep and maintain the peace? Afterwards, we will discuss decommissioning. Any comments on this?

**Bachtiar Abdullah**

Apart from the cease-fire, we need to discuss security arrangements.

**Martti Ahtisaari**

I hope our understanding by all of us would be that at the end of these talks here, formal discussion about the cease-fire would be a matter which really occurred outside of this agenda.

**Bachtiar Abdullah**

May we speak directly with the Government delegation on this point?

**Martti Ahtisaari**

There are no further discussions on the cease-fire here. You understand that? If the cease-fire fails yet again, then everything we have discussed here from the very beginning up to now will automatically collapse.

*Hamid Awaludin*

We can defer local elections till sometime after we have peace in Aceh.

*Sofyan Djallil*

We can cooperate closely over this matter.

*Martti Ahtisaari*

Now it is lunchtime. Please enjoy the food that has been prepared for you. Minister Awaludin and Pak Malik, after lunch I would like to take a walk with you both around the lake. In the afternoon we will meet only briefly.

3.30 p.m.

#### *Discussions about Economic Arrangements*

This meeting was only between the Government delegation and GAM

*Hamid Awaludin*

We will now discuss without our facilitator, Mr Martti Ahtisaari. We are ready. Please could the GAM delegation lead off.

*Nurdin Abdurrahman.*

There are several matters which require my elaboration here on the subject of revenue sharing. Here I want to stress that it is Aceh that gives to Jakarta not receives from Aceh. It is the same on the matter of tax. On the matter of supervision of our natural resources, Aceh must have this authority in future to manage this. We also need the right to allocate our natural resources, including annual grants of concessions, annual exploration and exploitation programs, and to whom they are granted. Also we need the authority to determine and supervise loan activities and transactions including foreign ones and their associated agreements.

Jakarta will only receive periodical reporting. Aceh must have the authority to manage and administer its own land and resources. Similarly, this should apply to water resource management and conservation.

Later, with the administration of education, this will include as well regulation of Acehnese children seeking education abroad. We need to coordinate this with overseas parties.

The control and management of airports is also one of our demands. With regard to auditing these operations, we alone will appoint the auditors.

Cultural and sporting teams appearing or competing overseas will use the name Aceh.

*Malik Mahmud*

Pak Hamid. I would like to speak a bit.

*Hamid Awaludin*

Please go ahead, Tengku Malik.

*Malik Mahmud*

With regard to trade potential, the regulations for airports and harbours must be the responsibility of any Aceh Government.

*Nurdin Abdurrachman*

Project tenders including work force regulations also must be under Acehnese control.

*Shadia Marhaban*

Tourism as well.

*Hamid Awaludin*

This is good. You have stated something that is concrete and not just going around and around in semantics. Thank you for your thoughts on education. This is important because Acehnese children have been

left way behind because their schools were burned down. Regarding the management of natural resources, there is no problem, provided they fulfil standards. Natural resources are linked to environmental problems which must meet both national and international standards. It is the same with airports. It is not simply a matter of maintaining infrastructure. More than that there are international standards to be followed such as safety. Today we live in an international community. We have to look at this in a rational manner. I think my explanation is clear enough because my brother, Bachtiar Abdullah had indicated by his approving nods full comprehension of what I have just said.

#### *Nurdin Abdurrachman*

The allocation of funds from the central government to Aceh must be investigated to see where these funds go. Also, there must be a retroactive principle here.

Former political prisoners are to be given work. There must be compensation for damage to both private and public property which occurred during military operations from 1998 onwards. Civilian members of our community who have lost members of their family must be granted pensions. There must also be guarantees of employment. Financial compensation for GAM rebels and those charged with political crimes must be readied. GAM commanders are not to be given any priority. We have our own style to overcome these sorts of problems.

#### *Sofyan Djalil*

On the matter of audits, we have no problem here. The problem of providing employment for criminals and political detainees, requires some better terminology because this is very sensitive for other members of the community. We must be particularly careful with any community members who were victims. All of this can only open a Pandora's Box.

#### *Malik Mahmud*

Those who lost family members, the living too, must be taken into account. We must help all of them. This is of course linked to human rights abuses.

*Nur Djuli*

We are discussing the economic problems and human rights here. There must be another way to settle this human rights issue.

*Hamid Awaludin*

I think time is running out on us. We have already heard your input and you ours. We will now invite President Ahtisaari to return to our meeting before we close for the day.

*Martti Ahtisaari*

It is my understanding that both sides have held direct discussions. I really appreciate this. You paid considerable attention to economic matters. Tomorrow, let us endeavour to discuss security arrangements. Until tomorrow!

*Zaini Abdullah*

What is the format tomorrow? Continue just like we did or will the facilitator be present?

*Hamid Awaludin*

We will see what happens tomorrow.

*Day Three, 15 May 2005*

*10.00 a.m.*

*This meeting was conducted directly between the respective parties without our facilitator.*

*Hamid Awaludin*

Welcome to our meeting table. We are refreshed after our rest. Probably Dr Farid is the only one not rested while prowling around every corner of Helsinki last night.

Permit me to commence our talks by saying that the authorities you mentioned yesterday can be done but with the annotation that there are several points which will have to submit to both national and international regulations. This is because it involves standards. The term self-government which you use has in fact been in use since 1999, namely regional autonomy; even so, what you imagine is provincial autonomy. Now in Indonesia, regional autonomy is practiced down at regency and city levels. Thus, a far deeper involvement with the community. Please if you wish to start do so.

*Nurdin Abdurrachman*

After we thought about it, we would characterise the government of Aceh as 'the self-governing territory of Aceh'

*Martti Ahtisaari*

This is just semantics.

*Nurdin Abdurrachman*

We have a sort of cabinet in our government which consists of a number of departments, for example:

- Education and Culture
- Investment
- Law and Justice
- Human Rights
- International Relations
- Finance
- Agriculture/Animal Husbandry
- Development Planning
- Culture and Tourism

That is roughly our format. It could be said this is our regional cabinet. Self-governing has its own constitution and must be entered in and guaranteed by the Indonesian Constitution as an entity with the federation of the Republic of Indonesia.

Acehnese representatives in the legislature will have the power to veto any legislation relating to Aceh made by the Parliament in Jakarta.

Other matters on international matters did not come into our discussion yesterday. Also we did not discuss defence matters. We require acknowledgement that Indonesian sovereignty neighbouring Aceh, outside the 20 nautical mile limit will fall within the territory of Aceh.

We wish to have a passport for Acehnese for use within Aceh. Linked to this are regulations regarding Acehnese citizenship which we need to discuss. ID cards will be issued to all Acehnese citizens by a self-governing Aceh.

Representative offices of the Jakarta government will be required to display the Aceh logo and fly the Aceh flag within the self-governing area and overseas.

Also, we wish to limit the numbers of people coming to Aceh.

Regarding laws related to local elections, we have included that there are local political parties. Also, here we must explain the local elections mechanism for electing the governor and the *Wali*<sup>24</sup> of Aceh. Additionally, these local elections must be implemented by an acceptable international body. And finally, persons who are not of Acehnese descent would be ineligible to stand as candidates.

### *Hamid Awaludin*

In fact, I was expecting far more demands from you than this. I wish to start my comments on your last point. In our talks GAM has continually spoken of the principles of human rights. Your proposal that those who aren't of Acehnese descent cannot participate in an election. This really violates these principles of human rights. Also, this proposal of yours contradicts your other proposal that there should be no limits placed on population movements.

On ID cards, population administration, and organisational structure we foresee no problems. Aceh can do this administratively. It is imperative we discuss the terminology. This involves some sensitivity. For example is it better if we use Education and Culture Service compared with the

<sup>24</sup> *Wali Nanggroe Aceh* is a symbolic position, elected by a council of Acehnese elders, to protect and preserve Acehnese culture and traditions and as well serve as "an unifier of society" in much the same way as the Sultan of Yogyakarta does.

Department of Education and Culture? If the term department is used there will be confusion as to whether this means the department in Jakarta. Further, here in Aceh many department stores have sprung up. People will have problems differentiating them. This decision is quite important to make it clear.

The implementation of local elections under foreign supervision we can discuss later on. Last year we had direct legislative and executive elections. Tens of international organisations monitored these elections from start to finish. They were unanimously of the opinion that these elections were very honest, fair, peaceful, open, free and responsible. Who implemented them that time? We did not employ some international organisation. If we ourselves organised these elections receiving international praise, why should we hand it over to some international body. This in a way would mean we despise ourselves.

Turning to passports, please give them directly to our immigration office in Aceh. There is no problem. Because passports are a state document, they must be printed by the state printers. It is the same as money. The problem of self-government will be linked to the UN in the future. Together with this, it is necessary that I remind you that Indonesia is a unitary state in the form of a republic. In brief, we really do not have a problem provided it does not conflict with the Constitution. Changing the Constitution, apart from taking time, it is extremely difficult and complex.

Meanwhile, we can no longer delay peace in Aceh. Statistically, one day's delay in signing our peace agreement means we have caused an average 4.6 persons to die. They will have died because of violence. Furthermore, the economic recession which Aceh has experienced will continue as development will not occur because of this continuing conflict. There are as well consequences for education of our children with the educational infrastructure being smashed and burnt. In the future there will be no educated Acehnese. For further comment I respectfully now ask my colleague Pak Sofyan make some remarks

*Sofyan Djalil*

Thank you Pak Hamid. I wish to say that constitutional change at the moment is very difficult as we have amended the Constitution four times

in four years. Largely, this was due to the momentum of reformation.<sup>45</sup> I think Pak Hamid's idea to use the Constitutional Court is to be taken seriously. On the matter of Acehese representatives in parliament, that is the provincial parliament<sup>46</sup>. This institution functions to balance local aspirations against nation interests in Jakarta. Regarding the provincial symbol, this is not a problem.

#### *Hamid Awaludin*

Thank you Pak Sofyan. The GAM proposals just put forward are very good. May I now propose something to our GAM friends? In the community's interest, it would be best if you insert something about a general health institution. So far this has not been reflected. There must be in Aceh a service that seriously takes control of public health issues there.

#### *Zaini Abdullah*

Thank you Pak Hamid for that proposal - a good idea. We agree to include this.

#### *Sofyan Djulil*

I remind you that it is preferable if GAM demands are not exclusive as perhaps in the future there may be demands for regencies and cities to secede from the province.

#### *Nur Djuli*

The idea of federation which we put forward is not the same as the federation *a la* United Kingdom. The governing territory is not like what the UN has in mind. In future we do not wish to become allergic to constitutional changes. From our side, the formation of local political parties is our final demand to prevent the flooding of the province by

<sup>45</sup> Reformation refers to the period after the fall of President Soeharto where there was a rapid blossoming of many of the elements of democracy.

<sup>46</sup> *Desain Perwakilan Daerah (DPD)*

other parties. There is no need to concern yourself with our ability to do this as we have our own way of working, different from yours.

*Nurdin Abdurrachman*

We have our own genealogy.

*Sofyan Djalil*

Changing the constitution at the moment would still be difficult.

*Hamid Awaludin*

Let's now take a break for coffee and tea. And come back at 12.30, yes?

**12.30 (After coffee break)**

**This Session is where GAM submits its written proposals to the Indonesian Government Delegation**

*Hamid Awaludin*

We have received your written proposal. We will study it as quickly as possible and directly give you our response. It is best we adjourn and rest and continue our dialogue tomorrow morning.

**Fourth Day, 15 May 2005**

**10.00 a.m.**

*This fourth day is a bilateral meeting between the Government Delegation and GAM*

*Hamid Awaludin*

Gentlemen. Now we will recommence our dialogue. We have already studied your written proposal which you submitted yesterday. Our

overall response is this working paper hopefully answers all of GAM's questions and positions on political participation, local elections and amnesty.

*Malik Mahmud*

We will require some time to study this. I hope that Government will not immediately demand answers.

*Hamid Awaludin*

This is only a working paper. There is no need for you to respond hurriedly or immediately. We will be doing the same.

**Fifth Day, Saturday 16 May 2005**

11.00 a.m.

*Martti Ahtisaari*

After checking my schedule, I ask you to return here on 26 May 2005. If this is unacceptable, then I suggest 11 July 2005. Or I will inform you when it would be suitable. The problem is I am extremely busy with other matters which I must tackle.

We will meet briefly today and I want to make a couple of points. Both delegations will have lunch together at the same table. I have already suggested the next meeting take place on 16 May 2005 to 31 May 2005. You have about ten days to prepare yourselves for this. One of my expectations of you, prior to TNI and police withdrawals, is that we must discuss in detail the monitoring system. Only that. I do not wish to take any more of your valuable time. Now I invite each delegation leaders to make their closing remarks.

*Malik Mahmud*

I am compelled to acknowledge we have discussed many matters and have made considerable progress. But there remain yet many more topics to address. Please convince us all, we have all have the same aim that is

to bring peace to Aceh. The people of Aceh have for long suffered from this ongoing conflict. I myself have convinced my people that we are in these talks for all Acehnese. I hope you also understand our predicament. In fact there is a clear point of agreement between both of us. I have had the opportunity to talk at length with Pak Hamid and Pak Zaini Abdullah outside while strolling around the lake there. I have noted there is not one subject we cannot discuss. Nothing is sacred. Safe trip back to Jakarta, and God willing, this afternoon we shall all be headed to our respective homes. Once again, our thanks to President Ahtisaari who wisely brought us both to sit together to discuss peace in Aceh. Safe trip!

### *Hamid Awaludin*

Mr President and my respected GAM friends. Step by step we have debated with one another. We have sailed on our voyage towards peace together and explored topics far and wide. We now mutually understand one another, and because of that, as explained by Pak Malik, we have made significant progress.

So far all obstacles in our path to peace, slowly but surely, we have removed. We must be grateful to the Almighty that the ice is starting to melt. Between us delegates there are no longer any hard feelings.

Mr President, our enormous thanks to you for all the trouble we have put you to in facilitating this mighty humanitarian mission. This is a safe anchorage for us all – a place where we can see, feel, and decide. This is our language and our universal home. It is the same when we are here. Thank you to the GAM delegates. To be honest, our personal relations with the GAM leadership could not be deeper. Because of this, there is no further need for concern for us all, each one of us.

Finally, allow me to end with a quote from Faulkner. In 1950, he was awarded the Nobel Prize for literature. On that occasion he said, "I am convinced this prize is not given to me but for my work. My work is no longer my property. It has become the property of everyone." What we have achieved here in these talks is an attempt to create a work of monumental size which will be recorded by history. It is likely we will not be awarded any prize by anyone. But always remember our work together created a peace for which history in posterity will award us a prize. All civilized human history damns violence.

Safe journey, my friends!

## ROUND FOUR: THE ISSUE OF LOCAL POLITICAL PARTIES

By the end of May 2005 winter had almost past. The Fins were welcoming a glorious spring. The lilies in front of the Vantaa lake were in full flower, the birch trees were soaring upwards with new green growth, no longer leafless twigs. Swans were paddling around the lake flapping their wings to the sound of splashing water. In the midst of Helsinki's natural beautiful surroundings, we returned with high optimism.

Like the third round, in this fourth round continued largely without the direct mediation of Martti Ahtisaari. Of course, lobbying between the delegation leaders continued as well as meetings with Ahtisaari.

Really early the first day, our meeting opened first up with domestic Indonesian issues linked to these talks. Thunderous discord emanated from Jakarta about our talks, mainly from our parliament and some retired generals. The press gave them all wide coverage. A number of meetings were held between the President and Vice President with members of Parliament. Naturally, this commotion caught the attention of the GAM delegation.

Responding to questions from the GAM delegation and Ahtisaari, I replied, "To these critics, we have told them that our dialogue is a very serious and sincere initiative to save human lives. We are compelled to uphold human dignity. As a result, the political aroma and undertones have lessened. Our platform is humanity. This well and truly exceeds the limits of politics and issues of sensitivity."

Sofyan Djalil had his own take and explained this uproar, saying "Our parliamentary members are more violent than our military!"

On hearing Sofyan's response about these parliamentarians, I added, "One parliamentarian even gushed asking why Dr Farid Hussein, Jusuf Kalla, Hamid Awaludin and Juha Christensen were involved in these talks. Was it because these four all spoke Bugis? This is what they said, as though it had been a conspiracy from the very beginning."

This brought appreciative chuckles from the other side of the peace table creating a far more relaxed atmosphere.

In this fourth round of the Aceh peace talks a large stumbling block appeared with GAM wanting to form a local political party – something that was from the very beginning never on our agenda as set out by the government spokesman.

Various groups in Jakarta had already loudly focussed on this point. On numerous occasions the government spokesman attempted to convince GAM that we would address this issue later if their idea of local political parties in Aceh continued to be pressed. "The signing of a peace agreement would be meaningless if this issue of local political parties is continually focussed upon," I said. Jusuf Kalla, and the Coordinating Minister for Politics, Justice and Human Rights had not yet signed off on this peace agreement.

In the middle of this uproar, I went and sat by myself. Suddenly an idea crossed my mind which might provide a way out of this predicament. That was to convince Malik Mahmud and Zaini Abdullah that GAM asks for a judicial review in our Constitutional Court of Laws regarding Political Parties.

My line of thinking was this: The Laws regarding Political Parties regulated the conditions for the formation of political parties on a national basis. This meant the form, attitude and structure of political parties were arranged nationally. Consequently, this conflicted with Article 22E Para (3) of our Constitution which states that the electors select members of the national Parliament and Provincial Parliaments through the political parties.

This constitutional explanation above does not expressly prohibit the formation of local political parties. At the same time the Laws

regarding Political Parties which regulate the structure, organisation, mechanisms and regulations for formation of political parties, are all aimed at national parties. Consequently, there is not the slightest opening for local parties. So, I planned to ask GAM to examine the legality of Laws regarding Political Parties in relation to our Constitution.

In a perplexing spot like this, I telephoned the Head of the Constitutional Court Prof Dr Bagir Manan. For Manan there was no problem with these local parties as there was no explicit prohibition in our Constitution. The only problem was political sensitivity which could go anywhere. "Is the Government brave enough to go against public opinion? That is the problem," said Bagir.

In my assessment which I considered well thought out, I put my idea to the Vice President by phone. His response was very positive. "All of this you can do so do it, provided it does not violate our Constitution. What is important above all is how to get our brothers in Aceh to stop fighting," said the VP. After this call, I informed Ahtisaari of my initiative which he immediately welcomed and suggested a three-way meeting with Malik Mahmud, Zaini Abdullah, and myself.

To the three of us Ahtisaari said "I have just had a lengthy discussion with Minister Awaludin. I am very concerned about the issue of local political parties. I have a hunch that this will become a stumbling block in our talks. Minister Awaludin's idea to get around this is to have a judicial review which you need to think carefully about. This could be an effective and speedy vehicle to resolve this problem." Afterwards, Ahtisaari asked me to explain how this would be done in the Constitutional Court.

I was quite brief explaining this. Every person, either as an individual or as a group, if they felt disadvantaged by any laws and which they further felt were unconstitutional could submit a request for a review to the Constitutional Court. The person or the group which submitted the review application had to be the person or group directly effected by this law. The applicant or applicants could not use legal counsel.

For sure, our GAM friends would feel that the Government would impose upon the Constitutional Court judges to defeat any such application. I managed to reduce this concern for them by mentioning that such imposition was improbable as I knew all the nine judges of this court could be categorized as 'the untouchable men'. Further a number of constructional cases brought before this court by the government had been lost by the government themselves.

On hearing my explanation, Malik Mahmud said, "Both of us trust you Pak Hamid to resolve the Aceh problem in full with no political agenda at the back of your mind. Dr Zaini and I now know your character, Pak Hamid."

Ahtisaari added, "I think you have to be very open with one another on this matter. Also, I said to Minister Awaludin that he should put his feet in GAM's shoes. Don't put your feet in your own shoes. This will make you one-sided. I am very clear on this. You have already granted amnesty with all its consequences, GAM can now be politically active with the same rights as other citizens. The problem is what vehicle are they going to use? GAM do not wish to use just any other vehicle. Additionally, GAM is not attracted to any national party. This too must be considered."

Following this meeting, I met with Sofyan Djalil privately. We reviewed all of this discussion along with my impression that Ahtisaari would probably support the GAM demand to form local political parties. Sofyan Djalil asked me to try and persuade GAM to consider seriously the idea of a judicial review in the Constitutional Court. "If we can convince GAM on this Pak Hamid, then it will turn out for the best. Both sides can claim a win. In the future no one will feel they lost on this point," said Sofyan Djalil.

Furthermore, this idea of a judicial review disappeared just like that despite the fact that I had sent a written proposal to Malik Mahmud about this judicial review. It seemed as though GAM has lost enthusiasm for this approach to the Constitutional Court. Later on Malik Mahmud admitted that this constructive proposal would in the future become a problem when later reorganisation and upgrading occurred within GAM itself. "It will really make its own problems for us in the future," explained Malik Mahmud. GAM understandably

worried that what would happen if the Constitutional Court did not grant their request.

Another matter which arose during this round of talks was that for the first time Pieter Feith from the EU came to our peace table. Ahtisaari had move fast to prepare for our impending peace agreement. Prior to Feith joining our dialogue, Ahtisaari asked me to meet with him in private. "Minister Awaludin, all my thoughts, and attention, and if necessary all my muscles, will be used to achieve peace in Aceh. I will wager everything on this. I am convinced we will sign a peace agreement with GAM. Believe me!" he said.

He went on "Please inform your President and Vice President that we will have a peace agreement in the near future. Consequently, I have to prepare a peace monitoring system for every peace agreement must have a monitoring system to check who is breaking the peace agreement and observe its implementation. That is the reason why today I specifically invited Pieter Feith here as he will head the EU team which will monitor our peace agreement. I hope the Indonesian Government delegation understands my thought process. GAM have no problems with this idea." Here Ahtisaari's voice was convincingly firm.

I replied, "We too have no problems with this."

By this tactic of convincing each party beforehand, the meeting with Pieter Feith with the GAM and Government delegations was already settled beforehand. Additionally, Ahtisaari demanded that all members of the monitoring team for the EU and from ASEAN be granted diplomatic immunity by the Indonesian Government.

Both parties happily agreed to this monitoring process, including the involvement of the EU and ASEAN. In this first meeting, Pieter Feith felt he had few problems with either the Government or GAM; and both sides urged Feith to ready immediately his work plan. Sofyan Djalil reminded us all that any international agenda or initiative must be constantly resisted. Feith responded by asking if his proposal would have to be approved by both sides.

Regarding this Feith explained his position that the EU was not an NGO. For the future success of his mission, he highlighted the importance of cooperation with TNI. "We only want success. Failure is far too high a price for us," he said.

I explained that the reason Feith wanted an explanation about military cooperation in implementing the impending peace agreement was an underlying concern that TNI would not fully support our peace agreement. It was utterly improbable that TNI would oppose this. The problem was while this conflict continued many TNI members would be killed or wounded. "Is there a military commander that would want to lose any of his troops". I said reciting the words of the TNI Commander General Endrianto.

In this fourth round, GAM supported by Ahtisaari, asked me if I would permit Damien Kingsbury to join this one session. He would only articulate GAM's wish about the term self-governing. For me there was no problem as long as his presence smoothed the way forward to peace. I agreed.

The attitude of others in my team was different. For example Usman Basya strongly opposed Kingsbury's presence but did not prevent me from continuing the peace talks. As a way out, Usman Basya requested my permission not to attend this meeting joined by Kingsbury. I agreed and very much appreciated my colleagues honesty and principles.

Thursday, 26 May 2005

9.30 a.m.

#### **Meeting between Ahtisaari and the Indonesian Delegation**

*Martti Ahtisaari*

Thank you again for coming to this fourth round in our dialogue. I note that Minister Awaludin is looking very fresh this morning. I think it is best we commence our agenda today by discussing the matter of political participation. GAM needs first to discuss this internally before opening a bilateral discussion with you. Until now we have not received any decision from the EU. However, I am convinced that it is best we take advantage of both the institutions of the EU and ASEAN. I have already discussed this with your President and Vice President and

your military leadership when I last visited Jakarta. Thank you for all the arrangements you made for my recent visit to Jakarta. Has there been any discussion amongst you as to why previous peace talks failed? Let us start this by inviting Minister Awaludin to start.

*Hamid Awaludin*

We have met with our Parliament and held wide ranging discussions about these peace talks. Also, we discussed in great detail the involvement of the Crisis Management Initiative (CMI) as facilitator. We said to our Members of Parliament that CMI was an excellent and professional facilitator. Also, we discussed the likelihood of the involvement of both the EU and ASEAN in guarding the future peace agreement. Nothing was hidden from them. Even the whole world knows that we have already completed round three of these talks. In brief, we stated that this dialogue which we had undertaken was a serious and sincere initiative to save human lives and uphold human dignity. This was our explanation to our Parliamentarians. As a result we managed to reduce some of these rising political aromas and differences. Our platform was that of humanitarianism. This approach far exceeded any political boundaries and other sensitive issues.

*Sofyan Djalil*

Our Parliamentarians are more aggressive than our military!

*Hamid Awaludin*

One Parliamentarian lost us totally by enquiring as to why Dr Farid, Jusuf Kalla, Hamid Awaludin and Juha were involved in these peace talks. Was it because by chance that the four of them spoke Bugis? This they implied had been arranged from the very beginning.

10.30 a.m.

Meeting only between Delegation Leaders: Hamid Awaludin, Malik Mahmud, Zaini Abdullah and Martti Ahtisaari

**Ahtisaari**

Thank both of you for coming with very significant progress in hand. I have spoken a lot with Minister Awaludin and he was able to convince me that the domestic view in Indonesia of these talks is very positive. However there remain some strong voices, warped and pessimistic about all of our initiative. That is to be expected. In my experience in handling these conflicts in various places, these will always occur. Do not let this get us down. What is important is that both parties have the courage to seek a solution to the problem we face.

**Malik Mahmud**

Yes, President Ahtisaari, that is so. We wish to start by expressing our thanks to President Ahtisaari for all the trouble he has gone to benefit all of us. We are ready to proceed with the talks and find more points of agreement. Furthermore, Minister Awaludin has always shown a very cooperative attitude and is able to understand all of our aspirations. On many issues, Minister Awaludin has great understanding and patience as well as endurance. Pak Hamid, please be advised that one of my delegation, Nurdin Abdurrachman, for sure speaks forcefully but importantly behind this he has many personal problems. The same goes for Nur Djuli. Their manner of speaking is like that, sort of explosive, and explains why they act like know-alls. But they are really good hearted men. We also appreciate the attitude we hear from Minister Djailil.

**Hamid Awaludin**

It does not matter. Do not let this affect us in these talks bridging two wide gaps created over many many years. We in our daily activity always come across or meet certain situations or certain types of people like this. For me, what is important is how we find points of agreement and points of fit. I do not place much importance on style.

**Ahtisaari**

See we have no problems at all! Now I wish you both to focus your future discussions on the concept and plan of granting amnesty. I have

lengthy discussion with Minister Awaludin over this. What he has said to me sounds very logical and does not require much time to implement it. Further, it is fortunate that the release of criminals or prisoners falls under his ministry. Let us now start our dialogue in the meeting room.

*10.30 a.m.*

*Meeting between both Delegations and chaired by Martti Ahtisaari.*

*Ahtisaari*

Welcome back to Helsinki. With every passing day, the eyes of the world are increasingly focussed on us all in this room. Personally, I am extremely optimistic with what we have so far achieved. You, both parties have your own problems. Let us start with the agenda item of amnesty which is a speciality of Minister Awaludin. Let us now hear from him.

*Hamid Awaludin*

First of all, welcome back to our forum. For sure with every passing day the eyes of the world are watching us all and assessing whatever we say, how we say it, and finally, what we will agree to. All of us here, are like a town on top of hill. Everyone can see us from below and inspect us. There is not one single spot that is out of their focus and their inspection. Yes, we are really like a town on top of a hill.

Permit me to offer our condolences to Dr Zaini Abdullah over the demise of his father. We looked after him well in Jakarta? Dr Farid diligently organized his treatment.

When I met President Ahtisaari at Cengkareng Airport in Jakarta on his recent visit to Indonesia, I had to race against time as President Yudhoyono was waiting for me at the Palace. I had been asked to announce the change in status of Aceh from a civil emergency to civilian control. This was a signal of how serious the Government of SBY-JK is about resolving this Aceh problem. This change of status for Aceh is I hope a small rung on the ladder which would assist us ascend to the top, which is the signing of a peace agreement.

The matter of amnesty by the Indonesian Government is an entry point, the first rung on this ladder. This is upstream from where water

will flow to below. Amnesty is a spring from which waters of well being and the source of life flowed downstream. When we sign the peace agreement, in a matter of two weeks from now, we would release all jailed and detained GAM activists. According to our figures there are about 500 GAM activists held in several places in Java. Even more are held in Aceh, North Sumatera and other provinces in Sumatera. I have already met with Tengku Usman Lempohawe, Kamaruzzaman and Amny in the Sukamiskin prison in Bandung. They all appeared well and delighted with our news. They said amnesty for sure had to be an early initial step.

Also, I want to tell you that when I visited one of the jails in East Java. There I discovered a skinny young boy with piercing looks. He had been in prison for four years and now he was 12; which meant he was arrested and imprisoned when he was 8. He was classified as a GAM rebel. All of this pointed to the fact that he started to experience the world of violence since he was 8 or may be even younger. He had no one anymore as all his family, including his father and mother and younger siblings had been swept away by the tsunami. He was not reluctant in any way to ask me to stop the conflict as he was totally traumatized by the sound and smell of gunfire. He did not want to return to Aceh because of this trauma. All he wanted to do was go back to school. This lad was adopted by my prison head there. He was already in the status of parole -partial liberty - and was now attending school nearby.

The point I want to make here, is I have already started visiting our prisons, met with and identified the GAM activists in jail or wherever else they are held. I have authorised all of this prior to any signing of a peace agreement. This will also simplify and speed up matters once our agreement is signed. I am sure that all of this has been reported back by them to the GAM leadership in Sweden, particularly from those in Sukamiskin. This early chapter will readily provide us a basis of understanding for subsequent discussions. We are ready now to commence this chapter.

#### *Ahtisaari*

Minister Awaludin, I think it is essential that you give us some sort of classification about this amnesty.

*Sofyan Djalil*

Yes, certainly we can discuss all of this. What is certain, that criminals who have no association whatsoever with GAM's struggle we cannot release, for example murderers or bank robbers. That's so Pak Hamid?

*Hamid Awaludin*

Yes, Pak Sofyan. The classification is quite clear. It only applies to GAM activists who directly have acted with or whose actions were within the framework of GAM's struggle. Not for any other connections. This must be clearly explained.

*Ahtisaari*

Yes that's the intention. All of you must discuss this further in far greater detail. I hope Minister Awaludin has prepared a working paper on this.

*Hamid Awaludin*

Not only have we prepared a well argues working paper but it even have implementation details as well.

*Nurdin Abdurrachman*

On this matter of the range of amnesty conditions as just explained by Pak Sofyan, can we grant special conditions to our GAM negotiators who are now cooped up in prison, specifically Nazar?

*Hamid Awaludin*

Not Nazar alone but there are others we must first attend to as well. There are even 16 who could be released almost immediately on conditional parole. I have already met with Nazar and his friends in East Java. For sure, they all hope we will let them out almost immediately.

*Nur Djuli*

But Nazar is strictly guarded.

*Hamid Awaludin*

That is a matter we can negotiate so that the term 'strict' becomes 'relaxed' and the term 'relaxed' becomes the term 'freed'. Like that?

*Ahtisaari*

What sort of criteria and standards will we apply?

*Hamid Awaludin*

There are two main criteria, namely leaders and activists' who are held in prison or detained along with those outside prison walls, whether inside Indonesia or live free outside Indonesia. From that general criterion we move to the point that only those who were directly linked to GAM struggles shall be granted amnesty. Those who had committed a wrong in the eyes of the law, unrelated to GAM cannot be granted amnesty. Otherwise we will be condemned by the world including GAM for allowing this. For example robbery, murder, bombing and terrorism.

Our working paper outlines three agenda: the scope of the amnesty, the means of granting amnesty including the method of release, and the legal consequences.

*Ahtisaari*

Very convincing. If that's all, let us now discuss economic regulations. Who wants to start this discussion? Usually Minister Djalil is the one attracted to this topic. Please.....

*Sofyan Djalil*

The Government had no concerns whatsoever over audit or granting financial responsibility. However, any audit of the past presents a problem in that all our documentation was swept away by the tsunami.

*Ahtisaari*

You had better take some steps immediately to prevent abuse of this opportunity, especially the ownership of any land submerged by the tsunami.

*Sofyan Djalil*

The Government is already doing something on this aspect.

*Ahtisaari*

What about tax matters?

*Sofyan Djalil*

10 to 90 percent. Statistics show that the central government contribution to Aceh is far greater than Aceh's contribution to Jakarta.

*Ahtisaari*

We will still stick to 70 percent for Aceh as our first step of mutual trust.

*Nur Djuli*

Pak Sofyan just made remarks about authority and sovereignty. The number we can negotiate over. Except, in principle, the natural resources of Aceh must be controlled by Aceh itself, not an outside party.

*Ahtisaari*

We need to be careful here. We must not forget that Aceh is an integral part of Indonesia.

*Hamid Awaludin*

I think that President Ahtisaari fully understands this problem and is wise in his attitude. In understanding the facts, we have to be more rational and realistic.

*Nurdin Abdurrachman*

There are two things related to economic regulation. First, Aceh must have the authority to determine the quantum repatriated to the

central government. Second, audit documentations lost in the tsunami must surely be on some computer in Jakarta. It is most unlikely that they don't exist.

*Hamid Awaludin*

For sure you can assume this. I just would like to remind you that not all government departments are on-line. Which means, if documents were damaged in Aceh, there is strong possibility that Jakarta departments don't have this data? This is a fact.

*Ahtisaari*

I consider it far more important to be thinking about the future than debating the past. Consider how many people have been lost either by the conflict or by the tsunami? I request both parties only to look at the present and the future and not saving face over past events.

*Nurdin Abdurrachman*

We need some rules here.

*Ahtisaari*

We need some specifications from the Government on the facilities for integration. Integration means something which far exceeds our discussion on economics. What sort of mechanism can we use to prevent future discrimination?

*Sofyan Djalil*

As already explained in detail about amnesty by my colleague, Pak Hamid, we will grant amnesty to our GAM brothers and sisters and they will have exactly the same position as all our other citizens. They will be allowed to join the military and police for example. We can discuss this in detail later.

*Ahtisaari*

I need to write this down to prevent discrimination in the future.

*Hamid Awaludin*

I strongly endorse President Ahtisaari's proposal to prevent future stereotyping.

*Ahtisaari*

It is now lunchtime. Our kitchen had prepared polar deer, the favourite of Minister Awaludin.

*Hamid Awaludin*

And tiramisu cake, as well Mr President?

*Ahtisaari*

We can negotiate this as we negotiate everything from morning to night. Oh, yes, Minister Awaludin could you come to my office on the second floor before we eat? There is something I need to discuss with you.

14.30 p.m.

Meeting between Martti Ahtisaari and delegation leaders: Malik Mahmud, Zaini Abdullah, and Hamid Awaludin.

*Ahtisaari*

I have just had a lengthy private talk with Minister Awaludin. I am extremely concerned about this agenda item on local political parties. I have a foreboding that this will become a stumbling block. How are we going to find an acceptable solution on this?

You must listen to Minister Awaludin's idea. Maybe this is the way out. Minister Awaludin would you now repeat your ideas on this.

*Hamid Awaludin*

The idea of local political parties has blossomed and has become a concept in Indonesia today. Except at the time of the constitutional

amendment, we continued through the era of reformation and afterwards but the idea has now diminished somewhat. The outcome of all these laws related to elections and political parties in no way explicitly paved the way for local political parties. Our constitution is not entirely explicit on this point as well. As a result, from the legal perspective this could be a problem in the future using constitutional reasons. From a political perspective, we are experiencing enormous political resistance in Jakarta.

Thus, it is best if a community group submits the judicial review of the Political Party Laws so as not to give political parties any room to manoeuvre. The reason being that in our Constitution there is an article that guarantees the right of citizens to form associations. Except these party laws leave no space or interpretation for such local political parties which in a way obviously conflicts with our constitutional guarantees.

Technically, this is simple. Your community group directly submits their application for a judicial review to the Constitutional Court. For sure you will say that the Government will conspire with the Constitutional Court to defeat this application. On this point, I want to be emphatic that our Constitutional Court is highly independent from the bureaucracy. There can be no intervention whatsoever. Their nine judges are men of rock who cannot be budged or influenced. They are carved out of impervious granite. They are really untouchable men. Additionally, there have been a number of cases brought to the Constitutional Court which have gone against the Government and these rulings have damaged or created further problems for the Government. In brief, there is a solution to this problem with a clear mechanism.

#### *Malik Mahmud*

Yesterday Mr President, I held wide ranging discussions with Pak Hamid on this. I firmly believe in his seriousness and sincerity. We both believe that Pak Hamid wants a total solution for Aceh and has no hidden political agenda. Pak Hamid please give us a complete written proposal. We will discuss it with our colleagues. I am always of the principle that there is no problem without a solution.

#### *Zaini Abdullah*

We believe Pak Hamid can find a solution to this. Furthermore so far we have got to know one another well and trust one another.

*Hamid Awaludin*

Tengku Malik and Zaini, God willing, we will find a solution to this. What is important we remain open with one another in our ongoing discussions.

*Ahtisaari*

We have now heard Minister Awaludin. I feel too you both must be extremely open with one another. As I suggested to Minister Awaludin, put yourself in GAM shoes. Don't just put your feet in your own shoes. That leads to partiality. I am quite clear on this point. Amnesty once granted will have its consequences. GAM can enter political activity just like any other Indonesian citizens. The problem is what is the vehicle they are going to drive? GAM does not want just any old vehicle. GAM is not drawn to national level politics. This also has to be considered,

**Second Day**

Friday, 27<sup>th</sup> May 2005

10.00 a.m.

Meeting between Mariti Ahtisaari, Hamid Awaludin, Malik Macmud, Zaini Abdullah and Damien Kingsbury

*Ahtisaari*

Yesterday we spoke about alternative mechanisms for local party politics. Minister Awaludin suggested the route of the Constitutional Court.

*Hamid Awaludin*

Yes, this is the fastest and most effective vehicle.

*Kingsbury*

The example of Papua is very different from Aceh. The Aceh Laws were passed in a period of violence.

*Hamid Awaludin*

I think you are very wrong. You are comparing apples with guava. If you want to compare something properly you compare apples with apples.

*Ahtisaari*

First let's ask ourselves what really is the difference between special autonomy and self-governing?

*Kingsbury*

Autonomy means genuine autonomy. Self-governing means the Aceh Government is genuinely done by the Acehnese themselves. There is no intervention from the central government. All of this will be done in the framework of a genuine democracy.

*Hamid Awaludin*

You are just going around in circles, fooling with words. There is no substantive concept here. All of what you have proposed merely rotates around semantics. I had expected you would come here with a spectacular idea for us which would make all the difference to these peace talks and solve everything.

*Ahtisaari*

Let's be more realistic about the facts currently being faced by the Indonesian Government. Once again, clearly what is the difference?

*Kingsbury*

Self-governing? That's all nonsense. The practice of government in Indonesia is totalitarian, just like the Nazis.

*Hamid Awaludin*

Professor Kingsbury's views are utterly laughable. First you are not a party to these negotiations. You are simply an advisor to GAM. This

means the outcome of these talks only binds the parties to the agreement. This is an universal formula, Professor Kingsbury. I do not wish to have to educate you anymore on these sorts of basics. Second, you claim to be an expert but your views are certainly not objective. What is in that head of yours? Experts are usually quite objective. What you suggested might have been true in the past. Try and open your ears and eyes, today Indonesia is vastly changed. There have been some very fundamental changes. Thirdly, I also have a doctoral qualification. Apart from studying law, I also later studied international politics. This means from the aspect of academic discipline, you do not have any right to claim a superior truth here. It would be preferable if you do not pretend to preach to us here. Once again, you are not a party to these negotiations. Is that clear to you?

*Ahtisaari*

Once again Damien, from your response I still have not yet discovered any significant differences in your response. There are none at all.

*Juha Christensen*

Now the administrative structure of the Indonesian Government has greatly changed from the past.

*Malik Mahmud*

Our joint main aim is to create a beneficial atmosphere for the people of Aceh which is special and generally for the people of Indonesia. Like that? To do this, why don't we solve the problem by having a referendum over independence?

*Ahtisaari*

Maybe you speak in jest? That is a dream that you will never materialize.

*Third Day, 28 May and Fourth Day, 29 May 2005*

On these two days there were no continuing discussions. These days were filled with exchanging written concepts. The Government would

make a written offer on something to which GAM responded in writing. GAM's responses over these two days related largely to matters of foreign policy, defence, security, religion, monetary issues and justice.

Generally, the Government responded using Law No 32 of 2004 regarding Regional Autonomy as a basis.

**Fifth Day, 30 May 2005**

**Meeting between both delegations with the EU Representative Mr Pieter Feith.**

*Ahtisaari*

I have known Mr Pieter Feith for a long time. He has a lengthy record of brokering and solving problems in many places in the world. I invited him intentionally here to discuss monitoring with all of us. Who knows that in the near future we all may agree to use the services of the EU as a monitor. We do not want to force the issue. If you desire, please give an invitation to the EU.

Should you have such an invitation, we can arrange and discuss with all the 25 countries in the EU. Afterwards we can visit Aceh and study the field situation and make an assessment. We would require a full mandate from both sides. We will only operate within the framework of a monitoring system agreed to by the parties. The form of which is entirely civilian. Not a military form at all. For certain there will be several military men included. We will absolutely need your total commitment and total support from both of you for guarantees of their security and their freedom of movement as agents of the EU. For certain they will require the substance of our future agreement including detailed instructions when they are in the field. If the Government agrees to all of this, the team must be also granted diplomatic immunity. Obviously, it is essential that there must be an exchange of letters and documentation between the Government and the President.

*Hamid Awaludin*

We for certain are headed in that direction. We will require a clear work plan from you.

*Feith*

We have to protect and maintain the momentum developed so far. We will have to protect and be open with the people assigned to us and will have a very open attitude. We will prepare a concept for this mission, as well as a budget and legal basis so as to be able to perform this mission we have been given.

*Sofyan Djalil*

President Ahtisaari has already discussed this with us. In principle, we have no problems with any of this. For certain, the issue of internationalizing it is extremely sensitive.

*Feith*

Undoubtedly, we will have to work with TNI. We will have to rely on TNI for part of this mission. We are not an NGO. We want success. Failure is far too expensive a price for us.

How come GAM have suddenly changed their minds?

*Hamid Awaludin*

We want only to add this here in explanation. First, the new government of SBY-JK is fully committed to resolving the Aceh problem with dignity, totally, and permanently. Do not have any apprehension about this. Second, GAM is very realistic on this. There is no international support for them should GAM wish to abrogate our agreement. Third, is the "Tsunami Factor". On this final point, the Government places high importance on accelerating the process of reconstruction and rehabilitation. These pre-conditions are the guarantee of peace in Aceh.

We have guarantees from the highest levels that TNI fully supports this peace initiative. On two occasions I have met with our President, our Vice President, and our Coordinating Minister for Politics, Justice and Human Rights together with our TNI Commander General Endrianto. On each occasion the President has stressed that our peace agreement is the best way to benefit all parties. The President again stated that TNI

must submit to the Government's political decisions. Each time the TNI Commander said that TNI would fully observe all government political decisions to achieve a peaceable solution to end the Aceh conflict and all associated problems. Privately, I met on several occasions with the TNI Commander. He always promised me that TNI would be right behind us supporting our peace delegation.

*Sofyan Djalil*

There have been many changes in Indonesia all of them for the better. The widely dispersed GAM leadership also understands this.

*Arló Dell'Arricia* (one of the EU representatives)

How are you going to do all of this?

*Sofyan Djalil*

It will really depend on our peace agreement document. The assessment and evaluation of this sacred mission we will be discussing in the very near future in Jakarta.

*Feith*

The Government side will have to appoint a field coordinator with whom we can communicate clearly and easily. The main task is to ensure that the violence ends, weapons are surrendered, GAM activists are re-integrated into the community, human rights are protected and amnesty is implemented.

## THE LAST ROUND - COMPLETE DEMANDS TO HAND

We arrived in Helsinki without an overcoat. However the rising sun was warming the clear Finnish sky above us. In the summer here Helsinki was surprisingly bright and clean. Trams and buses went to and fro with their passengers wearing only light fashions. The days felt as though they were longer but the beauty of it all could not really be felt yet. The burden on my mind and my colleagues was so severe. We had arrived for the final summit where all our troubles would hopefully be cleared away and we could wrap up the talks and put them away.

The Aceh Peace Talks in this last round not much was transacted in the meeting room but much was achieved by lobbying outside between myself, Sofyan Djalil, Malik Mahmud, Zaini Abdullah and of course Martti Ahtisaari. The focus in these informal discussions was the draft Memorandum of Understanding (MOU). Word by word were examined, problem by problem simplified, and decision by decision proposed and included in the final draft.

This fifth round of the Aceh Peace Talks was the determining round and long awaited. Here every stalled initiative and all differences between the Government and GAM were hammered out and eliminated and all became legitimate and acceptable so that the MOU could be assembled and glued together. Here the divide between the opposing camps for over thirty years could now be closed. This fifth round was the bridge we hoped to build a bridge which joined the two initially widely separated points of view. However, in this last round

of our dialogue this draft MOU between the Indonesian Government and GAM would be initialled by their respective delegation leaders and by Martti Ahtisaari as facilitator.

It was precisely in this last round when an earlier agenda item re-arose and threatened to sink the entire talks, our hopes and our sweet dreams of success. The problem was an overlooked and unfinalized agenda item from previous rounds. It was again the issue of local political parties and it rapidly became critical.

GAM continued to demand the right to form local political parties while the Government only offered representation through the existing structure of national political parties. Here, Ahtisaari's personal position was quite clear. He supported GAM on their demand. For Ahtisaari, the formation of local political parties involved not only identity but that of self-esteem. "Try and put your feet in GAM's shoes and see how it feels. Don't just put your feet in your own shoes," said Ahtisaari urging us to consider GAM predicament. Although Ahtisaari supported GAM on this issue he was still trying to neutralize the issue.

The various arguments Sofyan Djalil and I proposed, like tactics, to try to convince GAM of the difficulty of fulfilling their demand for local parties failed. All our arguments did was strengthen their resolve. "We have given in on our demand for independence and for a referendum but this time can't this one be conceded," said Malik Mahmud to me.

"Yes, please Pak Hamid let's quickly sign this peace agreement. Put to one side those things which are stalling us," continued Zaini Abdullah.

"Ring and convince the VP on this. We will be able to complete it all if this issue of local political parties can be accommodated," urged Ahtisaari in a private meeting with me.

In this tense atmosphere, Sofyan Djalil and I consulted with Jakarta by telephone. Innumerable and continuous telephone calls were made to our Coordinating Minister for Political Affairs, Justice and Human Rights Widodo AS, and naturally the Vice President. Both asked me to hold off for a while as they had not completed their discussions with the President.

Not caving in here, Sofyan Djalil and I tried to meet in private with Malik Mahmud and Zaini Adbdullah. The two of us, mainly Sofyan Djalil, gave them a lengthy argument that in the final count in time to come the issue of local party politics would be realized for GAM. Now, in Jakarta, there was very high sensitivity on this point. Further, the history of GAM's struggle was one of opposition to the Government which many felt was gnawing away at the concept of the unitary state of Indonesia.

Also, it was possible that some groups in Jakarta would consider local political parties in Aceh would become a very effective vehicle for GAM to open a new page of opposition to our unitary state.

Because of these two likely positions, both of us tried to convince the GAM leaders that we would fully support them to establish political parties on a national basis. "If the reason is a shortage of manpower, we are more than ready to help you," said Sofyan Djalil. Furthermore, the registration and verification of political parties was under the jurisdiction of Pak Hamid as Minister for Justice and Human Rights.

"More than that, Pak Hamid had already had experience with political parties. He was once a member of the Electoral Committee,"<sup>67</sup> said Sofyan trying to convince them.

In the end all of our effort to convince GAM not to demand local political parties fell on barren ground. The Helsinki MOU signed by both sides explicitly opened an opportunity for this. Later on, the Indonesian Parliament in conjunction with the Government passed Law No 12 of 2006 regarding Aceh Government, which fully opened the way for local political parties in Aceh.

Thanks to God, all of these stalled initiatives one by one vanished. Jakarta accepted the draft MOU including the formation of local political parties. I was so grateful in this final round when Malik Mahmud said to me, "the problem of the GAM name will ultimately disappear when the time comes."

So all of our worries and suspicions that plagued some of us over these months about GAM finally disappeared. Additionally,

<sup>67</sup> Komisi Pemilihan Umum (KPU)

GAM clearly indicated that they would like to be involved in the Aceh Rehabilitation and Reconstruction Board<sup>26</sup> while those overseas wanted to return home to assist in rebuilding the devastated Aceh. Finished, our job is done and mission accomplished!

The following day we departed from Helsinki on Fin Air. Helsinki was partially bathed in warm sunlight. Even before our flight had taken off I was fast asleep. For months I had been totally engaged in tactics and bitter debate both here and at home. Now I could at last relax.

## Final Round

12-17 July 2005

First Day, 12 July 2005

9.00 a.m. Meeting between Ahtisaari and the Indonesian Delegation

*Ahtisaari*

It is probably best if we start with the draft MOU which I handed out to both you and GAM. I think that the EU delegation and your military should start today talks as the EU delegation will be leaving tomorrow. I hope we can make one more step. Minister Awaludin is there anything you want to say first? I know that there are many matters that you wish to bring up to achieve this peace. Also, I gather that you have many tactics and thoughts to achieve this.

If all goes well, we will sign the MOU in August. If there are some things that are not resolved, perhaps we may need one more round. You must ask GAM how many men they really have in the field. They did undertake to inform us.

<sup>26</sup> Badan Rehabilitasi dan Rekonstruksi Aceh (BRRA)

*Hamid Awaludin*

We have discussed our MOU comprehensively. Our Vice President took the initiative to call a meeting of a number of our Ministers with our President to discuss this draft. We are ready and are almost 90 percent in agreement. Consequently, we need not stay here much longer. We have a way out on this issue of local political parties. Ten major political parties in Indonesia are ready to accept GAM candidates in forthcoming local elections. So GAM need not concern itself unduly over forming new parties.

*Ahtisaari*

How are you going to convince GAM on this?

*Hamid Awaludin*

Here I have a page of signatures of the heads of the national political parties agreeing to this witnessed by our Vice President.<sup>49</sup> The agreement is in writing. Thus, GAM need not worry that we will cheat them.

*Ahtisaari*

As far as I understand their demand is essentially for their own identity for a political party. They well may reject your proposal.

*Juha*

I think Minister Awaludin's suggestion makes sense because they need a political vehicle right now - immediately. They still will not be able to form a political party in three years' time.

*Sofyan Djalil*

At the moment the political climate back in Jakarta is very supportive of us so we feel it would be best to sign this peace agreement as quickly

<sup>49</sup> See Appendix

as possible. All sections of society now support us. The majority of the Acehnese are with us on this formula. This is the climate of belief in our homeland now. Our President, our Vice President and our Cabinet Ministers strongly support this formula as the best solution. Certainly, we will support GAM to form national political parties.

*Ahtisaari*

They need their own identity. I too have read your Constitution. Apart from this issue of local political parties, we must seriously discuss, and in detail too, the withdrawal of your troops from Aceh and the surrender of GAM weapons.

*Hamid Awaludin*

Our military are well advanced in their planning for this. Do not worry about it. They are now ready with an advanced plan of action including the various stages of their withdrawal.

*Sofyan Djafri*

I would like to stress that we have really studied in detail this issue of national political parties.

*Hamid Awaludin*

Yes, they can select any ten of these of the national parties as their vehicle for candidacy without losing their own identity. Once nominated by these political parties there is no need for them to be associated with these parties. This is the doorway - the exit of out of this problem.

*Sofyan Djafri*

Our President could be legally summarised if he violated our Constitution. The problem is that local political parties are not included explicitly in our Constitution.

*Juha*

Minister Awaludin, how long does it take to establish a national political party?

*Hamid Awaludin*

One year is more than enough. We will help them form their political party as they will have insufficient resources to do so. We understand that. And because of that, we are more than happy to assist them.

*Sofyan Djalil*

The case of PDK is a very good example. At a national level, this party is not very popular but is very prominent in Pak Hamid's area - South Sulawesi.

*Hamid Awaludin*

I really strongly recommend GAM keeps their Acehness but as a national party.

*Juha*

The matter of security is also of the highest importance for GAM

*Sofyan Djalil*

We do have experience in handling conflict. Both Pak Hamid and Pak Farid have considerable expertise and experience derived from the Poso and Ambon conflicts. Each conflict opened an opportunity for a local considered approach.

*Hamid Awaludin*

Any future problems arising from the past can be resolved by reconciliation. Why not?

Also, we are ready to revise Law No 18 of 2001 regarding Special Autonomy for Aceh. This is a means for them to save a face. With this revision we will make much progress to achieve peace.

### **11.30 a.m. Meeting of both Delegations**

#### *Ahtisaari*

Welcome back to our forum. There is no need for me to stress the importance of this final round. What we now will agree to here will change everything that seemed impossible for tens of years. In the future, the results of our efforts here at this table will create a community living in peace, no longer frightened or intimidated. My suggestion is, after listening to various proposals from both sides, I now would like to invite Minister Awaludin lead first. I have intentionally invited him to speak first as he explains things firmly and clearly, without any vagaries which make it difficult to comprehend. Moreover, he is an expert in convincing us all.

#### *Hasid Awaludin*

Thank you President Ahtisaari for all the trouble you have been put to and thank you for your limitless dedication to solve this problem of ours which has been persisting for tens of years. Also, our thanks to our GAM colleagues who have displayed great sincerity sitting with us at this peace table, helping us all clear a way through to this island of peace awaited for by millions of people. Today is a day of reconciliation when history will record that our dreams of living in peace have been achieved. Today is a day where people in years to come will remember it as a day when our peace dawned slowly rising above the eastern horizon. Today is a day when in time to come it will be noted that those of us sitting at this table now, were men who took the initiative to save the lives of our community. People will say to us quoting Mahatma Gandhi "Non-violence is my first faith" because we wanted to stop this violence. We want to stop the sound of gunfire and bury and extinguish these burning

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coals of revenge. Because of all of this great hopes are directed to this room and to those around this meeting table of ours. They hope our attitudes here will create the foundations of a peace they have yearned for tens of years. They hope our vote here in these talks will be like the hands of an angel saving them from this violence. They are waiting for us to open the curtains of hope that so far have been submerged and abandoned to their individual smouldering desire for revenge. That is our position here at this final round. God will always accompany every peace initiative.

*Malik Mahmud*

Once again we would like to express many thanks to President Ahtisaari. Our really sincere thanks to Minister Awaludin who heads the Government team, who has lead his team resolutely, but asserting a coolness and without any pretensions. From the very beginning, we greatly appreciated Minister Awaludin's wanting to listen to us, tirelessly, and the same for Minister Djalil. He always gave us a way out and opened our minds. All of what we have achieved is not only for the benefit of people of Aceh but for the benefit of every Indonesian and for ASEAN as all of this is linked together with what we are discussing. These people are thirsty for peace. I feel very lucky that now the only point of difference between us is small before we reach total agreement. As this is the final round, I request that all of us put aside these small residual matters.

*Ahtisaari*

Thank you both parties. Now we will discuss the text which I have handed out to both of you.

*Bachtiar Abdullah*

The words the Province of Aceh must be erased. We suggest the wording of just Aceh only.

*Sofyan Djalil*

Also, we must insert the word Constitution

**Ahtisaari**

Let's start with the term the Aceh Government.

**Sofyan Djalil**

We can change the word province to region.

**Ahtisaari**

Let's retain the words unitary state and the Constitution of the Republic of Indonesia. Are there any other suggestions?

**Bachtiar Abdullah**

In the future Aceh will have its own jurisdiction. In the draft we have the terms religion and justice.

**Ahtisaari**

Who would like to respond to this? This is really the speciality of Minister Awaludin. Please.....

**Hamid Awaludin**

Justice means the system of laws in our country. In this context, we must see that there are regions which have their own authority, except for six major responsibilities which remain in the hands of the central government. These are foreign relations, finance, defence, security, religion and justice. These six are the cement which glues our nation together and is the frame around our unitary state. These are not surrendered to the regions. In particular, in the making of legislation, each province has the authority to make and pass legislation which are called regional regulations. In Aceh this is called *Qanun* or canon law. This has been in practice in Indonesia since 1999 and is now operating well. This is the main theme of Regional Autonomy. Furthermore with the process and mechanism of direct elections of provincial leaders like regents, mayors and governors none of this has been influenced in any

way by the central government. It all operates in an open market with complete sovereignty resting with the electorate. In brief, what GAM envisages for regional authority and sovereignty is already in existence and is being practiced nationwide.

*Ahtisaari*

They have a problem with this and want their own system. You should make careful note of the issues of justice, security and religion.

*Hamid Awaludin*

If there are problems with the appointment of officers of the law, it is clear that the appointment of the Chief Prosecutor, Chief of Police and Chief Justice is made by the central government but with the approval of the provincial governor. This provides a fair degree of room for manoeuvre for the regions.

*Nurdin Abdurrachman*

We need a high court and prosecutor.

*Hamid Awaludin*

You don't need this, so there is no need to insist on this. These institutions are in place and functioning. Thus, there is no problem with this.

*Sofyan Djalil*

The substance of this draft is excellent but if GAM wishes to discuss the formula and terminology, please do so.

*Bachtiar Abdullah*

*Qanun* must be included as a symbol of respect for Acehnese traditions.

*Hamid Awaludin*

Could you please be more specific?

*Nur Djuli*

QWNN must be considered as something that is dynamic.

*Altitasari*

Let's return to the main agenda, that is political participation.

*Bachtiar Abdullah*

We have no new suggestions here. We only wish to emphasize our position that we want free elections to choose our governors, regents and mayors.

*Altitasari*

Probably it is best to issue a regulation that the eligible age to vote is 17 years.

*Hamid Awaludin*

Agreed

*Bachtiar Abdullah*

Agreed

*Altitasari*

If so, then we should move on to discuss the economic agenda. But beforehand we should enjoy our lunch together.

2.00 p.m.

### Meeting of Both Parties

*Ahtisaari*

We are all now refreshed after lunch. So we will discuss human rights. Minister Awaludin could you start.....

*Hamid Awaludin*

The issue of human rights encompasses a wide area and is an issue quite sensitive for both sides. This issue can be simultaneously either an accelerator or a brake. It really depends upon our approach. I want to emphasize again that the issue of human rights in the context of our discussions here is a problem for the future, including the legal aspects, the processes and the institutions involved. This applies in particular to the past where we will have to have a commission of truth and reconciliation which is currently in the throes of selection. This will be a sound and neutral method. We already have laws for this. Further, international inclination for past human rights offences is for reconciliation. There is a problem here with this legalistic approach over the burden of proof. How can we uncover something that happened in the past and use it as proof? This can re-open the wounds suffered by each party.

*Malik Mahmud*

Can we have these sorts of laws, Pak Hamid?

*Hamid Awaludin.*

Oh, for sure.

*Ahtisaari*

I think that the Government position is clear enough for all of us. Now I want both parties to discuss amnesty and re-integration.

*Bachtiar Abdullah*

Here we require an independent team to assess the status of political detainees in Indonesia.

*Sofyan Djalil*

After the amnesty there will be no more persons categorized as political detainees. They will all have clean records.

*Ahtisaari*

Please Minister Awaludin could you discuss this more comprehensively?

*Hamid Awaludin*

Yes, amnesty is the first problem we address in the very near future. As I have explained before, two weeks after the signing of this peace agreement, our Government will commence releasing the prisoners who were involved with GAM who are now scattered throughout Indonesia. For certain this does not include ordinary prisoners who have no link or association with the GAM movement and struggle. We must be quite clear on this point. Believe me this release is quite straight forward. As minister for prisons and prisoners fall directly under me, I promise that our first task will be this for GAM. As you know I have already met with a number of your GAM leaders in these prisons of ours. They are delighted with this. So there is no point in trying to create a new approach on this. The criteria and all the data is clear and in hand.

*Ahtisaari*

How will we resolve this? If we have to find a new institution, or whatever we call it, it may be appropriate if we use the monitoring team.

*Hamid Awaludin*

I would like all of us to think carefully about this. We do not have to make difficulties for ourselves finding or forming a new body to do this.

What is important, I think, is that we have already agreed to the EU and ASEAN participation. Let them also monitor this aspect of our agreement whether the Government observes it or not. The amnesty goes for other aspects of our peace agreement. The process and mechanics of amnesty are reasonably simple. Once we have agreed on this peace pact we will seek ratification by our Parliament. After that our President will issue a decree granting a general amnesty. And please remember, the Indonesia Government has a long experience of granting amnesty. This is not a new matter. After that, I, as Minister for Justice and Human Rights will issue a ministerial decree releasing all prisoners which belong to this category or with links to your GAM struggle and activities. We have a matured and detailed plan in hand.

*Bachtiar Abdullah*

We need to add to point (d) to bring it into line with what we earlier agreed as on page 4 of the draft.

*Ahtisaari*

Are the total amounts of certain items firm as offered by the Government?

*Sofyan Djalil*

We haven't decided on this yet. What is important to note is that we will give compensation not only to GAM but the surrounding communities. Give us a few days to determine this.

*Ahtisaari*

This point must be included in the agreement document. Are there still further questions? Can I suggest that we take a short break after which the EU team can come in to the meeting?

5.00 p.m.

**After the break**

*Ahtisaari*

During the break the EU team met with GAM. I really would like to have this draft agreement initialled in this round. Minister Awaludin, Mr Malik Mahmud and I will do it.

Because of this let's take advantage of the time left to discuss matters which we have not agreed. So let us talk about the agenda item on security arrangements which are contained in the fourth section of our draft.

*Sofyan Djalil*

We need to repeat our adherence to the structure of this paragraph of the agreement.

*Ahtisaari*

I suggest that we do not use the wording "illegal weapons". Also, I wish to emphasize that local police and TNI there will be responsible for local security.

*Bachtiar Abdullah*

The withdrawal of TNI forces and the surrender of weapons must be simultaneous.

*Hamid Awaludin*

Yes, that is correct but in stages and with accountability. We will have to use some kind of formula for this. In this context I would like to refresh your memories that in Indonesia we have two well known songs - "Don't let there be lies between us" and "I am the same as before". The formula for the TNI troop withdrawal and surrender of GAM weapons must be a formula that will prevent singing don't let there be lies between us and I am the same as before.

**Ahtisaari**

Minister Awaludin is extremely talented in entertaining us here.

The withdrawal must run in parallel. This will entail a timetable which is already included in the draft agreement. Once again, I hear that there are a number of countries which would commit to helping the Indonesian Government maintain peace and train human rights personnel. Minister Awaludin could you elucidate this please?

**Hamid Awaludin**

Yes, I have already met with a number of ambassadors from friendly countries in Jakarta. They fully support special human rights training for local police on duty in Aceh. Norway, USA, Sweden, Australia and the UK have already made a commitment. And I believe them for they have both the interest and commitment to uphold human rights. The fact is cooperation with these countries has been underway for some time.

**Ahtisaari**

My understanding is that invitation for the EU to become the monitor is underway. Signature for agreement for this monitoring team will occur at the same time we sign the MOU between the Indonesian Government and GAM.

**Bachtiar Abdullah**

I would like also to stress the point of security arrangements which is contained on the final page of our agreement.

**Nurdin Abdurrachman**

On the issue of post-tsunami reconstruction in Aceh we need to have a unified view and understanding of this.

**Nur Djuli**

What about GAM involvement in the BRR?

*Sofyan Djalil*

All persons involved with BRR are recruited locally, and that would of course include GAM.

*Nurdin Abdurrahman*

But we do not have a blue print for any of this. We need this so there may be some certainty.

*Ahtisaari*

I would ask GAM not to make problems. Do not start things from the beginning again. I am an expert in the problems of development. For sure there will always be critics however long we take. You will all have the opportunity to be involved and to make your own contribution. What is important and must be uppermost, have you readied your own experts. That will be your greatest challenge and greatest contribution. Now I want to ask how many of you GAM wish to return to Aceh and live making a contribution to Indonesia.

*Bachtiar Abdullah*

We all want to return to Aceh.

*Ahtisaari*

This is an excellent opportunity to dynamize the Aceh economy. Please take advantage of it. There is no need to consider other mechanisms. That just wastes time.

*Hamid Awaludin*

I will be brief here. GAM's wish to participate and contribute to BRR we can fulfil. You will have every opportunity to do so but in accordance with your individual technical qualifications.

**Malik Mahmud**

It is best that both parties remember that this conflict has continued for three decades. To date not one has completed their education or found a way out. Consequently GAM came to this meeting for three reasons: First, being the tsunami factor; the second being the wishes of the international community; and third there had been a change in the Indonesian Government to SBY and Jusuf Kalla. We believe they have the courage and the strong desire to solve this problem. We are assembled here wanting to cross this bridge to peace in Aceh. I strongly support Hamid Awaludin for throughout these past three decades we never achieved such advances in any of our peace talks. Although he is younger than I, he has a great knowledge and understanding about the history of this conflict. Pak Hamid was still a teenager at the start of our differences and now in his adulthood he is a minister. I am utterly convinced that under his leadership, the Indonesia and GAM discussants will achieve what all of us crave. In the end, the GAM will slip from view and be lost.

**Hamid Awaludin**

I am greatly honoured by Tengku Malik's assessment of me. Apart from all of this, I and the Indonesian delegation came here with the noble aims to end the violence, create peace with dignity and for the glory of all humanity. What we have initiated here in this room will be a deed of devotion recorded by history. A history of the efforts of our children who will now live in peace with their brothers and sisters from whom they have been long parted. Again history will record that the men who sit in this room are men who brought water to their children, their brothers and sisters who for such a long time craved peace. God is always with us. Thanks to God Almighty!

**Ahtisaari**

We are a long way along the road we struck out on. My aims are identical with those of Minister Awaludin and Pak Malik. We will end our discussion here as the day is running away from us. The MOU document must be written and translated properly.

Second Day, 13 July 2005

9.00 a.m.

*Ahtisaari*

Welcome back to both delegations and we will commence our discussions again. The EU team is already here waiting on the second floor. I hope the city of Helsinki always makes you feel safe and may you always sleep soundly here at night. I wish to hand out the drafts of the MOU which we have prepared.

Let us start our talks with analyzing the six responsibilities of the central government in relation to the Regional Government Laws.

*Nurdin Abdurrachman*

I am still drawn to discuss religion first.

*Nur Djuli*

This is a very sensitive issue in our homeland

*Bachtiar Abdulhak*

We need to discuss security matters.

*Ahtisaari*

The police will concentrate on internal issues while the armed forces will concentrate on external issues. This is our intention in the draft which you will all hopefully have already read.

*Hamid Atwaludin*

The governor will have considerable responsibility in the territory he leads.

*Ahtisaari*

Have all of you read the draft. It is now best if we enjoy a short break for tea and coffee. We will reconvene at 11.20 a.m.

**11.20 a.m. after a break**

*Bachtiar Abdullah*

Please would you, Pak Hamid, clarify for us the prevailing justice system in Indonesia?

*Hamid Awaludin*

The total structure of our judicial system in Indonesia today falls under the direct control of the Supreme Court. It is not under the Government. Consequently, the appointment of the judiciary for Aceh will have to be discussed with the Supreme Court.

*Ahtisaari*

Let us move on to the agenda item regarding political participation that is point 1 in the draft MOU. Are there comments?

*Sofyan Djalil*

Yes, in the past I tried to prevent the inclusion of this item as it is so burdensome.

*Ahtisaari*

Let's talk about that now, not put it to one side again. We will start with the hardest so that those items which follow will seem easier.

*Sofyan Djalil*

Here we need to explain this as it a very very difficult problem for us to face in Jakarta nowadays. Merely political parties are not a problem

but not local political parties. Should the Acehnese want political parties with the national standard, the Government will certainly assist them. On the matter of agreeing to the formation of local parties, the President could face dismissal if this happened because this is a constitutional matter. Our Vice President had found a clever way around this problem, that is for GAM candidates who wish to run for the offices of governor, vice governor, regent and vice regent. There is now a statement from the leaders of ten political parties agreeing to allow Aceh candidates to stand under their party.

*Nur Djuli*

We are not only speaking in the context of GAM. We also speak in the context of democratic principles for all people. We speak in the context of the principles of the basic democratic processes. Why are we forced to remove our demand for independence?

*Sofyan Djalil*

Today, democracy in Indonesia is well underway and developing swiftly. For sure there is some opposition to it. We fully understand GAM's stand here but sorry, we are unable to satisfy GAM here.

*Hamid Awaludin*

I would like to sketch the latest situation in Indonesia in relations to politics there. As you all know, we are in the era of reformation, political parties are sprouting up everywhere with various platforms, missions and founders. In the elections of 2004 of about 50 parties which applied for registration only 24 passed selection to enter the election. There were parties based upon provinces and for sure already had members in the central parliament and even more members in the local parliaments. In a scenario like this, the Acehnese or GAM has the potential to do the same. If it is only about local party politics, this is an instrument limited to representation at the local level. Why are there no men with larger dreams and larger expectations to sit in the national parliament so that their aspirations will have a national nuance as well? It is importance to think this over.

*Ahtisaari*

We will end this discussion here to enjoy our lunch. I would like to meet Minister Awaludin during this break. I have something I need to discuss with you. Enjoy your lunch.

2.30 p.m. after lunch break

*Nur Djuli*

We will continue our discussion about local party politics.

*Hamid Awaludin*

I have been forced to eat a lot because I know Nur Djuli just ate deer meat which will make him very energetic in discussing local party politics. You should know that I too ate deer meat. This means Nur Djuli and I will be able to move faster to resolve this issue of local party politics.

Permit me to explain a bit about the history of the Political Parties Law which operates today in Indonesia. The conditions for political parties using the national standards is a percentage, for example they must have an office and a management structure in at least 50 percent of the provinces or regencies at provincial level which is the mortar of unity for the totality of our large nation; but at the same time it has the potential to be a divisive factor. Our country is a country where places are geographically widely separated from one another. Our nation is a nation which is still very pluralistic from the ethnic, racial and religious aspects. There is no longer a great gap between the educated and the uneducated. The same can be said for the wealthy and the poor. Of course these variables are very sensitive. Thus it is imperative we develop a political system supported by political parties which can become the mortar in between the bricks of our grand construction named the Republic of Indonesia. That is the aim.

*Ahtisaari*

Is there a strong likelihood to revise your Political Parties Law?

*Sofyan Djallil*

The demands for this are quite significant

*Artisazari*

How quickly can you help GAM to form a political party which would meet the requirements of your constitution and laws?

*Harid Anahudin*

We could do this in under a year. For the verification and registration of political parties this falls under my portfolio as Minister for Justice and Human Rights.

## CONSENSUS BY THE STREAM

January 2005 was winter time in Finland. Helsinki was so cold that it froze your fingertips. It was only with a well lined overcoat, gloves and a hot cup of tea that this cold could be counteracted. However, the mansion at Vantaa, on the outskirts of Helsinki was inside as warm as toast. The peace talks between Indonesia and GAM began with a feeling of how difficult it would be to seek points of agreement between us – like trying to thread a needle in the dark.

After three changes of season and five rounds of talks it was still warm by the coals in the hearth there.

Luckily the garden, or rather the field at the rear of the mansion, had a clear stream flowing through which always cooling even to the mind. In one of our debates, we got into a deadlock; I stepped out of the meeting followed by the two wise GAM leaders, Tengku Malik Mahmud and Zairi Abdullah. They both headed to the bank of the stream signalling for me to follow them.

While following along the stream bank, the three of us spoke heart-to-heart, freed from our associates and status seeking to close this rift without one of us losing face or dignity. This stream-side agreement of ours was later finalized at the peace table. Our three way meetings were sometimes attended by Ahtisaari; and sometimes just between me and Ahtisaari. As well on many occasions our internal meetings of the Indonesian delegation took place here. It would be fair to say the 80 per cent of the Aceh negotiations were sorted out by this pretty stream. The debate in the meeting room was just a formality.

On the first day of the talks, while walking to the meeting room, of classic European style, on the first floor on the mansion, I plucked up courage. The GAM delegation was already seated preceding the Indonesian delegation. When Ahtisaari invited our delegation to come in, I did not head to my seat, but went to the GAM delegation and one-by-one warmly greeted them. I felt their surprise for they did not respond warmly to my handshake. From that I knew they felt they were in the room in preparation for battle.

When I shook hand with Malik, I greeted him firmly saying "How are you, Your Excellency? I am here to discuss and share views to achieve the same goal." He replied "Thank you, Minister. You must be Hamid Awaludin. I have heard about you. You Bugis are everywhere including being present at this peace table. Did you know there once was a Bugis rajah of Aceh?"

It was clear my approach really touched Malik. On one occasion during a break in our overheated talks, he invited me to walk with him by the stream. "I intentionally asked you, Pak Hamid, to come out here so that I may express my friendly respect for you. We have never felt a government official let alone a minister would respect us like this. This is the start of a good friendship which will smooth the road to peace. As friends say to one another, your attitude Pak Hamid is a sign of your sincerity which we equally reciprocate. We must maintain this atmosphere if we want peace."

I was somewhat taken aback hearing this but honestly, overjoyed. Malik said "In previous meetings we were deemed to be inferiors with no position of equality whatsoever. In this meeting we are now considered as equals. Thank you, Pak Hamid. What is crucial, Pak Hamid is that we remain patient and healthy. Our road to peace is long. But God willing, with this kind of sincerity which you, Pak Hamid, have shown us, we will succeed."

Honestly speaking, this small gesture of mine at the beginning was not put on. It came straight from my heart recalling VP Kalla's advice to treat GAM as your partners. My action has cleared the air making for a atmosphere of trust.

## Environment

The stream behind the house was sparkling and clear. On the edge of it, spreading out were dew-covered lawns and a small thick forest of healthy trees. In this peaceful natural setting at Vantaa melodious bird calls were heard. Swept up by these elements of nature, I am sure Malik was reminded of his childhood in Aceh when he could swim and play in the clear river waters which could be drunk. He often returned to these memories of watching farmers, fishermen – all breathing the pollution-free fresh air of Aceh.

It was not surprising, therefore, that Malik, while admiring the natural beauty of environment of our meeting place, discussed environmental matters. He invariably complained about the destruction of Aceh's forests and the environment there. He dubbed himself as "an environmentalist". "Pak Hamid, when we have peace in time to come, we must fix up Aceh's damaged forests. I am concerned about all of these things. I am always delighted to smell vegetation and the water", said Malik. "All of this we can be do, Tengku, when we have peace, and soon your dreams will become real," I replied.

## Cease Fire

The GAM delegation, in particular Malik Mahmud and Zaini Abdullah, wanted a cease fire as a pre-condition to continue the talks. Their reason being that the cease fire would be a sign of respect for the people of Aceh after the tsunami.

This was firmly rejected by the Indonesian Government. We could not agree to this. There had already been three ceasefires over three periods with three different names. Every one of them failed to bring peace to Aceh. If the fourth failed then all following would surely fail as well. And the window of opportunity for peace would be closed and Aceh again would be half enveloped in grief and return to wallowing in the blood of battle.

I suggested an easy compromise, "Restrain ourselves!" This was promptly agreed to by Martti Ahtisaari, the facilitator of the meeting.

Facing the GAM delegation sometimes required patience and also determination. For example, one of the GAM delegates Nur Djuli, was one, I felt, who raged on mainly only to hear himself. His words battered the listeners' ears only inviting anger in response to these outbursts.

I was extremely mad with him. As luck would have it on our stroll along the stream-side path, Malik gently said to me, "Please understand that is the way he is. All responsibility really rests with me. Do not take it to heart. This forum is a stage where we can express ourselves freely." And thus my rage was swept away with the passing flow of the stream.

Another GAM delegate Nurdin Abdurrahman was a completely different personality. Normally, he was cold and unresponsive but at the peace table he raged on and on. Throughout the peace talks he introduced his personal experiences and complained non-stop about TNI. The tone of his voice was flat and cynical. His language was absolutely threatening.

At the height of the winter there was a small incident during a rest period. Farid Husein, Widodo A.S. and I were standing on the veranda while sipping some hot tea but shivering under our overcoats; and Pak Widodo was enjoying a smoke.

Out of no where, Nurdin appeared on the veranda and confronted Widodo. "You are from Jakarta, yes?" he asked.

Widodo replied, "Yes, *Mas*<sup>90</sup>."

Nurdin went on, "You must be from the military, yes?" to which he confirmed.

Nurdin then enquired of him, "How many Acehnese have you killed in Aceh?"

Coolly Widodo replied "I don't kill people, *Mas*."

Overhearing this provocative exchange, I protested robustly to Malik Mahmud and to Martti. At the conclusion of that day's discussions I approached the GAM delegation, and shook Nurdin's hand while holding my hand he said, "Here we are shaking hands while we are killing one another in Aceh."

<sup>90</sup> *Mas*, meaning gold in Indonesian, is an affectionate term used when addressing males.

Immediately, I flashed back at him, saying "It will be best if you never ever repeat that sort of sentence to me ever again. I am furious with you. You are totally unethical."

My fury continued. Malik Mahmud clearly saw this exchange and my fury. Again by the banks of the stream, Malik cooled everything down by explaining "The background to this outburst is that Nurdin has a lot of personal problems. His first cousin was recently shot dead. Please, Pak Hamid, try to understand him. I will speak to him".

I was stunned by Widodo's reaction – calm, gentle and mature. His facial expression did not change in the slightest. His smile remained the same throughout this verbal clash. "Consider it just a part of the meeting process, *Mas*," he counselled me.

## Amnesty

When snow whitened everything around the mansion, the two GAM leaders invited me for a stroll around the garden. Malik Mahmud enquired about the Government's interest in granting an amnesty, especially releasing GAM prisoners who were held in a number of prisons in various towns throughout Indonesia. For Malik, even if peace was agreed upon, only by releasing them could a permanent and enduring peace be realized. "Every one of us has savoured fresh air, but we cannot go on hiding the past," he said.

Apart from this, on the shoulders of Malik and the GAM leadership here hung the responsibility of leaders who placed the interests of their followers ahead of themselves. "Releasing these prisoners would prove that the GAM leadership had done something for them," said Malik. Consequently, this would strengthen their legitimate leadership so as they could then exert discipline in the future.

In the sound of the snow-laden wind, Malik Mahmud and Zaini Abdullah repeatedly cautioned me to pay serious attention to the plight of these Acehese prisoners. From what Malik had heard many of the GAM prisoners had been tortured. I countered "This was not possible. Furthermore, this area is my responsibility as Minister of Justice and Human Rights."

In a number of places in subsequent discussions they said over and over again that they awaited the early release of their members in the Sukamiskin prison namely Tengku Usman Lampoh Awe, Tengku Amni and Kamaruzzaman and in the Malang prison, Muhammad Nazar; the first three being GAM cadres and advisers.

To all of these requests I said yes. Further Malik tried to urge me to allow the three in Sukamiskin to join in the Helsinki peace talks to which I could not agree.

### Political/Administrative Division<sup>51</sup>

Malik's love of his Aceh knew no bounds. Because of this Aceh's problems were constantly on his mind. At our private arena by the stream, on meeting breaks, Malik would often ask me in one of our heart to heart sessions what was the likelihood of Aceh being subdivided into smaller administrative units. If this happens "Aceh will enter a new chapter of conflict between the Acehnese themselves," he said.

To prevent this he asked for a government guarantee that Aceh would not be allowed to sub-divide the province and other subordinate administrative areas "So that there could be no new inter-Acehnese conflict."

To this concern I replied briefly, 'Our Government feels that it is necessary to stop these administrative divisions because they are extremely costly.'

Aside from that I added "These sub-divisions are not as simple as they seem. They have to go through the local provincial parliament (DPRD)<sup>52</sup> first and so on. We will both have to convince the DPRD not to propose such sub-divisions."

On hearing my reply, Malik appeared more relaxed and a little joy appeared on his face. "If that is the case, Pak Hamid, now I can

<sup>51</sup> In the Indonesian text, the term used is *pemrakan* which means flowering or blossoming. In this context it is an allegorical term for the post-regional autonomy legislation whereby much sub-division of existing provinces, and regencies was sought.

<sup>52</sup> DPRD - *Desaan Perwakilan Rakyat Daerah*

sleep in peace. Now I will inform my men in the field that there will be no sub-division in Aceh."

### Conduct of the Army

One inseparable and constant topic of our peace talks in Helsinki was the matter of the conduct of the Indonesian Army - TNI. In our chats alongside the stream, this matter of army violence in Aceh was invariably alluded to by Malik Mahmud and Zaini Abdullah.

I replied calmly that in the truth of the matter there also had been violence perpetrated by GAM. "All of this will end when we have peace. This behaviour of TNI cannot be separated from their mission and this is brought about by the fact that we are in a state of war. Violence descends from this war. Thus our agenda in these talks here must quickly enter the mechanics of peace talks" I said. With this response I wanted to sharpen the focus of the aim of these talks, albeit well distant geographically from Indonesia, to win an eternal peace with GAM and to stop this bloodshed in Aceh."

Worries still remained on Malik's mind. He queried "Are these peace talks going to be pointless? Will TNI really support the outcome of these peace talks?"

I replied, "I guarantee that TNI will 100 per cent support these peace talks." And went to recount that in front of me the President, the Vice President, and the TNI Commander General Endrianto Soetarto stated that the Aceh peace was a presidential decision. The general added that he as a soldier must obey all and any presidential political decisions.

Whether it be a one-on-one private meeting, or a telephone conversation, the TNI commander he would always support me as leader of these peace talks. Also, he guaranteed me that not even one TNI member who would dare interfere with my peace process efforts. In this exchange, the general also added that not one of his military commanders wanted any of his men killed or wounded on a battlefield in Aceh.

Upon hearing this Zaini Abdullah firmly fixed my eyes and said briefly, "Thank God Almighty that TNI can change their behaviour."

Malik added to this a happier and more optimistic note: "If that is the case, then the greater part of our work is done."

### **Human Rights Problems**

Nur Djuli and Nurdin Abdurrahman, the two vocal and cynical GAM big shots continually raised the human rights issue at our peace table. The two of them wanted to form an international team to investigate human rights violations while the Indonesian Government delegation's position was that was a matter for the future and not a matter of the past. "If we address the past, it will become very complex," I urged the meeting.

Moreover, I explained the human rights problems more freely and openly in my heart-to-heart talks with Malik Mahmud besides our stream - our private conference venue. I explained to Malik that the human rights violations should not only be submitted to the Government because GAM had already done much of the same too. In a wider sense, the burning of schools by GAM closed the window of opportunity for Acehnese children. "That was a serious violation of human rights," I tendered in support.

I went on to urge GAM to adopt the same sort of big hearted approach as did South Africa and Nelson Mandela in their reconciliation. These old issues could be dealt with a Truth and Reconciliation Committee. Returning from the stream bank, we entered the conference room far more relaxed and our discussions on human rights were equitably resolved.

### ***Peci*<sup>33</sup> of the late Ibrahim Tiba**

In the final stages of the second round of our talks, Juha Christensen closed the session by saying that in the next round due to commence in about six weeks both delegations should prepare themselves for this round. GAM was asked to consider the Indonesian Government's proposal to them on special autonomy.

<sup>33</sup> *Peci* is the Muslim men's velvet cap, usually black and sometimes decorated with gold braid.

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On hearing Juha's suggestion, Malik appeared saddened. "This is difficult for us as our legal expert Sofyan Ibrahim Tiba died in jail in Aceh, trapped in the tsunami", he said with slightly tearful eyes.

Suddenly, I found the spirit to arouse them remembering my last visit to Aceh prior to the tsunami demolishing the city. I recounted one Friday, as Minister under whose authority prisons fell, I visited the one in Banda Aceh. Here I had the opportunity to pray with them, warders and prisoners alike. "A man with spectacles wearing a *peci* approached me asking me to come to his cell after our prayers. I did that. He was Sofyan Ibrahim Tiba, whom Tengku Malik just mentioned."

Tengku Sofyan Ibrahim Tiba whispered to me: "Pak Hamid I am aware that there have been secret talks between Jusuf Kalla, Farid Husein and yourself with GAM in a number of countries. I welcome and support this. It is as if God wished all of this. Please Pak Hamid would you take my *peci* and give it to the GAM leaders in Sweden when we have started talking and I agree that we must seek a real and enduring peace without any mistruths. My *peci* is my communicating signal. Please return the *peci* when we achieve peace, said Tengku Sofyan."

While showing the GAM delegation his *peci*, I said, "It is a great pity, gentlemen that this *peci* cannot be returned to Tengku Sofyan because he was washed away with the jail by the tsunami. May the departure of this leader of GAM, from our world, spur us onwards to future peace....."

The meeting room fell quiet so much so I was able to hear the emotional breathing of the Aceh delegates.

After the meeting, I hastily asked Usman Basya "Was it true that Sofyan Ibrahim Tiba died in the Aceh jail?"

Upon hearing confirmation that was correct, I breathed easily and smiled.

Usman asked, "Why Pak Hamid?"

"The problem is that in fact I did meet Sofyan in the Aceh jail and did speak with him, but the story about the *peci* is not true at all. Imagine if he was still alive, they would have known within days, probably hours."

Whereupon the members of the Indonesian delegation erupted in laughter at my confession.

I felt thoroughly guilty and uncomfortable with this dissembling ploy of mine over the *peci*. So the following day, I invited Malik and Zaini to come for a stroll along our stream bank. With all honesty I told them, "Tengku, please forgive me. The story I told you about Tengku Sofyan Ibrahim was really true except for the bit about the *peci*. I did meet him in the Aceh jail and we spoke at length about peace for Aceh. But, the bit about his *peci* was purely a ploy to arouse your emotions, gentlemen."

Zaini came back at me saying, "I cannot imagine you to being so creative making up such a story to arouse our emotions. Even without this *peci* story, Pak Hamid you are always able to arouse our emotions about Aceh." He shook his head in wonder.

Even the equable Malik was excited and raised his arms to the heavens with his mouth open gasping as if asking the Almighty for guidance. He could not for the life of him believe that I could interrupt our serious discussion spinning a yarn like this.

Fortunately, for our relationship, they both understood. Malik even hugged me saying, "It does not really matter, Pak Hamid as long as you are ready to be summonsed to court by the beneficiaries of Ibrahim Tiba's will demanding the return of his *peci*," chuckled Malik. We were the three of us, swept away on wave of relief and happiness because it was all now out in the open.

## Constitution

All the delegates in Helsinki were whipped by bitterly cold winds but with their hearts and thoughts often smouldering like coals. And especially so when they heard a news item from Indonesia discussing the simple way in which GAM was going to be forced to acknowledge the unitary state of Indonesia – NKRI<sup>14</sup> – and the constitution. This really created great tension across the peace table.

<sup>14</sup> NKRI – Negara Kesatuan Republik Indonesia

So one afternoon, Malik Mahmud, Zaini Abdullah and I returned to enjoy our stroll along the stream behind the mansion. Malik endeavoured to convince me that the peace table was only a process to peace; and if we had peace, the concept of state unity and the constitution would automatically fall into place. "So do not force us to that stage now with those conditions. For in the end we will get there," he said to me.

He was also slightly resentful over the urging by the media that GAM should issue a statement that they would not demand independence from Indonesia. This never came up at the peace table but brought up only by the press. Both Malik and Zaini were extremely touchy on this point and offended by the suggestion that these talks were directly under the thumb of Jakarta implying that I had no authority whatsoever.

Malik said "I am sorry to see you Pak Hamid and Pak Sofyan being pressured in such a way so as to compel us to issue a statement revoking GAM's demand for independence. It is important that I say to you Pak Hamid it is extremely unlikely that we will do this now. The nub of our problem is that we have been this war for tens of years and all of a sudden we drop what we have been fighting for?"

If this was done, chaos would erupt in Aceh. "My men in the field would then be very difficult to control," he cautioned.

In reality, according to Malik, "With our presence here at the peace table, with the agenda which has been already set, it must be already understood we are not going to discuss this matter further. This goes without saying."

"I am really feeling ill, Pak Hamid," said Malik placing his hand on his chest and shaking his head. His eyes were glassy. "I have exhausted all my energy and life for this struggle. But for the people of Aceh, we have become isolated from them."

When he said this to me, I touched Malik's right sleeve and Zaini's left and replied, "Thank you. I understand it."

Later I telephoned JK and reported this. "Hamid, it would seem that the major part of your work has been done. Thank you! Please ritually bathe and offer prayers of thanks to the Almighty. This will keep us fighting. Please convey my respects to both Malik and Zaini."

### *Homesick*

Our talks alongside the stream between the three of us, Malik Mahmud and Zaini Abdullah and myself will never be forgotten by me. The wind was still very cold. The three of us wandered along the stream bank with me, the shortest, wedged in between them, the GAM leaders being taller. Suddenly we stopped hearing the sound of a fish splashing in the water but who knows why but Malik asked me, "How old is your oldest child?" I replied just three, Tengku, and my second is just one year old. To which Malik commented "That's sad. You are not with them but here organizing the lot of us. For certain you will receive your just desserts from the Almighty."

"I have been away far too long away Pak Hamid. My children grew up well out of my purview. Really, I want to be re-united with them. I have a really cute granddaughter who is very sensitive. I really wish to live with them all in peace and quiet. All of this depends on you, Pak Hamid, government spokesman," stressed Malik.

"Frankly speaking, Pak Hamid, I miss home already. I want to be able to stand on Aceh Beach, looking at the Bugis schooners sailing back and forth. I miss my old folk's village in Aceh," Malik continued.

After saying that Malik felt for his back pocket, and fetched his handkerchief to dab his eyes. I was touched too by his emotions. Not unexpectedly he took my arm and invited me to continue our stroll along our stream bank. "Yes, I miss home and my family, Pak Hamid, please," he said in English. Now it was my turn to be tearful. So we strolled further along together in comforting silence.

Later on I telephoned JK to relate Malik's words to me and our tears too. JK replied almost immediately, "Thanks to the Almighty. We will get peace because they have a deep spiritual desire to return home to their villages. Go and make your ritual ablutions and pray," ordered JK.

### **Local Party Politics**

This issue of local party politics almost brought our talks to an abrupt end. On the last day of the fifth round of talks in the middle of July 2005 the sky in Helsinki had closed in on us. GAM resolutely

stuck to their demand to have local political parties. Ahtisaari also supported the idea. After various tactics were deployed to deflect their demand, Jakarta agreed in the end to open up this possibility.

At the height of the tension over the differences between the Government and GAM and mediation thereof, we were still unable to resolve this. So, as per usual, Malik and Zaini invited me for a walk along the bank. None of us spoke while walking tracking the river bank which was now far distant from the place of our clash of opinions.

Luckily Farid Hussein suddenly appeared in front of us breaking our silence and deadlock, saying teasingly, "I have been following you for a while, and who knows who may want to toss you in the river. For certain Pak Hamid has to be well guarded as he can't swim." Then Malik took my arm saying, "It is my responsibility to look after your safety Pak Hamid because we all really need you."

On hearing this I felt more optimistic that our talks could proceed as normal. For a full day we did not talk. This problem of local political parties was dividing us. It was if all of a sudden there appeared an insurmountable boundary between us – the Government and GAM. So when Malik Mahmud took my arm that day all lines of demarcation were seemingly erased.

"Pak Hamid, once again please give the people of Aceh hope! We have already dropped demands for independence and we will stop fighting the Government. But grant us a special vehicle: local political parties so the Acehnese people will remember that we have given them prestige and dignity. Please Pak Hamid. I am already old and really want to see Aceh in peace before my predestined call from above occurs." Malik cried, his face was blushed. Zaini looked at me without blinking. Again Malik grabbed my arm saying, "Pak Hamid you are still very young compared with me. Probably, you will witness and reap the rewards of what we have done here. The Acehnese will understand this and reciprocate your kindness, Pak Hamid." We three continued our walk tracking the bank. Farid waved at us from the distance.

So that was that! When our discussions were finalized with a shining victory for all parties, I left the mansion at Vantaa with an indelible memory that can never be erased from my mind about that clear sparkling water flowing in the stream behind the mansion, our private meeting venue.

The carpet of snow, dew on the lawns, the row of trees, the bird calls, and the seasons which passed while I was there are permanently etched in my mind. In this milieu, these natural elements all played a significant and successful contributing part of our achieving peace in Aceh. The sparks from the fireplace in the conference room were always dampened by the natural environment outside which cooled our ardour by the stream bank. Almost three years after signing the MOU, in my normal day-to-day life, I often say to myself, "I miss that place very much."

How and when can I return.....

## HOW WE ACHIEVED PEACE

Peace in Aceh, the Land of the *Rencong* Dagger - had now been achieved. Three decades of conflict between the Indonesian Government and GAM had cost as many as 15,000 lives. They were all victims of violence originating from a very fundamental difference of opinion. Over this period this persisting line of demarcation between us and them created a situation which legitimized violence. The victims were from all sides: government, ordinary people and members of GAM.

If this statistic was accurate, this meant each day in these three decades of conflict more than 4.6 persons a day must have been killed. This further meant that for every day we delayed signing the peace treaty another 4.6 people, our brothers and sisters would die. In brief, the signing of a peace treaty with GAM would be an incentive to save 4.6 persons every day. This was a noble initiative that would be lauded by any civilized humanity and an imperative for all religions.

The Veranda of Mecca<sup>28</sup> during the conflict was a terrifying field of butchery. The name Darussalam, meaning 'abode of peace' was far distant from the fact. This area at the northern tip of Sumatra became a barracks and an ammunition magazine. The crack of gunfire could be relentless, blind and meaningless. People could be scattered by

<sup>28</sup> The Veranda of Mecca is a commonly used metaphor for Aceh intimating its religious proximity in every sense to the holy city of Islam.

bullet fire from who knows where; perhaps it was directed by the wind gods? The whiff of fired ammunition scented the air of Aceh, kidnapping became merely a daily occurrence, mutual suspicion and accusation between the security forces, the people and GAM grew in the midst of Aceh. In the middle of this unpredictable war, death upon death came in repeated cycles.

Perhaps this is because Acehnese say bitterly that 'in Aceh it is just a game, death is the reality'.

While the conflict continued the Acehnese people had to be on high alert while facing disruption. GAM would raid a village in the morning, and the villagers had to lie to save themselves. That afternoon, the security forces would come in to investigate, and again the villagers lied, making things up just to protect themselves. In short, their life was like a mouse deer<sup>56</sup> caught between two raging elephants.

This bitterness was intensified by the burning of well over one thousand schools. Students had two choices: loaf about in the village or head to the jungle to take up arms and fight the Government. Never could they visualize a future outside of this cycle of hiding and violence. Their education was considered no longer essential to their life or future. What education they had was killing, creating chaos, and evading retaliatory attacks.

At a very tender age, male Acehnese teenagers had started to become friends of violence. Weapons were no longer playthings but now a tool to paralyze whomsoever they considered their enemies. We heard of Acehnese boys aged 8 years being recruited into GAM to become cadres and later trained to become fighters. For example, at the centre of the conflict at Bireun on the east coast, 218 kilometers from the capital Banda Aceh, children there could tell the weapon type by the sound of the gunfire.

It was simple to predict, if this sort of situation persisted, there would be a generation of totally dysfunctional Acehnese. They would

<sup>56</sup> Mouse Deer (*Tragulus javanicus*) a tiny deer, a little over 50 cm long, endemic to Indonesia, Malaysia and Indochina. In Indonesian fables, the mouse deer is characterized as being fleet of foot and equally fleet of mind in thinking the way out of difficult and dangerous predicaments.

be a generation completely deaf and blind to their predicament because they had not the slightest education. They would be a generation unable to enter any workforce as they had no appropriate knowledge, skills nor experience to meet the demands of our times.

Now, after the MOU was signed on 15 August 2005, a more hopeful and friendly face for Aceh started to appear. There were no longer gun shots heard from mysterious directions. The coffee shops, where the respected elders, the young, the Muslim teachers and the ordinary people gathered, chatting, now stayed open - well into the night. Shops and stalls were no longer reluctant to display their goods as they had in the past. This was a new look for Aceh after the last 29 years. In the past at five in the afternoon was when last orders for coffee were taken. Now trading went on until 11 at night. This meant, since the MOU signing, we had created a work day of at least 7 hours. A statistic that was not only fantastic but it started to turn the wheels of the Aceh's reviving economy which for the past thirty years had been but a hideous nightmare.

Traditional markets in the villages and regency towns were now bustling with buyers and sellers. Transactions and exchanges were lively. The Muslim teachers and their congregations were now free and could pray without feeling that they were under surveillance. There was no longer fear of being attacked while kneeling to pray even at home. Parents were no longer worried about their children coming home on time. All of this provided promise and a certainty to life in the new Aceh. This was a snapshot of Aceh, now after the signing of the peace treaty.

Vehicular road traffic running between Medan and Aceh and back was now smooth and busy 24 hours a day. There was no longer fear of being held up by an armed group on the way. Inter and intra-province road traffic to towns and villages throughout Aceh now flowed unimpeded. Chat about fear remained only as a memory of the past. Contact between relatives and friends across Aceh became all of a sudden straight forward and effortless.

From the political side, Irawandi Yusuf, a GAM leader, was chosen as Aceh's governor along with Nazar as his deputy. The ensuing elections were conducted peaceably and efficiently. Nine of the 23

regents elected were ex-GAM activists. Later, local political parties would be formed brightening up political life in Aceh. In brief, Aceh today was now a totally changed Aceh; changed to more attractive directions and in everyway to a better environment in which to live.

Last year, several weeks after *Idul Fitri*<sup>57</sup> I visited Banda Aceh again. I drank *teh tarik*<sup>58</sup> in a coffee shop on a roadside corner. A decrepit old woman, probably about 70, came up to me, hugged me and eyes filled with tears saying "Thank you. I have now been able to meet my younger brother in our home village. For over 27 years we did not meet and with no news from him at all over those years. He lived in an area under GAM control. We were feared trying to find one another. During *Idul Fitri* just past I returned to my village and met him." For people like them, the peace agreement between the Indonesian Government and GAM was a humanitarian roadway for her to be re-united with her younger brother after over a quarter of a century of yearning for each other. For more than a quarter of a century, this sister and brother lived in a constant state of worry encircled by unanswerable and incomprehensible riddles. Now all of this had ended and the wheels of life now turned normally and confidently.

Subsequently, people would often ask why GAM was ready to sit at the peace table with the Indonesian Government and willing to sign this peace agreement. This was a valid question bearing in mind the number of previous initiatives by the Government which ran aground and were deadlocked by GAM.

It is appropriate this question is brought up here as there are many points that can be learnt from our Aceh peace process. There are a number of factors which need explaining:

**The First Factor:** The natural disaster of the tsunami with the earthquake flattening Aceh on 26 December 2004 was the main factor. This disaster was a blessing in disguise for the peace process as it

<sup>57</sup> *Idul Fitri* is the celebrations at the end of the Muslim fasting month of Rammadhan where Indonesians in all walks of life return to their home villages to pay respect to their parents and elders and have enjoyment as well.

<sup>58</sup> *Teh tarik* is tea served by pouring the tea to and fro at a distance from the teapot into the cup. In effect it aerates the tea thereby enhancing the flavour.

impinged heavily the innermost feelings of the GAM leadership in Stockholm. They saw the Acehnese people in great suffering. This tsunami was a sort of anchoring point for both GAM and the Indonesian Government to moor the peace talks and from which to bring a mission of peace to the Veranda of Mecca. These two parties, once totally opposed to one another for over thirty years, were now joined together as one by the tsunami factor. The feelings of anger, and the burning coals of revenge for their enemies, were all suddenly swamped and washed away by the tsunami. Bodies scattered around smashed homes and buildings made the GAM leadership want to return straight away to help lighten the suffering of their fellow rebels and their people struck by the tsunami. However, Malik Mahmud discovered later many of the GAM leaderships' family in Aceh were lost as well. For certain, the tsunami disrupted GAM fighting efforts and their continuing guerrilla war; their militia members were distracted concerned about the plight of their families back in their villages.

The Government position on this was quite clear. A few days after the tsunami, the Vice President Jusuf Kalla, publicly announced that a new peace initiative would be immediately launched. The problem being, said JK, that humanitarian aid and reconstruction of Aceh, would face total obstruction if there was no peace. For Kalla, it was impossible to re-build Aceh from the shards of this destruction if the Government and GAM were still at one another's throats. Gun fire would still be heard, violence would persist, and mutual suspicion would continue if there was no peace. How would it be possible to rebuild Aceh under these appalling conditions? How would it be possible to build bridge and road foundations when building materials were washed away or damaged? How was it possible for reconstruction to start if aid workers were terrorized by violence? And what about food aid? It would not be possible for food aid to reach its destination if violence continued to imprison Aceh from the outside world.

Moreover, Kalla proposed a wider conceptual thesis. International aid and reconstruction efforts in Aceh post-tsunami would not necessarily provide relief for the Acehnese but could become a problem in the future. Representatives from countries and

international organisations from around the world who came to the aid of the Veranda of Mecca with the will, the equipment, the funds, the experience, the knowledge and the expertise, if one of them were kidnapped or killed by whomsoever, Kalla felt that there could be no peace pact between the Government and GAM. If that occurred, the world would join hands and flee from Aceh in the midst of this suffering.

**The Second Factor:** This renewed Indonesian Government seriousness under the duumvirate of Susilo Bambang Yudhoyono and Jusuf Kalla demonstrated their seriousness to start peace talks with GAM. The desire of these two leaders was not merely rhetoric, but clearly they meant action. In fact, these two leaders wanted to continue their initiative to open up further the road to peace in Aceh. In the previous cabinet as ministers they both joined forces in tactics for this peace process. Now as President and Vice President this was simplified and they were free to take any action they wanted.

The seriousness and commitment of these leaders was acknowledged by Malik Mahmud in our second round of talks in Helsinki. "Frankly, Pak Hamid, we wish to talk because we believe that SBY and Pak Jusuf are strongly committed to peace. It is not merely lip-service. We are convinced of this because they have for some time sought ways and means to contact us," said Malik. One major factor demonstrating their serious intent was the fact that they sent the Coordinating Minister for Political Affairs, Justice and Human Rights along with two other minister to speak directly with GAM.

Related to this point, Jusuf Kalla repeatedly stressed that by sending a number of ministers to the talks with GAM was not in any way reducing the authority of the government. In fact, their presence enhanced the Government's standing, seriousness and prestige in these talks. Kalla's attitude to this point was made public countering criticism over why the Government was being represented at such a level. The critics claimed this showed that the Government had already lost in these talks before they even started; they were just rebels being invited to meet with ministers. SBY-JK took no notice of this sort of criticism. For these two leaders, peace in Aceh meant saving lives, and that was paramount.

This conviction of GAM was the major asset for the Government delegation. When I relayed Malik's comment to me on to JK by telephone, JK instructed me to pray straight away offering thanks because this showed that the road to peace would be smooth because there was a basis of belief which had settled in the minds of the GAM delegates. This meant that the GAM leader and leaders had a positive outlook over Indonesia's good intentions. "Seize upon that Hamid! Improve upon it and as well improve your personal relationship with the GAM team, particularly Pak Malik Mahmud and Zaini Abdullah. Send them my best personal regards as well as the President's," said JK.

**The Third Factor:** TNI strongly supported peace in Aceh. Related to this point, many confused people were pessimistic that a peace agreement with GAM could be achieved. Their assessment was impossible as TNI would certainly frustrate it. The problems, they claimed, was that TNI had business interest in Aceh – an un-audited and unsupervised war budget and a war which was a means to promotion. Another point of view was TNI did not want peace in Aceh as they sought revenge against GAM. TNI never considered GAM as a party to any peace talks, only as a party which had to be exterminated. This assessment was not entirely out of order as even until the last round of talks, there were still senior TNI officers using the terms "to wipe out" or "to strangle" about GAM. "For us, in TNI, there is no place for persons who rebel," stated one senior TNI officer.

They were clearly in the wrong and fortunately in the minority. TNI actually supported the acceleration of the peace talks. In this context, the role of President SBY was very dominant; his authority over TNI was extraordinary. In our last meeting with him at the State Palace with the TNI Commander SBY underscored the point that TNI must accept the political leadership's decisions. TNI must only implement these decisions. The TNI Commander at that time, General Endriartono Sutarto expanded the President's statement by saying, "Bapak President and Bapak Vice President, we are ready to support all presidential policies and orders. For us, peace in Aceh must be achieved and then maintained."

Following this meeting, the TNI Commander called me aside for a private word in another room. "Pak Hamid. Keep on going. If there are matters which you request and need from TNI, TNI is ready to support all your endeavours for peace. Many consider TNI does not want peace. That is illogical. We have lost many soldiers in Aceh and many are incapacitated from this conflict. How can any commander permit a situation where his men are killed and wounded?" stated TNI Commander Endriartono.

On another occasion at the State Palace, after the third round of talks, the issues of the Acehnese flag flying alongside the national flag and the playing of the Indonesian national anthem "*Indonesia Raya*" along with "The Aceh Hymn" broke loose in Indonesia and confused matters greatly.

On this occasion, I was enjoying a cup of tea, when I was confronted by a TNI general. Forcefully he said to me, "Pak Hamid, why do you let GAM have their own flag and anthem? TNI's attitude to this is one national flag – the red and white, and only one national anthem 'Indonesia Raya', "

Noticing this exchange, Endriartono joined us saying to this general, "Do not be provoked by this news. This is not the case. It is not intended that the GAM flag and anthem become the national flag and anthem. Pak Hamid yesterday already explained this."

Later I came to understand from Major General Usman Basya, one of our delegation, that during our meetings in Helsinki, there was one general who expressed discordant opinions about our peace talks. To counter this, Endriartono summonsed some 100 senior TNI officers to Cilangkap army headquarters, to brief them. Here Endriartono stated whomsoever in TNI who tried to stir up trouble over the Aceh peace talks he would personally place his pistol against their head and pull the trigger.

With such a supportive attitude like that, I was more able to focus myself actively on the conduct of these peace talks. It was no longer necessary to feel concerned or fearful or be intimidated by anyone as I now clearly had the full protection of TNI to achieve peace in Aceh. On each and every departure and return from each round of peace talks, Endriartono always made an opportunity to discuss with

me matters at hand. At each of these briefings, I always left assured of continued TNI full support for the talks. We did not have many telephone calls to one another.

**The Fourth Factor:** TNI's widespread military actions before the tsunami had in fact pushed GAM forces into retreat and in a number of areas GAM had suffered significant defeats. These factors caused the GAM leadership to re-evaluate their position and strategies towards the Indonesian Government. When GAM received the offer of serious peace talks with the Government, they welcomed it with great enthusiasm. I believe that at the time, GAM fighting spirit in the field had changed.

**The Fifth Factor:** This was the leadership of the former Finnish President Martti Ahtisaari, who mediated and facilitated these peace talks. He was firm in leading the dialogue throughout the talks and provided tactics to seek solutions when our discussions were dead locked. Also, he had a well thought out program for each of the rounds and was ready with a thousand responses to any question from either side of the peace table. He always opened each round setting out the agenda and the substantive issues which need to be addressed. Apart from this, his authority as a former president was really spelling binding, not only with us at the peace table but with senior officials of the EU. Throughout our talks, he communicated directly with the Secretary General of the United Nations, Koffi Annan keeping him abreast of our progress. With all of this, he could with ease arrange anything required to advance the peace talks.

One time in the second round of talks, Nur Djuli, the GAM spokesman, was still touching upon the issue independence. Ahtissari, openly rapped his pencil on the table and yelled, "I have stated from the beginning, our discussions here are for peace not for independence. It seems as if you do not understand my position on this. Because of this, you GAM, are just wasting my time here. I do not wish to be facilitator anymore because you are inconsistent. Now, please will you leave this room and go home. The door is wide open for you to pack your bags and do not ever contemplate returning here to me. I will remind you that you will never achieve your demands for independence. At least while I am alive. I will use every muscle and

all the influence I have in Europe and in the international community to prevent this. So that your dreams are purely fanciful! So, it is up to you!"

This firm attitude was also directed at Damien Kingsbury, an Australian academic, advising GAM. On that occasion, the GAM spokesman was unable to get his point across and asked if Kingsbury could explain this particular point. Kingsbury with a certain know-all style started to force the point and Ahtisaari made himself clear. "I feel Mr Kingsbury you are extremely paranoid. You were invited here not to teach us. The constitutional problems have already been addressed by Minister Awaludin and you are no smarter than he is on matters of the Indonesian Constitution. I wish to remind you, Mr Kingsbury, that all of us here are well educated and well read. Further, I should add, that you are here only as an advisor not as a delegate. I am extremely displeased with your attitude here. You are not seeking a solution but you yourself are a problem."

At other times, Ahtisaari could be very friendly even with a serious face. He had the appearance of someone who was full of humour. He was able to present his wishes by in a humorous manner and also, in a similar way deflate any uncomfortable situation. He was skilled at finding a way through a problem. Often times he would invite me to join him for a walk besides the stream where we chat about history. In the middle of this discussion, he would cleverly insert his wish. He did the same with Malik Mahmud and Zaini Abdullah, and afterwards would invite the three of us for a drink at the small table. Generally, this resulted in all problems being easily solved.

**The Sixth Factor:** This was a concrete agenda offered by the Indonesian Government which established a favourable Indonesian Government position. Whereas GAM went around in circles, complaining, arguing and attempting to giggle when bringing up substantive issues. Ahtisaari invariably used concrete proposals. Regularly he made his point by saying to GAM, "What more do you want from the Indonesian Government? The offer clearly benefits everyone. You must be rational and realistic. You will never again have such an offer in front of you and you never did in the past."

The intended agenda was preceded by the grant of amnesty to GAM prisoners. Here was the beginning for the following offers, for example economic compensation.

These concrete offers were a pre-condition to the talks for JK. "Hamid, you must precede them with a commonsense program. Start with amnesty. Convince them that amnesty means all prisoners will be released with their reputation restored in the eyes of our government," he said.

Linked to this, JK was very skilled at planning. With a cheap biro which he always used, he sketched out his ideas in a matrix on a sheet of paper. For us delegates, it was easy to follow because all of it was set out like a menu. All we had to do was to turn it into words.

Along with these concrete offers, the Indonesian Government had a clear time frame. From the start JK forecast that there would be five rounds of talks. He even went so far as to put a deadline on the final round and the peace agreement which was to happen before 17<sup>th</sup> August 2005, Indonesia's National Day. For JK discussions without a time frame inevitably found difficulty achieving anything because discussions would wander aimlessly all over the place. Peace talks for JK were talks which had to focus on substantive issues, there would be offers and there would be those who accepted those offers. This process of bargaining must be given a set time.

Kalla fixed the five rounds from his experience in both the Poso and Ambon peace talks. The first round would for certain be full of abuse and insults from GAM.

**The Seventh Factor:** This was international support for the Aceh peace talks. Here, GAM was probably disappointed expecting international support while sitting opposite the Indonesian delegation. The opposite occurred with the new Indonesian Government of SBY and JK peace initiative being strongly supported by the international community.

How did international support speed up the peace process? This cannot be separated from the tsunami disaster where the international community was shocked contributing massive humanitarian aid to Aceh and helping with reconstruction post-tsunami. It is reasonable and rational to assume that none of this would have occurred without

a peace process underway between the Indonesian Government and GAM.

The international community focussed on rescue and humanitarian mission rather than the politics of conflict; and chose a program of food, health care, provision of clean drinking water, housing for those who lost their homes, fund raising to re-build a destroyed Aceh, building bridges and roads and so forth countering the agenda of GAM. Individual countries applied their own emphasis to meet these extensive humanitarian needs. This was demonstrated by the flood of NGOs from all over the world coming to help in Aceh.

The growth of international concern over the Aceh disaster cannot be separated from the role of the mass media which in unison increased the sympathy over an Aceh which has been hammered to smithereens by the tsunami. This news pressured most governments to come and lend a helping hand lightening the load of the Acehnese and the Indonesian people at large. Thus it was clear that the world wanted peace for Aceh and supported the Indonesian Government's peace initiative. With resolution and unity they supported the Indonesian Government seeking peace with GAM.

**The Eighth Factor:** This was no less than the overall format of the talks. This time, the Indonesian Government and GAM met directly at one table. There were no middlemen conveying each party's wishes and requests to and fro between the parties. Consequently, there could be no misunderstanding. There were no censors protecting sensitivities.

This idea of a direct meeting was our Vice President Jusuf Kalla's idea. "You must meet them eye-to-eye and you must shake their hands. Feel whether their hands are warm or cold. Eyes are a reflection of the words of the heart." A direct meeting was most certainly very effective apart from each side hearing directly what was said by the other, and sensing the breathing patterns of the other side, all plans and thoughts could be readily identified.

This meeting format effectively bridged the apparent wide gap between the parties. Any problems from either side could be simply laid out and responded to by the other side. In the end there was a unity of perception. In short, all cards were played open on the meeting

table. None were hidden or held back. Because of this approach, all problems could eventually be solved.

Another benefit of this style of meeting, either party could ask for the proceedings to be suspended whenever to lobby the other side when it required this sort of mechanism. Both sides could also request to defer discussions on certain agenda items which had a time frame if it was felt to be too sensitive to be discussed in that session. However, in a number of sensitive agenda items, a wink between me and Malik could solve the problem. For example, when discussion became heated, all I had to do was wink at Malik or nod my head in order to signal for us to leave the room and meet in the lobby where we could settle this heated problem. This was very effective and would have been impossible to do in any other meeting format.

**The Ninth Factor:** This was personal intensive lobbying. The personal contact between senior GAM officials and government officials was a significant and powerful factor. During the course of the talks, VP Kalla on countless times spoke on the telephone directly with Malik Mahmud or Zaini Abdullah whether in the middle of our meetings or prior to or after our meetings.

The same occurred with Ahtisaari. With this sort of exchange both the GAM leaders and Ahtisaari were further convinced of the government's sincerity to achieve peace.

Apart from the VP who actively lobbied, Dr Farid and myself made personal and intensive contact with the GAM delegation where Dr Farid proved himself to be a skilled operator in this field.

Occasionally after the meetings finished, Farid would mysteriously disappear. Later we learnt that he went off to buy drinking water, and foodstuffs and other stuff for the GAM people who were staying in another hotel. With this simple style GAM were rather stunned by Farid who cared for their needs personally. Farid really is an expert at getting alongside people. "Hamid please let Farid become the field force to approach GAM leaders there. He can so easily touch people's hearts because he is a doctor. What is important don't let him have an opportunity to speak at the meeting table, don't give him papers or any documents because for certain he will be lose them," said JK to me about Farid.

In a still heated atmosphere, with both our camps shooting verbally at one another, in the second round of talks in Helsinki, without the knowledge of the other delegates, Farid and I disappeared in the middle of the night. We caught public transport and headed towards the Radisson Hotel in the city. Here we met with Malik Mahmud and Zaini Abdullah for tea and coffee where we both spoke openly. Then and there all matters which earlier were the source of heated discussion now were cooled down and resolved. We had several of these midnight secret meetings. The results of which were very fruitful. Our personal relationships with these two GAM leaders became more intimate from these meetings. Thus the task before us was easier as we now had established good personal communications.

When Zaini's father was sick and died in Jakarta, Farid took care of all the funeral arrangements and the return of his father's body to Aceh. The alacrity and sensitivity shown by Farid would have been difficult to find in any other person.

The personal relationship between us all became an article of faith between us, between Farid, and me with Malik and Zaini and assisted in part solving our problems at the peace table. This relationship continues between us to this day; and where Farid greets them with the term "*Abang*"<sup>59</sup>

**The Tenth Factor:** This was the high level of patience and tolerance possessed by the Indonesian Government delegation. These five rounds of peace talks meant five rounds of burning red ears for us hearing the same of the abusive attacks from the GAM side of the table. Each time we had to face their insults we felt they, GAM, had some psychopathic illness towards the government.

These attacks alternated from one theme to another while the government team was steadfast never losing control of their emotions. For example, Sofyan Djalil under these continual attacks wiggled his fingers or played with his prayer beads while silently chanting his prayers. Many times he only expressed himself by saying softly "*Astagfirullah!*"<sup>60</sup> Farid Husein had another tactic. When such attacks

<sup>59</sup> *Abang* in Bahasa Indonesian means elder brother - an intimate and respectful term

<sup>60</sup> *Astagfirullah!* in Arabic is short hand for "May God forgive me" used when one sees or hears something immoral or wrong.

occurred he would excuse himself from the meeting and go to the toilet or telephone JK. Puja too suppressed his emotions and would scribble meaninglessly on a sheet of paper. One who never showed a sign of giving into this was Usman Basya, a Major General, who made an easy soft target for GAM. I really appreciated this man's patience and attitude. His eyes remained sharply focussed showing no reaction at all to GAM's attacks against the Government, especially TNI. He was well disciplined and never made any comment without prior approval from the delegation head. I myself was busied sending and receiving SMS from JK while GAM launched their attacks on the Government.

The net result of this disciplined and determined patience by the Government delegation in a way guaranteed the smooth process of the peace talks. That attitude was not easy to come by. On such occasions JK would remind us to discipline ourselves to restrain our emotions and reactions. "What you are facing are angry men, thus you must have the ability to hear and understand the content of their anger," JK would insist.

JK's instruction above was not without a basis. His experience in the resolution of both the Poso and Ambon conflicts in recent years past made JK believe that his success in pacifying people was his patience. "You Hamid and Farid had experience in Ambon and Poso before. They were always angry, but if you were patient and tolerant in the end they would follow your wishes," said JK once again. Except this did not mean the Indonesian delegation should sit quietly. On many points, we reacted strongly against GAM. One reaction we were compelled to make was when we reached the point of no return in our discussions. With angry or strong reactions to GAM my colleagues in the delegation happily handed me this job of responding. This was also urged by JK who said, "Hamid, you really have to be angry and smack the table on some occasions. You have good instincts to retaliate, remember, these talks are like negotiating an offer and acceptance. Here, in the middle of this there is a difference. The difference is that you must do it with a firm and clear attitude. Remember that!"

**The Eleventh Factor:** This factor was the agreement of both parties to commit not to publicising the substance of these talks while they were underway. Both the Government and GAM observed this rule of the game; the same went for the mediator as well. The mediator would only meet the press at the conclusion of each round and this would be with the joint approval of both sides for any text of any press release.

Time after time, JK from the very beginning hammered the point that whatever the content or atmosphere of these peace talks it was not for the general public. "The only ones who can know are the President, the Vice President, and the Coordinating Minister for Politics, Justice and Human Rights. You are not even to tell your wife. Your mouth is locked tight," said JK firmly.

This policy of keeping our mouths closed was an excellent tactic which contributed to the success of the talks. At least controversy and public debate could be limited and thus well controlled as persons or parties wishing to debate or create heated controversy had no real facts at all. They could only guess! Thus with their repeated attacks on the peace talks they always lost their argument as their shots were inaccurate.

The outcome of the talks could be easily foretold if we had not adhered to our "closed mouth policy". Any agenda item of importance from the peace table could, if leaked, have become a public problem influencing the attitudes of both the government delegates and their opposite number, GAM. The same could be said about the atmosphere of the talks which, if public, could have given rise to public pro-contra debate which undoubtedly would have lead to failure of these peace talks.

As leader of the government team, I avoided reading daily newspapers to limit the possibility of leaks attributed to me. So each morning the Indonesian delegation sent a written report to the President, the Vice President and the Coordinating Minister for Politics, Justice and Human Rights in Jakarta. After Sofyan Djalil and I had read it, I approved it by initialling it. I never retained copies of it. All of them were handed to other members of our delegation such as Puja Wisesa and Usman Basya.

The MOU draft document which I initialled with Malik Mahmud and Zaini Abdullah on 17<sup>th</sup> July 2005 I did not keep a copy. After initialling, I asked Farid Husein to take them to JK in Jakarta. In brief, to maintain secrecy, as far as possible throughout the talks I endeavoured not to hold any documents related to the substance or atmosphere of the talks.

This policy of "closed mouth" was tiresome, especially for me and Sofyan Djalil - cabinet members - when set upon by the questioning press. As head of the delegation when I spotted the press I would try to evade them. For Sofyan it was worse because he was Minister of Information! His job was normally briefing the press. However, our mission had to be executed consistently.

Probably worst of all with this policy was dealing with our Indonesian Parliament. A number of parliamentarians felt that all of the substance peace talks should be disclosed. There were those who accused us of being an underground movement. And there were those who accused us of selling Indonesia's sovereignty. I cannot count the number of times Sofyan Djalil and I clashed with the Parliament.

Would we withdraw? Never! The talks must go on as our mission was clearly to save lives. Sofyan and I were invariably of the same mindset. How come our interest remained so idealistic when we were damned as selling our national sovereignty and so on. On one occasion at a meeting between the Government and Parliamentary Commission I, while I along with our Coordinating Minister for Politics, Justice and Human Rights, our Minister for Defence and Security, our Minister for Foreign Affairs and our Minister for Home Affairs were attending a meeting with Commission III, I was censured in Commission I for having failed to appear when it was clear I was present in the Parliament. On completion with Commission III I went to Commission I where I then became their target. One member of this Commission went so far as to censure me again and to defame me bordering on the personal. I did not react in the least, although there were other commission members who quietly encouraged me to retaliate. My simple principle was that ignorant people or those who feign ignorance will always go to extremes of behaviour. Further, I was confident that our peace talks would succeed and those who

criticized these talks would regret their criticism. Sofyan and I never feared any criticism.

Furthermore, JK always defended and protected us. "Confront all of them, because you are the ones creating the truth. Do not worry you are doing good deeds for mankind," said JK in support. To overcome all of this criticism, JK made one short clear and logical remark, "The name of the game is discussion, and if it is a closed discussion, then there is nothing to be discussed. If it is open, then it is not a closed meeting. All will be revealed once we have agreement."

**The Twelfth Factor:** This was GAM's disciplined structure. Throughout our talks, there was not one GAM activist who deviated from their leadership's orders in Helsinki. All of them submitted to the leadership of Malik and Zaini.

## REFLECTIONS ON SENSITIVE ISSUES

During these five rounds of talks a number of sensitive issues came to the fore inviting public discussion and debate in Jakarta. Many times, people or parties called for the peace talks to stop. These demands were unnecessary, if they had been just a little more patient controlling their lust to comment..... but in our new found democracy they certainly had their right to comment. What became a problem was many of them really did not know the gist of the Aceh problem. Because of this they were invariably confused in their guesses of what was going on in the talks. Also, there were some who understood the problems perfectly well but wanted to show off; but most of them could be classified as only wanting to spout off and seek publicity.

### **Inappropriate to Sit at the Same Table**

The first issue to come up was our meeting plan. Unrelenting comments from the parliament, observers and leaders claimed that the Government was making a gross error. As GAM were rebels and traitors, it was inappropriate for Government representatives to sit at the same table with them. What did not make any sense to these critics was that the Government was sending three Ministers to meet with these national traitors. If there were to be meetings with GAM, they said it was more than adequate for the Government to be represented at departmental or bureau head level. While we were undertaking

our peace mission to save lives, one active general commented "Whip them!"

Their objections were really united over they that they felt it was unnecessary for the Government to meet with GAM. They were simply rebels and traitors against the unitary state of the Republic of Indonesia. It was improper to show any courtesy at all towards GAM. Their line of thinking was a zero-sum game. For them the doorway for any reconciliation must be tightly closed. Another line of their thinking was supported by the argument that in the past every series of peace initiatives had all run aground.

In this cross fire of opinion and pressuring, we had to give SBY and JK thumbs up for their unswerving determination to proceed with these peace talks with GAM. Here we also must register our appreciation of the TNI leadership who 100 per cent supported our national leadership in these talks.

In facing these bitter attacks, JK was always a comforter to our Government delegation. "There is no point being upset by it all. There is no well meaning action or initiative without a price to be paid. Think of this commentary as the price you have to pay for your good deeds. Donate this price to an orphanage but we will bring them a greater donation - peace for people who have been fighting for 30 years," said JK.

As a genuine businessman JK was an expert on up-ending the logic of many people. If we continue to fight, it meant that the Unitary State of the Republic of Indonesia (NKRI) is shaky; but with peace, NKRI would stand firm and strong. This was JK's overriding thought. Thus, one of the ways to strengthen NKRI was to sit with GAM and make peace, and not to continue to be enemies anymore.

Further, people who were upset by this peace initiative seemed to overlook the great cost to our country. Not only in terms of military budgets and army logistics, but in terms of the many lives lost, or the many Acehnese women who were widowed; or the countless young children who were orphaned. That is without taking into consideration devastating effects on the Acehnese education system caused by many schools being burnt and destroyed.

Also, the psychological and sociological aspects were overlooked by these nay-sayers. Over those 30 years, the children of Aceh grew up

in a climate of fear. This atmosphere of violence and mutual distrust accompanied them growing up. The Acehese economy was in total disarray prior to tsunami and subsequent reconstruction. Was this too high a price to pay for the status of talks between the Government representatives and GAM? Our reply was in saving people's lives, matters of status were utterly irrelevant. For the security and for the future of our children, the children of Aceh, a table between our ministers and GAM was meaningless.

Why did this sacred mission to save our nations' children have to be measured against social status with political labels? There was absolutely no raging revolt in our hearts witnessing the 30 years of violence in Aceh? Must we still no longer care that the list of deaths of our nation's children in Aceh grew longer every day? For the Government delegation, there was only one choice: Violence had to stop forthwith, lives had to be saved to bring forth a glorious age for the children of Aceh. There was only one road: PEACE!

### **The National Anthem: *Indonesia Raya***

Our third round of talks often erupted in heated outbursts. Back in Indonesia the atmosphere had heated up too. There was only one reason for this. Out of nowhere, it was said that the Government delegates had agreed with GAM that they could use the Aceh flag, instead of the national flag - the red and white - and as well have their own anthem replacing the Indonesian national anthem, *Indonesia Raya*. The Indonesian delegates were thus then damned as people who sold our Indonesian nation and our nationality.

I had just landed in Jakarta from Helsinki a few hours and headed to a state ceremony at the State Palace. Here, an active general approached me saying firmly, "Pak Hamid, TNI is resolute that there is only one flag in Indonesia, the red and white. We will die for this. We also only know one national anthem, Indonesian Raya. Why did you, Pak Hamid, allow GAM have their own flag and anthem? This can't be true?"

Thankfully, General Endriartono, TNI Commander appeared from nowhere and smartly corrected this general, "Hang on. It is not like that. Allow the Government delegates to explain it. There have

been no mistakes at all made by our peace delegation. All has been reported to the President, the Vice President and I have been briefed by telephone by Pak Hamid" "OK, then Sir" responded this general.

What happened was incorrect information coming out of our talks. In the third round, GAM did in fact demand their own flag and anthem. Except none of this meant that the national flag or the national anthem would be replaced by an Acehnese flag or anthem.

Upon receipt of JK's blessing, the Indonesian Government delegation accepted GAM wish for a flag and anthem. For JK, GAM's wish was not out of the ordinary as every province in Indonesia had their own flag; even some regencies had their own too. The intended song was a hymn which has a vastly different meaning to a national anthem.

For JK, all of these accusations and attacks were easily countered because their pretexts collapsed by themselves. It was clear enough that provincial government institutions, even Harley Davidson clubs, had flags. It was likely that dove fanciers had flags and logos too! Nearly every educational foundation or student organisation had their own flags, uniforms and their hymns too, like HMI.<sup>61</sup> So GAM's long time wish had been in place nationwide in other provinces and organisations. It was nothing new and certainly not taboo.

To make this clear, just go to the auditorium at National Police Headquarters or the Department of Home Affairs. In both of these places all the provincial flags are displayed, for example the Jakarta City Special Province has the National Monument as the main symbol on their flag. In every provincial governor's office there are their provincial flags along with their regency flags. With this sort of argument and logic, the Government delegation's position was on safe ground. Our peace talks could now continue.

### Cultural and Sporting Teams

We had just bedded down the problem of the flag and anthem, when another blow struck: Could Aceh's cultural and sports teams represent the state? GAM brought this matter up. Our list of sins was

<sup>61</sup> HMI - *Himpunan Mahasiswa Indonesia* - the Indonesian Students Association

now longer in the eyes of those who were skilled at raising negative issues and objections over our peace talks.

Really there was no problem whatsoever over this proposal of GAM's. The proof: There had always been provincial teams, even regency and city teams, which travelled overseas to stage cultural or sporting events. They all used the name and symbol of Indonesia.

We pointed out that provincial, regency or city sports teams regularly travelled overseas whether for friendly matches, exhibitions or straight competition. Invariably and understandably, they would in any case be labelled as representatives of Indonesia.

When GAM demanded that an Acehese team had the right to represent Indonesia at the Olympics, the Government spokesman promptly quashed this saying, "Unlikely to happen, for the reason that the Olympics occur every four years and can only be attended by national teams." The Government position on this was sensibly accepted by GAM.

So in reality the discussion on cultural and sports teams in the peace talks was nothing to worry unduly about at all and in no way undermined the authority of the unitary state. All our discussions from then on continued within the framework of the unitary state and was effectively applied to each agenda discussion item. No one went out in to the corridor as a result for an informal side meeting as we did on more contentious issues.

### **Interest Rates**

This issue arose very quickly and became equally quickly heated. Yet again we, the Government delegation were cornered by our critics as a party who was creating a state within a state. The problem was simple. GAM proposed that the Aceh Provincial Government later on could set its own interest rates in Aceh. The Government delegation agreed.

Again it resulted in insults and vituperation. We were accused of selling out our nation, this was unprecedented! Now there would be only two organisations which set exchange rates in one country, our critics claimed. One was Bank Indonesia and the other Aceh. Clearly their thinking was very confused. In fact, what we discussed in Helsinki was interest rates not exchange rates.

Immediately JK called together the Government delegation and a couple of Ministers. He said, these attacks were premature and could be easily defeated. Our critics were so impatient in their thinking they confused interest rates with exchange rates, a vast difference in meaning. Exchange is the currency used, that is rupiah and interest rate is the percentage on a loan or a deposit.

To the Ministers present at this meeting JK explained what the delegation had done was correct in granting the Aceh Government the right to set its own interest rates at a later date. Not exchange rates!

Later JK explained that every bank has a different interest rate. The difference is a magnet to attract funds from depositors.

What was wrong with the Aceh Provincial Government later setting their own interest rates? For example, if the Aceh Provincial Development Bank fixed its rate too low, lower than other banks, their local bank would be in trouble as depositors will run to other banks which offer a higher rate. On the other hand, if the local bank sets its rates too high, far higher than other banks, they will in the end pay a high price for this action and go bankrupt.

On hearing this logical explanation, the attacks on interest rates were not only overcome but immediately stopped. Thanks to God, we could continue on with our peace talks and focus on the business in front of us.

### **Revoking Their Demands**

In April 2005 the Indonesian delegation met with GAM for the third round of peace talks in Helsinki. Again, we were criticized by these self-appointed experts. They wanted to know why GAM had not yet explicitly announced that they would revoke their demand for independence from NKRI. It is now three months since these talks started and GAM still does not want to concede. What's the meaning of all of this? These talks must be certainly being manipulated by GAM. It is best that these peace talks are immediately and unconditionally stopped. This was the sort of hostile barrage we faced from home.

Facing these attacks from these 'experts', Sofyan Djalil and I remained cool, calm and collected. On the odd occasion we could

giggle a bit seeing these attacks change direction. Our problem was we wished to explain the matter publicly but we had sworn to JK to keep our mouths shut. Consequently, we avoided any substantive discussions with the press for fear it would in the future become yet another possible stumbling block in our talks.

The attacks that GAM must immediately announce the revocation of all their demands for independence was easily answered. From the first to the third round of talks, the facilitators, Crisis Management Initiative, headed by Martti Ahtisaari, always sent to both the Government and GAM an invitation with a fixed theme and time frame. On the invitation to each and every round, Ahtisaari made it clear that all discussions on Aceh were predicated within the framework of Special Autonomy for Aceh and nothing else.

With such a clear and firm framework like this GAM had no hope of success in raising the matter of independence again in the talks. More importantly, in accepting an invitation where the subject matter was already set, GAM in practical procedural sense had no further opportunity to raise the matter of independence, as they had automatically and implicitly accepted *de facto* they were working within the framework of NKRI.

Reacting to these continued demands that GAM revoke their independence from NKRI demands, Malik Mahmud and Zaini Abdullah invited me to join them for a walk along the nearby lake. "We sympathise with you, Pak Hamid and with Pak Sofyan, after reading the news from Jakarta. It is like this, Pak Hamid, it is impossible for us to revoke our demand for independence because the boys in field will react strongly and go berserk on us. This will be difficult to control. Our aim is to make peace and thus all of our joint efforts will be pointless if the field in Aceh is in uproar and outrage. In truth, our presence here to talk peace is in accordance with a set outline and that is we will no longer call for independence. That's it, Pak Hamid. It goes without saying."

"What was important to us was how we could accelerate these talks," added Zaini. "Please would you immediately advise the VP? We must protect him because this is linked to both the continuation of our dialogue and the future of Aceh," Zaini also added. I relayed

this on to JK who ordered me to wash ritually and offer a prayer of thanks that GAM's attitude was quite clear and firm. 'Hamid, you must offer prayers of thanks for much has been achieved in such a short time,' ordered JK. After my telephone call to JK was finished, Malik registered his wish to speak with JK. I handed over my cell phone to Malik. I have no idea what was said between the two of them, but Malik got off the phone beaming, full of smiles and no longer with a worried brow.

After his call to JK, Malik invited me to join with him and Zaini in the shade of a tree. Malik broke our momentary silence by saying, "Pak Hamid, one of my motives for immediate peace is the environmental destruction in Aceh. In the future I really wish to see Aceh's forests fixed. I am an environmentalist at heart. I would like to bring you, Pak Hamid, to travel around Aceh, visit our villages and enjoy the beauty of Aceh. May I do this almost at once? I visualize an Aceh in the future where big trees are protected just like the one we are now standing under."

"So that is it, Pak Hamid, wherever possible please do not raise the matter of independence in our forum as our other GAM delegates will react and then only focus back on this issue. Far better we discuss other matters which will bring us to a subsequent peace agreement. It is best we concentrate on things which support the peace agreement," Malik proposed. Here Zaini interceded, "I am of the same mind Pak Hamid. Don't let us waste time going over things that are already clear enough. GAM's position is clear, just as proposed by Tengku Malik. That is enough." "God willing, Tengku, both of us can hold firm to these undertakings. The Government side will not raise this issue at the peace table. I will keep your words, Tengku Malik, it goes without saying," I replied. Whereupon, Malik hugged me tight saying "God willing, we will make it Pak Hamid!"

### **Police and Prosecutors**

These were two really hot topics. The incessant attacks rained down on us in torrents from several so-called "experts": It was alleged that Government team had systematically and intentionally emasculated the existence of several state instrumentalities, that of the police and

the prosecutors. The basis of this, (yes we had seen it before!) was their impatience finding the correct information. Everything that was heard unsubstantiated or not had to be commented on.

The problem was this: GAM proposed a possibility for the Aceh Government to be granted the authority to determine who would be their Attorney General and their Chief of Police in Aceh. The Government position on this was quite clear. It had no problems whatsoever with this GAM proposal. Again critical charges were levelled at the Government which they saw had condoned a state within a state.

"How can Aceh be granted the authority to determine who will be their Attorney General and Chief of Police? This was an insult!" raged one commentator. "Ah, the Government is giving too much leeway to GAM. How is it possible that the appointment of the Attorney General and Chief of Police can involve the Aceh Government? This would be the seeds of independence for Aceh," said another. In summary, there was not one positive or supportive commentator. They all pushed the Government into a corner, mainly the negotiating team.

Continuing, they demanded why didn't the Government object to this above proposal of GAM? "What is the problem with this? Don't be in such a hurry to jump to conclusions and be prejudiced against us," countered JK over these attacks. There was nothing to worry about at all. Read Law No 18 of 2001 regarding Special Autonomy for Aceh. In this legislation it is stated that the appointment of both the Attorney General and the Chief of Police would be done with prior consultation with the Governor. So what's the problem?" stressed JK. "Keep on going. You are on the right track," he counselled us delegates.

When Sofyan Djalil and I brought this matter to the attention of the President and the Vice President, both leaders asked us to study in detail all the legal aspects. Prior to leaving for Helsinki the VP chaired a meeting in his offices specifically to discuss these matters raised by GAM in relation to Law No 18

The reason for this Law was, in brief, to address the subject of the appointment of the Chief of Police and Attorney General, thus GAM's proposal which had been attacked from left and right in Jakarta was not a real problem at all. It was obvious our critics had not read Law No 18.

Explanation upon explanation flowed out and gradually the criticism abated. Now the Government team could breathe easily. We had made it over this one particular hurdle.

### A Furious Parliament

From early on a number of Members of Parliament had sounded the alarm bells over the peace initiative. A number of agenda items angered them, one of them was the formal inter-reaction between the Aceh Provincial Parliament and the National Parliament relating to matters pertaining to Aceh. This really had their blood boiling. In our discussions GAM wished that every piece of proposed legislation passed by the National Parliament should be approved beforehand by the Aceh Parliament.

Without a moment's thought, the flood gates of outrage at Senayan<sup>62</sup> broke open. Once again the negotiating team became the Parliament's target of attack. We were accused of not understanding our own Constitution, and that our Parliament is the highest national body and was the apogee of legislation. Thus, in their minds, it was totally unconstitutional for a Provincial Parliament<sup>63</sup> to dictate to the National Parliament.

"This must be stopped. It is over board. How come it is possible that the Provincial parliament can formulate legislation? Basically, these peace talks must be stopped forthwith. What has been done by our Government is absolutely wrong," remarked one commentator. "How is it possible that the Provincial Parliament can dictate to the National Parliament? This is obviously upside-down logic. Precisely it is actually this: the National Parliament determines the structure underneath it by legislation which is made jointly with the Parliament and the Government," explained another of these commentators. In short, we had a number of angry parliamentarians on our hands.

In the middle of this battle, JK called together a number of national parliamentarians. "What sort of problems legislated by the National Parliament would be linked to the provinces and would involved

<sup>62</sup> Senayan is the site of the Indonesian national Parliament - DPR - *Dewan Perwakilan Rakyat*

<sup>63</sup> DPRD *Dewan Perwakilan Rakyat Daerah*, provincial parliament

their parliaments?" JK asked these parliamentarians. There was no reaction to this question by any of these parliamentarians. Continuing JK said "There are only four agenda matters related to the provinces which are legislated by the National Parliament and require the participation of the provincial parliament. These four are: creation of new administrative units within a province, formation of them, and dissolution of them, and uniting or amalgamating these units. These four matters require legislation by the National Parliament and the Government and before this occurs, there must be concurrence from the Provincial Parliament stating it wishes to create, unite or form new administrative units," JK explained.

With this sort of brief, JK said, GAM's request made obvious sense, and had as well a firm legal basis, that is Law No 32 of 2004 regarding Local Government. As a consequence, the Government peace team had no objections to GAM proposal. "GAM's proposal is not a new idea and in fact we have implemented this nationwide in every province. So there is no reason at all to drag this up. Our Government applies the Laws made by the National Parliament consistently and correctly," said JK.

On hearing this explanation, the criticism from the parliament did not abate but exactly the opposite occurred with much of it now renewed and focussed on the Government delegation. Fortunately, both the President and the Vice President, in a special meeting provided us with a full guarantee that whatever we did in Helsinki would be the correct approach. "Seek the best and it will not be long before it is perceived to be the best. Sometimes we need time to get acknowledgement for the good we have done," said the President to the team. Thank God we were granted protection by those who gave us this mandate so we could continue our peace talks.

### Location of the Talks

The matter of where the talks were to be held was settled. It was Helsinki, the capital of Finland. Critics of the talks believed that the Government's position was weakened by this decision which would give the upper hand to GAM. These opponents felt that the Government had caved into GAM demands to agree to a country

which they felt pro-GAM. The critics did not stop right there. In fact, they demanded the talks to take place within Indonesian territory.

In this vein, the Chairman of the Joint Houses of Parliament, Hidayat Nur Wahid, went on to say it was totally inappropriate for the peace talks to take place outside our country. The Aceh problem was an Indonesian domestic issue and the talks would be far more meaningful if held inside Indonesia. The previous experience in Aceh peace talks, which were always held overseas, did not deliver maximum results at all. In fact, it would be fair to say, they failed.

Of the same opinion as Hidayat, was the Chairman of Parliamentary Commission I, Theo Sambuaga. For Theo, it too was inappropriate that the talks were held outside Indonesia and those they needed a foreign mediator. If an outside party was essential, opined Theo, they should involve the Aceh Muslim clergy and as well as GAM! He then went on to say that if these peace talks were held overseas, Parliamentary Commission I would summons the Foreign Minister and question him.

Countering this sort of criticism was not that difficult. Historically, there had never been peace talks held where the conflict was actually occurring. Peace talks were always held on neutral ground. Finland was neutral ground. Our Government's logic was commonsense. Peace talks with GAM held in anywhere in Indonesia would fail. The GAM team members, who were spread out in a number of countries, did not trust our Government. Reasonably, they were concerned if they put foot on Indonesian soil they would be arrested on the spot and jailed. Once before, this had happened to one of them, Sofian Ibrahim Tiba, a GAM member living in Japan. The concern on this was understandable, thought JK.

On the other hand, the Indonesian Government, would in no way accept that talks be held in Sweden because the Government felt Sweden was not neutral in their relationship with GAM. For example, one of the key GAM leaders, Hasan Di Tiro was now a Swedish national, as was Zaini Abdullah; while Malik Mahmud was now a Singapore national with Swedish permanent residence.

For JK the location of the talks was of paramount important. He called Farid Husein and me to his working office on one occasion before the talks commenced and said. "You both were involved at the

Malino talks to resolve Poso and Ambon. Intentionally we did not hold our talks in Ambon or Poso because we thought they were not neutral ground. If they were held in Ambon or Poso, there would be for sure disruptions from parties directly or indirectly involved in the conflict. We went to Malino because it was neutral. Here, Aceh must be settled in the same way. We have to have a neutral place free and far from any possible disturbances."

The determination of the location also hinged strongly on the thoughts of our mediator, Martti Ahtisaari. Because our mediator lived in Helsinki, Helsinki was clearly the obvious choice for JK. Throughout the five rounds of talks never once did we experience the slightest disturbance or suggestion of it. Each party received identical and even handed treatment from the Finnish Government.

### Damien Kingsbury

This was a source of trouble which we ourselves had inevitably to face. Our critics attacked the Government team because we met with Damien Kingsbury, an Australian professor of politics. He was GAM's political advisor and for a long time had been black-listed from entry into Indonesia. His role for GAM was very important.

The Government team was cornered, being dictated to by Kingsbury, in his continual comments in the international and national press which portrayed Indonesia in a very negative light. In the second round of our talks, GAM proposed that Aceh be termed as 'self-governing' as an alternative to autonomy. GAM's proposal was identical with the content of Kingsbury's article in *The Jakarta Post* of 24 February 2005 which in summary stated: Aceh should have the authority to make all of its own arrangements, except for three matters – foreign policy, defence and finance. These three will remain the authority of the central Government.

GAM demands as reflected in Kingsbury's article were not too far removed from the intent of Special Autonomy which was contained in Law No 18 of 2001 which granted wide authority to the Province of Nanggroe Aceh Darussalam, except in the areas of foreign policy, defence and security, finance, religion and justice. Even the syariah court and syariah law could be implemented with Islamic canon law – *Qanun*.

JK comfortably responded to this by saying these demands of GAM's were already covered by Law No 18 of 2001 regarding Special Autonomy for Aceh. "Don't be worried by this," counselled JK.

After studying Kingsbury's article and comparing it with GAM's proposal, JK required me to pay special attention to Kingsbury as he was obviously the strength and the source of GAM's ideas and JK went on to say, "If necessary, make friends with him so that we can make peace straight away."

With this sort of commonsense consideration, JK ordered Farid Husein to bring Kingsbury to Jakarta. After that, my task, as Minister of Justice, was to ensure that Kingsbury got safely through Immigration at Soekarno-Hatta airport because his name was on the black list at every one of our airports and harbours. JK also order the intelligence agencies, BIN and BAIS<sup>44</sup>, not to put him under surveillance during his visit to Indonesia. "We must invite this man and meet with him, if we really want to have peace in Aceh. The nub of the problem is largely this professor." said JK.

Secretly, Kingsbury entered Jakarta and was taken directly to the Hotel Hilton, now the Hotel Sultan and later taken then to meet with JK, Farid and myself at JK's residence. In summary: Later Kingsbury's ideas broadcast by GAM were that there was no difference over Law No 18 of 2001. "Fortunately for us, Kingsbury would directly clarify this. It was not a problem. On we go!" said JK. Nobody knew of this meeting at the VP's residence.

At the end of our meeting with Kingsbury, JK told Kingsbury that if our peace talks failed, he would announce to the world at large that one factor of any failure was his role. He went on to accuse Kingsbury of being the brains behind GAM saying that if these peace talks failed JK would hold him responsible. "Please do not let this happen. I will urge GAM to continue these talks to achieve peace," requested Kingsbury in reply.

Later, inevitably the facts of our secret talks leaked out. JK was asked by the press if he had a "four eyes only" meeting with

<sup>44</sup> BIN - *Badan Intelijens Negara* - the State Intelligence Body and BAIS - *Badan Intelijens Strategis* - the Strategic Intelligence Body

Kingsbury i.e. a private meeting of two persons. JK replied that he never had a "four eyes" meeting with Kingsbury.

To me and Farid, JK said "It was true, there was not a "four eyes" meeting with me and Kingsbury. At this meeting, both of you were there when I met with Kingsbury. So how many eyes was that, not four?" "That's very true. You answered the question. But what would have happened if the journalist had asked you whether it was true that you had a meeting with Kingsbury with your peace team? How would have you replied, Bapak?" "Hamid, that question did not come up, so I do not have to answer you," shot back JK.

### The 1945 Constitution

After the signing of the MOU, the substance of our peace talks contained in the MOU, suddenly again provided more ammunition to fire at our Government.

The first volume of criticism started over the non-inclusion of the Constitution in the MOU. "This is proof that GAM that does not acknowledge our Constitution because it is not explicitly mentioned in the MOU," one critic claimed. "The Government has been robbed and unequivocally defeated by GAM," fumed another. In brief, the criticism claimed that our Government had allowed GAM to put the Constitution to one side.

To these critics, we stated that in the preamble of the MOU it states explicitly "The Unitary State and Constitution of the Republic of Indonesia". The word Constitution means the Basic Laws of 1945. Indonesia has only one set of Basic Laws that is the Basic Laws of 1945. Because of this the word Constitution is used in the MOU which means what we intended that is the Basic Laws of 1945. There was nothing else to it! This meant that GAM had agreed and acknowledged that our Constitution was in fact the Basic Laws of 1945. There is no further problem," said JK.

Before mention of the word Constitution is the word unitary state. Here, it is clear that the Unitary State of the Republic of Indonesia (NKRI) has a Constitution that is the Basic Laws of 1945. Further it is clear that GAM recognizes the existence of NKRI, so automatically

GAM acknowledges and submits to the existing Indonesian Constitution that is the Basic Laws of 1945.

These words Unitary State and Constitution were purposely placed in the MOU preamble to form an overall umbrella clause and basis for the following articles. Really this was not a problem!

Accompanying this criticism over the Constitution, were a couple of National Parliamentarians who did not want the MOU to be implemented before it was ratified in the National Parliament while overlooking that fact that they had called for the MOU to be refused ratification.

JK invited a number of National Parliamentarians to meet with the Government team. JK's line of thinking was logical and well argued, "If the Parliament wants to ratify the MOU, it means that the Parliament automatically recognizes GAM as a sovereign nation. What is to be ratified by the Parliament is an international agreement, be it either multi-lateral or bilateral. GAM is not a sovereign state. The Parliament has repeatedly tried not to internationalize the Aceh problem. Why is this?" asked JK. Thanks to God, this problem was happily settled and the Government team could again sleep peacefully.

### **Damaging Outcomes**

This next item on the agenda was intently followed by all: That of revenue sharing. In the MOU it stated Aceh will receive 70 percent of the income derived from natural resources produced in their province. Further in the MOU it stated that the Government would provide funds for integration and amnesty. At the same time GAM would only be responsible for surrendering 847 weapons for destruction and afterwards the GAM militia would be re-integrated into society. "This is excessive and unbalanced because the Government is conceding a lot and GAM only a little," called the critics. "This favours GAM and will undoubtedly cause problems in other provinces," these critics fumed.

These sorts of comments and protests upon protest we, the Government team, accepted it with a large degree of equanimity. We were all advised by the President to respond proportionally and respectfully saying, "Our Government must respond to all of it;

nothing shall be hidden. We must explain to our critics in as much detail as possible, especially those in the DPR."

In one operational briefing with the VP, he provided our delegates with efficient but hard-hitting responses and methods to meet this criticism. Certainly, the Government had granted a lot in the negotiations compared with GAM. But remember what GAM gave was all of their weapons which were used to rebel against the state, kill our citizens and destroy our infrastructure. Above all, GAM fully recognized the unitary state of Indonesia with our Constitution and no longer demanded independence. This had been the nub of the problem in the past and made us enemies for those past thirty years. The cost will be more than if we fought compared with the cost of peace, stated the VP.

The number 70 percent of profit sharing with Aceh can be explained and was derived from a profit and loss calculation. With a war which ran for thirty years, Aceh's economy was utterly devastated. There was no production, for example gas. Neither the central government nor the local government could do anything to stimulate this stagnant economy. If there was peace, gas production could restart. With an economic turn-around employment opportunities would abound. These opportunities would not be limited to individuals but to companies as well and in turn the government which would receive taxes as both individuals and companies were taxable. Consequently, the subject of profit sharing must be viewed from a wider perspective, not the narrow view of our critics. This was the approach adopted by our Government team when defending ourselves from critics at home. What was certain, we faced no further serious problems which we could not explain clearly and convincingly to our critics.

More than that, what had been handed to the Aceh Government was the key to re-open Aceh for an economic turn-around. With this, peace would be won and stability achieved. With new stability in Aceh, both overseas and domestic investors would race in. Peace would become a fertile ground for investment there. Peace would be the force driving Aceh's economy so that what had been given by our Government and in turn accepted by GAM could not be assessed on the same basis.

This is without adding the Government's budgetary cost for military operations. These numbers would certainly have to be calculated every year. With peace, funds allocated in the past for military operations now could be re-applied to improving education, development and infrastructure – all of which was in serious disrepair during the conflict and after the tsunami. Thus, our agreement required the Government give to GAM and reciprocating GAM give to the Government something that was mutually advantageous. The MOU could not in any way be construed as one party winning over another. "Sometimes we have to give something which seems to be more than just numbers, but in fact the rewards are greater than what we conceded," commented JK wisely.

### Local Party Politics

In July 2005, the final round of talks in Helsinki was the determining crucial round – the make or break: Would GAM agree or not agree to end the conflict? On the first day of this round all went smoothly with both sides discussing the MOU points which had been drafted the month before.

On the fourth day, dark clouds swept over and lightning struck with all our apparent happiness vaporizing. The reason: Local political parties. GAM would not accept if there were no local political parties in Aceh. For sure this agenda item was delayed until the very end for we had known that this would be a complex issue. Luckily, Sofyan Djalil and I had already forewarned Jakarta we would face a tough one on this point.

We used every possible initiative and gambit to side step this issue. The offer that the Government would assist the candidature of GAM activists who wished to run for governor or regent or mayor within the existing political parties was rejected out of hand by GAM. At this juncture, there were some 10 political parties which had signed up to support GAM activists who wished to run or leadership positions in Aceh in the future. "We want to steer our own car ourselves. We do not need other people's cars," stated Nur Djuli, the GAM spokesman.

Also, the Government was willing to permit the formation of political parties provided they were national parties based upon the

province. None of this placated GAM. What made the Government stand on this difficult issue was that Ahtisaari strongly supported this GAM demand. "Minister Awaludin put yourself in their shoes and see how it feels," he said. "The Government has granted a fair degree of flexibility and an opportunity to GAM but no "car" – no vehicle. I have not yet found a way to convince them that political opportunity does not have to be linked to a political vehicle," he continued.

The constitutional reason we submitted to GAM, rejecting the formation of local political parties was not that strong as there was no specific prohibition in our Constitution on this point. In fact, I was not particularly happy with my response to GAM on this constitutional issue. In my various consultations with the Head of our Supreme Court, Prof Bagir Manan, he opined that the Constitution in no way restricted the formation of political parties including local political parties. Further, Bagir considered that in time to come the basis of political parties would be more inclined towards local political parties.

This complex issue of local political parties was the most difficult of all of our meeting agenda items. Our round which was due to finish on 15 July 2005 was extended by one day to Saturday, 16 July 2005. Saturday midday passed with no agreement on this point and our talks went on throughout the afternoon into the evening. We were in a total dead-end after 12 hours of non-stop talks. Both sides were tense, including Martii Ahtisaari. A number of times Ahtisaari invited me to talk in private with him – a heart to heart; and he did the same with Malik Mahmud taking him to one side as well. When Ahtisaari saw that there was a gap between us and GAM, he asked for us to meet amongst ourselves, Malik, Zaini and myself but the gap was still unbridgeable. That night, Ahtisaari requested both delegations dine together to try and clear the atmosphere. Our meeting reconvened at 9.30 p.m. and finished at 11.30 p.m.

That night there were repeated direct meeting between me Sofyan Djalil, Malik, Zaini and Damien Kingsbury. Various formulations were exchanged seeking agreement with me tinkering with every sentence suggested by Ahtisaari. Here I was helped greatly Puja Wisesa in the drafting. Every time I had a new form of words, I would report into JK and Widodo AS, the Coordinating Minister who in turn would brief the President.

When our meeting could not come to agreement Ahtisaari called me aside for a one on one-on-one meeting. He handed me a sheet of paper with several paragraphs. "This is my idea on local political parties which I have put together after listening to you and GAM discuss your problem at length. This is a middle of the road solution. Please consider it seriously." I asked permission to discuss this with Sofyan. After some editing and changes and a new paragraph which I added, Sofyan agreed my draft and we faxed it off to JK in Jakarta.

I went back to Ahtisaari to show him my revised draft. Upon reading it, he clapped me on the shoulder, saying "Thank you Minister Awaludin. This has solved the problem completely. The dead lock had been broken with this draft of yours." "Will GAM go along with this; and Kingsbury?" I asked. "This is my job to convince GAM. We are negotiating with GAM not Kingsbury," stressed Ahtisaari.

Then Ahtisaari encouraged me to ring JK in Jakarta. It was already after 1.30 a.m. in the morning the next day in Jakarta, undeterred by the time I rang. JK was waiting for news. "OK Hamid. This is the best middle of the road solution for our country. Thanks to God! In the morning I will report this to the President. Remind your colleagues to keep their mouths shut!" JK said firmly.

The formulation agreed to was that within a year to 18 months after the signing of the MOU, the Government would make the legal and political preparations for the formation of local political parties in Aceh in consultation with the national Parliament.

After getting off the phone with JK in Jakarta, Ahtisaari came up to me and I showed him two thumbs up – approval from Jakarta. Spontaneously, he shook my hand and fixed my eyes, saying "We made it, Minister. I am happy for both of you," he said. From the distance seeing my apparent relaxation and Ahtisaari's too, Farid Husein came up and hugged me followed by the rest of our team. Sofyan's eyes were glassy with emotion. Finally, our mission is accomplished!!!!

Here the Government team approached the GAM team, hugged one another and shook hands. When Malik Mahmud shook hands with me he could not control his emotions. Hugging me closely, and with almost a sobbing voice and with tears in his eyes said "Pak Hamid, thousands have died. The Acehnese have suffered for such a

long time. With God's help, we have stopped all of that. Thank you, Pak Hamid. I have fought for this outcome for a long time. May God bless us all" Even I could not restrain my tears of joy. In the midst of this, emotion and joy, Ahtisaari entered, put one arm on my shoulder and his other on Malik's shoulder, saying, "Come let us celebrate our joy and our achievements and dine together."

Later, I came to learn that night while we were deadlocked in our talks on the problem of local party politics which could have wrecked everything, it was just daylight in Jakarta JK was telephoned by a Syrian mufti. The VP felt a little nervous about this call for certain something was not quite right. The mufti told the VP his call was to help Indonesia win and to help, so the VP should recite the *Surah Ya-Sin*<sup>65</sup> from the Koran 20 times. God willing all your worries will vanish with his, claimed this mufti to JK. Then JK called his wife and together they prayed and then each read the *Surah Ya-Sin* ten times because this particular Surah is rather lengthy. Just as JK completed his recitation, my phone call came through from Helsinki bringing the good news that we had solved the problem of local political parties. "Thanks to God Hamid, my wife and I prayed this evening for this result. You must now offer your prayers of thanks," ordered JK.

One year later, when relating the high tension at this final impasse, it was related that JK and his wife had prayed for us all in the middle of the night. At the same time out in the jungle back blocks of Aceh, one Zakaria Zaman did the same because he had been told by Malik Mahmud of the deadlock that night in our discussions. In the end, JK in Jakarta with Zakaria in the Aceh jungle, their prayers that night helped guide us to peace in Aceh.

Relaxing after this tension, jokes were exchanged at the dinner table. Ahtisaari sat in the middle of the table with me on his right and Malik on his left. Our faces were now very different, all beaming with our success.

<sup>65</sup> The *Surah Ya-Sin* is an entreaty by the Prophet in the Koran for redemption, and forgiveness. This *Surah* is regarded with special reverence and is recited at times of adversity, illness, fasting and the approach of death.

After dinner, we departed for our respective hotels with a grand feeling of comfort.

### **The Name and the Coat of Arms**

The GAM flag and name of GAM was on the top of the agenda for our critics. They said why did not the MOU expressly address when GAM would be dissolved and when the GAM flag would be lowered. "This was just a ploy entirely to undermine the success," raged the critics. "Our Government had been swindled by GAM," said another critic. This problem came out into the open when Pieter Feith, Head of the Aceh Monitoring Mission (AMM) which was tasked to monitor the implementation of the MOU, was about to finish his monitoring job in Aceh.

It was never a specific agenda item to dissolve GAM though it was not without consideration. Throughout the peace talks, principally at the personal lobbying level between me with Sofyan Djalil and the GAM leaders there in Helsinki we did discuss this very cautiously as it was so sensitive.

This did arise two times at the peace table, but both sides mutually felt it best if the name of GAM and their flag were not specifically mentioned in the MOU. In fact Sofyan Djalil once did press for a time limit on the use of the name GAM and their flag. Except here Ahtisaari mediated with the line of thought that in the final count the name GAM and their flag would fade away because it would no longer be relevant in the future.

In considering the time limit on the name GAM and its flag, Malik said to me in one of our private tête-à-tête, it was best if we did not specifically address this. The problem being that if we did discuss this at the peace table and it leaked out to GAM in the field it would have a deleterious effect on them. They could go berserk and become uncontrollable. This would impinge directly upon our efforts here to achieve peace.

In the final count, GAM would dissolve itself once peace was achieved and so there was no need to demand a definite limit on its existence, said Malik.

When hearing opinions in our Parliament on the progress of the talks this matter was raised by members. Sofyan Djalil presented an excellent argument stating that we intentionally had not included dissolution in the MOU because after the signing of the MOU there would be an implementation phase. Here in this phase GAM would be wound-up in conjunction with whomsoever we are working with at the time, noted Sofyan.

Until now we had no further problems but the problem re-emerged after the Aceh Government Laws were ratified and local political parties were permitted. Former GAM senior members and activists demanded to use the name GAM and logo for a party which they intended to form. Immediately, this was rejected out of hand by our security authorities. This became a problem in the field, for example GAM notice boards and the logo had to be torn down.

There was continual process of lobbying between the GAM leadership - Malik, Zaini, Zakaria and with myself and Farid Husein. Innumerable informal meeting sought to find some point of agreement with little result. Also, Ahtisaari and Juha Christensen met with Malik and Zaini in Helsinki to see if they could help in breaking this deadlock. Many times Malik and Zaini rang me in Jakarta from Stockholm over this matter.

This knotty problem gradually began to loosen through informal meetings between me, Farid Husein, Usman Basya from the Government side and Malik Mahmud, Zaini Abdullah, Zakaria Zaman, Muzakir Manaf and a number of former GAM activists. These meetings were held under the sponsorship of Interpeace<sup>66</sup> where we could feel a breakthrough emerging. While the GAM side continued to demand use of the name and logo, they did understand the invidious position of the Government in permitting them to use the name and logo. Our Government position strengthened after discussion with JK who stressed carefully to make the point to GAM

<sup>66</sup> Now known as the International Peacebuilding Alliance, based in Switzerland, works only with local partners in divided societies to build lasting peace and in close conjunction with the UN. Their teams promote national dialogue by bringing together key actors across a broad cross section of society to analyse their country's problems, find home-grown solutions and to define a common vision for long-term development.

that the Government is unable to alter their position. Also, brought in was Ahtisaari who explained to GAM that they could no longer use the name and symbols for whatever reason.

GAM's attitude hardened and this later came up in informal two day meetings held in Makassar with the same Government team and the same GAM team. My argument in this meeting was that the Government of Indonesia and GAM had fought for over 30 years over some pretty fundamental differences. These differences were symbolized by the name of GAM and its logo, and now with peace as consequence they automatically should no longer be used. Further what I added to this was that almost all of the points we had agreed upon in the peace agreement between the Government and GAM were already implemented and underway.

The main reason why GAM wanted to continue using the name and logo for a local political party was that they feared this could be used by others unrelated to GAM. Malik pointed out that the GAM name and logo had a certain magic and magnetism about it. From a subjective political point of view, as a vote winner in a future election, this made sense.

But why did Malik and his associates fear others may hijack the GAM name and logo? This was a sign that within GAM there was some degree friction starting to emerge. This friction first appeared during the candidature process for election of Aceh's governor. The duo of candidates of Irwandi and Nazar were not supported by Malik's group. Apart from them, it was a given after the 15 August 2005 MOU signing that other candidates and groups would emerge who would be undoubtedly diehards. With such potential polarisation, Malik Mahmud forecast that these groups outside his control would use the GAM name, flag and logo. Reacting to this, I made a concrete proposal, saying to them "I will personally patent the GAM name and logo which symbolized the GAM of the past. Therefore no one or no party can use this for a local political party. However a museum could display the name, symbols, and other items which were used by GAM during their struggle. This is something we should consider in order to safeguard these symbols for posterity."

After due consideration over the GAM name and logo for a local political party which they wished to form, Malik Mahmud's group changed course. The problem was that many others were ready to register their own local political parties. "This is all a loss for you, Tengku," Farid and I said to Malik. In fact Malik was pretty realistic and accepted the Government position but one of his followers Tengku Nazar was implacable.

After an informal meeting in Jakarta in December 2007, before we had settled the matter of the usage of the GAM name and flag, I proposed that our next informal meeting be held in Makassar. This was not unintentional. Apart from fulfilling my promise to Malik that I would show him Bugis schooners being built, I felt that I would invite three prominent Aceh *ulamas*<sup>67</sup> to proselytize Islam in Sulawesi. They were Datok Ditiro, Datok Ripatimang and Datok Ribandang. With this personal approach of mine to Malik, he no longer insisted upon the right to use these names and symbols for the proposed local political party.

This outcome was very satisfactory. Two days before our informal talks were to start in Makassar in February 2008, Malik Mahmud, Zaini Abdullah, Zakaria Zaman and Tengku Nazar met with JK. That night Malik said to JK explicitly that after consultations and deep consideration, GAM would finally change its name and flag to become a local political party. The names he proposed was the Aceh Development Party or the Prosperous Aceh Party<sup>68</sup> while in principle the GAM flag would be changed.

I do not know what happened but GAM changed again. Suddenly, Malik announced they would continue to use the GAM name and logo for their new local political party. I hammered to the fact of the agreement Malik had made in front of the VP and that I had helped them come up with a new name and logo.

Our third informal meeting continued in Jakarta on 6 to 7 April 2008. GAM and the Government held wide ranging talks over the MOU implementation with me insisting that the GAM name and logo had to

<sup>67</sup> *Ulama* is a senior Muslim cleric

<sup>68</sup> Respectively, *Partai Aceh Membangun* or *Partai Aceh Masmakmurkan*.

go. The VP would not tolerate this and agree to this, I told Malik and Zaini. The following morning, 8 April 2008, at the VP's residence, Malik Mahmud, Zaini Abdullah, Zakaria Zaman and Tengku Nazar returned to confer. At the end, Zakaria handed out three sheets of paper with the new logo, a flag with a red background with the name "The Aceh Party"<sup>60</sup>. "This is the final result, Pak," Zakaria informed JK.

Well, this is an excellent way, said the VP. Malik added "May this way be the best for all of us, Pak." JK invited me to join him for a meal separate from these guests of his. We discussed in private the content of a letter the VP intended sending to Malik stating his positive reaction to the change of name and logo by GAM for their new local political party. Later the handshakes were very firm. Thanks to God we were guided by Him in the end.

## Initialling

Really early on the morning of Sunday, 17 July 2005, I was awoken by the Indonesian Ambassador to Finland, Mrs Iris Indra Murti. There is a phone call for you from the VP," she said urgently. "Hamid, good morning! Last night the President has approved your formula. Pass on to your colleagues that all we have done is for mankind," he said.

With news like that I was overjoyed and I immediately informed all of the members of our delegation. We were all overwhelmed including Mrs Iris Indra Murti. Everything that was holding us up had now vanished and our load lightened.

With this news, we headed to the meeting room, ready to initial the draft MOU. This was our last day, 17 July 2005 the meeting between the Government of Indonesia and GAM. It had been a long and tiresome road to travel but today there were no further issues to be discussed. Both Malik Mahmud and I gave individual brief introductions expressing our thanks to God and satisfaction with the results of our seven months of peace talks.

After this, we moved to an ante-room where a small round table had been prepared by Ahtisaari's staff with three chairs and three pens

<sup>60</sup> Partai Aceh

laid on the table in front of the chairs. I took my place with my four colleagues standing behind me: Sofyan Djalil, Farid Husein, Usman Basya, and Puja Wisesa. Behind Malik, stood his GAM colleagues, Zaini Abdullah, Nur Djuli, Bachtiar Abdullah and Nurdin Abdul Rachman. Ahtisaari then invited us to initial each page of the MOU.

Once initialled and without more ado, Ahtisaari stood up, took my arm and Malik's arm. The three of us stood holding hands while the room was totally silent. You could have heard a pin drop. Warm emotion enveloped all of us in that room. I broke the silence by saying, "Thank you Mr President, thank you Tengku Malik and all the GAM delegation. My unbounded thanks to the staff of CMI, especially Juha Christensen, Mery, and Anna and all the others. Thanks to the Finish Government who facilitated this peace initiative. Finally, we have reached a moment dreamt of for tens of years. This long road has been tiring. Thank you to my fellow colleagues in the Indonesia delegation." Malik's eyes were tearful and breathlessly he said "This was a joint effort by all of us. Without this high degree of cooperation between the two parties it would not have been possible to achieve this end."

I was thrilled that both parties could arrive at this agreement. On the request of both delegations I met briefly with the waiting press. "Next month we will return to sign this MOU," closed Ahtisaari.

Thunderous applause then erupted. Turning around I hugged Sofyan, Farid, Usman and Pudja. Sofyan was unable to contain his feelings. His eyes were wet. Even Juha hugged all of us and yelled, "Syukur!"<sup>70</sup>

Frankly for me the last two days utterly exhausted me and Sofyan as well because of the attitude of Damien Kingsbury who cynically tried to lecture us. Both of us felt like kicking him. Except, at the critical moments, Kingsbury would change totally and become very cooperative. Kingsbury had a role in helping to seek a formula for local political parties which had to be agreed to with GAM. The following day, after initialling the MOU, Kingsbury said to me, "We are all happy now, yes? Does this mean I can now enter Indonesia freely without being blacklisted?" "We can discuss this later," I replied.

<sup>70</sup> *Syukur* in Arabic means thanks and has been widely adopted into Bahasa Indonesia.

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Postscripts Written  
in  
Moscow

## JK: ARCHITECT AND FOREMAN OF WORKS

Imagine this: Once upon a time a group of Acehnese demonstrated in front of the office of the Business Competition Supervisory Commission (KPPU) in Jakarta. They demanded KPPU immediately investigate Jusuf Kalla. What was behind these sudden indictments by these Acehnese? Isn't JK very close to these Acehnese? That was problem, claimed the leader of the demonstration.

Feelings begat more feelings for the demonstrators; JK in their analysis had created a monopoly in Aceh. "It is like in the business world, JK monopolizes both upstream and downstream," asserted one demonstrator. "Basically, KPPU must take action," he continued.

"Just imagine it, JK was the architect who designed a building along with the interior; after which he became the civil engineer who determined the type and total amounts of materials to be used in this building. It did not just end there. JK became the foreman of works who continuously monitored everything and noted where there were the shortcomings or delays. This really is a monopoly. There must be some explanation," demanded one demonstrator.

Don't be confused. This is just a humorous illustration to show how JK's involvement in the Aceh peace process was sometimes perceived at large.

With two sheets of paper filled with a work plan for the Aceh peace process, JK designed the complete process of the peace talks. After as architect, he had drawn the building of peace as the architect,

he changed his role becoming a civil engineer determining the amount of cement, sand, and aggregate to be used. Not satisfied with that, JK then became the foreman of works managing every aspect of his peace construction. As foreman of works, his style was in great detail right down to the colour of clothes and the style of address to subordinates. In brief, this humorous illustration above really fits JK's role.

### How Was It Possible?

JK could execute his role above with excellence because of his knowledge, his experience, his ability, his sincerity and his wide ranging contacts. Furthermore, he was the Chairman of Golkar, the largest political party in the parliament. This formal role of his was inseparable from his personal contacts with other political party leaders. Thus he has the ability to be able to manoeuvre politically across a wide field. Consequently, it was not difficult for him to rally support for his peace plan for Aceh. His personal approach was the fruit of friendships created well before he became Vice President.

For example, when GAM demanded their own political party for their own candidates in local elections, JK did not drive himself into a brick wall of "forbidden", but he manoeuvred around the problem, calling together the leaders of all political parties. This resulted in ten political parties signing an agreement to accept GAM candidates who wished to participate in any local government election in Aceh. If it were not for the flexibility of JK and his friendship with these political leaders, it would have been impossible for JK to reach such agreement.

It was the same with the various attacks from a number of parliamentarians from various parties who found fault with the Aceh peace talks. It was not difficult for JK to summon them for a meeting. Usually, he invited these politicians to his residence where before meeting they dined together. A position like this for was probably difficult for others to adopt but for JK this was straightforward and usual.

Another positive factor was that JK was agile in dealing with the press. When problems arose he dealt with them clearly and directly

without having to resort to his position as VP. His style with the press was his special vehicle for conveying his wishes and plans. Throughout the peace process, on innumerable occasions JK met with the editors at his residence. He was diligent in his briefings eliminating any suspicions of anything being withheld. As a result, JK was strongly respected and supported by the Indonesian press.

Usually in such press briefings, the journalists found these meetings invaluable because of their informality. JK's informality in resolving the Aceh conflict could not be faulted. Everyone was granted equal access and opportunity to meet with JK as equals without feeling any superiority of his rank as VP. For example, the former GAM Minister of Defence, Zakaria Zaman, called JK at midnight because his visa needed extending. This did not happen just once. It happened several times!

For us, the Aceh peace team, JK's ready accessibility greatly simplified our job. We never had to wait or queue to get a ruling or advice. GAM were treated exactly the same way. They could telephone JK directly at any time of the day or night without hesitation and would be given an immediate answer to their problem.

This informal approach was always accompanied with a quality of warmth and friendliness for all-comers. As a businessman JK always said everyone is our friend. This 'personal touch' as JK put it was very important. This was one of the keys as to why JK was able to play such a pivotal role. Without hesitation, JK would ring Muzakkir Manaf, the GAM military commander in the depths of the Aceh jungles to seek another step towards peace. Without much ado, JK would join in lengthy discussions at either his office or at home. Sometimes he would order Farid Husein to take care of this family from Aceh or help this one from Aceh. This personal touch, as I observed, made an extraordinary contribution in resolving the Aceh conflict; and this was not done for any self promotion. Absolutely it was not cosmetic but done solely with the aim of achieving peace.

Along with his flexibility, JK was always open to hearing others points of view. People from whatever their origins must be heard as everyone had the potential to offer the truth; and oftentimes he reminded me of this. For example with Dr Damien Kingsbury who

was officially blacklisted from entering Indonesia, Kingsbury was brought in to Jakarta in secret so that JK could hear in person his views on Aceh. From this meeting it was clear to JK that Kingsbury could be viewed a positive factor in the overall peace process.

With this openness, we, the negotiators were very fortunate because at the peace table there were continually matters which we had not considered back in Jakarta. Here JK candidly made his input. Though on other occasions he left it to the negotiators to find a way or opportunity to solve the problem. Without this openness I feel it would have been extremely difficult for the negotiators to execute their task effectively.

His openness and informality did not make him flip-flop all over the place from the desires or pressures of others. He stuck firmly to his convictions. And even more so if the principle had become a decision. JK was like an immovable mighty granite boulder.

The principle of reliability contributed significantly in our achieving peace in Aceh. For JK, once he had committed to something he did not stray from this commitment. For him a promise is a commitment and commitments imply a legal obligation. Here such principles were respected by the GAM delegation so that they were able to believe whatever JK agreed to. Because of this acceptance, our peace talks were able to proceed smoothly.

This resolute approach of JK was accompanied with a focused attitude of high dedication to his overall plan so that it must be realised. From 2002 until now, his dream of peace in Aceh was an obsession and he achieved this by taking concrete steps in the field. From the very beginning he did not budge a fraction from his dream. His dedication was done without heeding the price to be paid. For JK, this dream was a deed of honour because it involved appreciation of values of humanity and human dignity. It is thus not surprising in realizing his dream JK did not hesitate to use his own personal funds for the Aceh peace talks. He did this too in the Ambon and Poso. In a material sense, an accounting of his own funds used in these peace talks never entered his mind. Thankfully, his financial resources were sufficient to support us.

Apart from this, JK's agility to manoeuvre was greatly helped by his sharp instinct to foresee all probabilities ahead. This made us, the negotiators, confident because of the guidelines drawn up by JK were like a prediction. In time every one of these predictions were proven right. Take just one example, the number of rounds for the talks. From the start he said there would be only five rounds and so there were with us signing the MOU in August 2005. There the proof!

The next factor of our success was JK's expertise in focusing on detail. There was not one matter that he did not inspect carefully and there was not one problem that he did not seek out. He was remarkable in finding small matters which could transform into large problems.

We witnessed how JK, at the height of tension over minor delays prior to the signing of the MOU, was able to instruct me how to address properly Malik Mahmud and Zaini Abdullah in my speech that day. Also, he yet again advised me on appropriate dress in all our meetings. Continually I was on the verge of admitting defeat because JK was always finding faults in the detail. "You did not read this, Hamid, because why don't you comprehend the problem?" JK said criticizing on the detail of something.

Finally, I believe the story of the success of the Aceh peace talks cannot be separated from the number of persons around JK who understood precisely his tastes, his orientation and his line of thinking. In the past these persons had operated with him just by seeing the wrinkles of his forehead or hearing the tone of his voice.

These people could readily guess accurately his desires. This factor helped greatly JK manoeuvre with adroitness in the field.

Thus that is my experience with JK. He was all at once the well organized architect and foreman of works.

## AMNESTY: A PROMISE THAT MUST BE HONOURED

Amnesty is the one single word in our vocabulary which exposed a smooth pathway towards peace in Aceh. This was the first offer by the Indonesian Government to GAM. Many times I played this word like a pawn on the chess board and it tempted GAM greatly and was in the end most effective.

Amnesty, in the peace talks was our 'entry point' like the headwaters of a river from which everything in our talks flowed downstream to success. Amnesty was the spring from which flowed prosperity and provided the source of life downstream which I often used as an analogy to GAM in our talks. Also Ahtisaari regularly used this exact idea in his strategy to expedite our peace talks when they flagged.

"Minister Awaludin, please could you explain your amnesty plan and program to GAM. Amnesty is Minister Awaludin's speciality," said Ahtisaari when our talks became dead-locked. Whatever the agenda, when our talks jammed, Ahtisaari immediately introduced the subject of amnesty to break the log jam by asking me to explain this process over again and again.

On the many occasions, away from the meeting room when we met one-on-one Ahtisaari began beforehand with "You are certain of amnesty?" He always smiled replying that "I will never stop asking you to discuss this, except that you once let it slip to me that you might not really want peace. Amnesty is well appreciated by GAM, Minister."

On this agenda item, JK invariably asked me to make this the principal part in any intervention of mine because it was a concrete proposal and would tempt GAM. This was because our first task once the MOU was signed was the grant of amnesty. "Hamid, you really must be prepared for this, right to the mechanics of it. You get together with your underlings so that this is well executed. I do not want to know or want to hear that there are complaints from GAM. This promise and commitment must be honoured and it would be a legal sin if it is not done, Hamid," ordered JK repeatedly.

That principle could likewise become a handy excuse for me should I be summonsed and did not show up. "I was at the prison, Pak, visiting and making preparations for all the GAM principals and activists to be released," and the release permits from JK would not be issued.

The idea of amnesty originally came from JK. From 2002, JK has asked me to study all the juridical in and outs of the grant of amnesty. He even gave me President Sukarno's Presidential Decree granting amnesty to the *Permesta*<sup>71</sup> activists which JK had obtained from the late Dr Arnold Baramuli. "Hamid, Aceh can be settled with an amnesty," said JK around the middle of 2002.

JK's line of thought was very simple, "All GAM leaders and activists, who are behind bars and those on the outside, will certainly be keen to urge their leadership to seek peace because for sure they will all want to get out and live normal lives. They are the most important group in this amnesty."

JK's second line of logic on amnesty was that the GAM leaders could use the grant of amnesty as a means of legitimizing themselves in the eyes of the membership; because with this amnesty they would be seen as responsible leaders who sought the release of their men in prison and for those on the outside freeing them from their fetters.

JK's view was exactly this. When I visited prisons and detention centres holding GAM people invariably they urged me to tell their

<sup>71</sup> *Permesta* is an abbreviation for *Perjuangan Semesta*, the Total Struggle, the uprising in Sulawesi in the 1950s.

leaders they wanted peace. With peace we will be freed was their brief assessment.

It must be acknowledged that throughout the whole talks the agenda item which consumed most time was amnesty. Even a large part of these discussions on amnesty was held by the stream between me, Malik Mahmud and Zaini Abdullah including Ahtisaari. Here I felt how deep was Malik Mahmud and Zaini Abdullah's concern for his men held in our detention centres. They were always upset over these imprisoned men and repeatedly requested me to give priority to amnesty. "Let these young fellows know, Pak Hamid, that I and Dr Zaini have deep concerns for them and care for them. They are our responsibility," said Malik Mahmud.

In short, amnesty was the main key to open the door for peace in Aceh.

### Attacks Emerge

Following the signing of the MOU, the Indonesian Government had only two weeks in which to honour our grant of amnesty. In this short time, as head of the peace team and Minister of Justice and Human Rights under whom prisons and detention centres fell, I was unable to concentrate on these principal duties but was forced to spend my time and energy defending repeated attacks from various quarters.

These attacks alternated mainly between why were these rebels forgiven and why these persons who had committed crimes were being released. The commentary from a number of self-proclaimed experts germinated and grew wildly everywhere. Even the Parliament marched to the drum beat of protest.

With determination, JK came down to tackle the critics. He summonsed the leadership of the political parties to his residence to explain the necessity of amnesty. "The last government granted amnesty which was an amnesty after reformation<sup>12</sup> in the period of

<sup>12</sup> Reformation or reformasi is the term applied to the period post-Suharto when there were high hopes for a new Indonesia.

President Habibie. At that time it was warmly welcomed. Look, Pak, Fatwa<sup>23</sup> has now become a leader of the MPR<sup>24</sup> because of amnesty. He is but one example of the importance of amnesty creating reconciliation," said JK.

If we did not grant an amnesty we would have never ever achieved peace in Aceh. In the end it is the people who would lose. Finding fault in this is not by lawyers and our highest legal authority is our Constitution which gives authority to the President to grant amnesty. This is the law we must respect, said JK convincingly.

Now with the Parliament problem out of the way, JK had to deal with the press who continually reported parties opposed to both the amnesty and the MOU. "If we did not have the peace MOU and amnesty, this would mean the war continued. If the war continued, there would be no economic turn-around. If the Aceh economy remains stalled, there will be little or no business in Aceh which means for you there will be no advertising in the mass media. So all of you will lose," stressed JK to the mass media. "Here, think the best and support both the peace MOU and amnesty," he said.

"Hamid, is it all settled. Now the matter is entirely in your hands. Immediately release who are qualified to be released," order JK.

As the grant of amnesty required parliamentary approval, I had to front Parliament Commission III along with the State Secretary Dr Yusril Ihza Mahendra. The attacks had not fully abated but we were both ready to argue any legal points and non-legal points with them. In the end, it was all resolved happily.

Now we were left with the problem of identifying who were to be freed. I did not have to work that hard to do this for well beforehand I had already worked with a judge<sup>25</sup> appointed by Aceh Monitoring

<sup>23</sup> A. M. Fatwa was arrested and detained for his involvement in the *Petisi 50* – The Petition of 50, where 50 notable Indonesians signed a petition objecting to the late President Suharto's use of the national philosophy Pancasila to silence his critics.

<sup>24</sup> MPR is an abbreviation for *Majelis Permusyawaratan Rakyat* – the People's Advisory Assembly – the Indonesian upper house.

<sup>25</sup> The judge appointed was Mr Christer Karphammar, an eminent Swedish jurist, who was also senior legal advisor to AMM who had served as public prosecutor and was later appointed as the first foreign judge in Kosovo. He was assisted by Mr Robert Hygrel, senior advisor to Interpeace Indonesia.

Mission (which was part of the MOU peace agreement) to determine who the lucky ones would be who would savour the fresh air of liberty. The method was all files were collected and submitted to the court awaiting the judge's ruling.

Those who had committed crimes associated with GAM were automatically released. Using these criteria, the AMM judge and my team worked day and night checking each and every case. The result was less than 10 persons were not freed because their sentences bore no relationship whatsoever to GAM's political struggle.

When GAM challenged this, my response was brief. The AMM judge's ruling is final and binding and we both agreed to this in the MOU.

### **Liberty: God is Great!**

Really early one morning JK rang me asking me to come immediately. "Hamid, when are you going to release them?" enquired JK. "God willing, in four day's time," I replied. "How many are held in Java?" asked JK. "The total is about 2,500 but those spread about Java amount about 475," I replied.

"It is like this Hamid, those who are held in Java were brought there in a military 'Hercules' with their feet and hands in fetters. They now must be returned to Aceh with dignity. Do not take them back in a 'Hercules' but on a commercial flight. We must continue to demonstrate that we are consistent with our commitment to peace with dignity. Give them something, a gift that they can take to their family in the village. Hamid, remember, my staff never have questioned me on how to do it. You are one of my staff so don't ask me how to do it. That is your problem," said JK.

Consequently, I moved fast to contact all heads of prisons and detention centres where GAM were held. I instructed them to gather them in one place so that they could be taken by car, train and commercial aircraft for return to Aceh.

Fortunately, I did not end up at my wit's end. I then contacted Steve Cook of the International Organisation of Migration (IOM) who immediately agreed with my plan and agreed to help financially.

Each detainee was given a new set of clothes and some pocket money which could be used when they were released. Their health was checked prior to release to their home villages.<sup>26</sup> A few of them even asked me if they could keep their prison uniforms as souvenirs. "No problem," I replied.

At the time planned for release, a request from the parliament arose wanting to be involved too. I reported this to JK. "Hamid, do not politicize this. Furthermore if too many people are on the dais it will collapse," said JK as a practical analogy.

One night during the release procedure, I had to make a hard decision because Nazar, who later became Aceh's Deputy Governor, imprisoned in East Java, and had encouraged his fellow prisoners not to sign their identity statements. The intent of this statement was purely administrative so that they could receive their pocket money before being released.

<sup>26</sup> Personal Communication with IOM by translator: "Following a review of findings of a World Bank Conflict Assessment Survey, and in deliberation with stakeholders and partners, it was determined that the transitional reintegration package would consist of material goods valued US\$ 100 and a cash stipend of US\$ 500, which was paid in 3 instalments.

The goods equivalent for the cash stipend was based on the following UN and WFP basic subsistence estimates for a family of 5, over 6 months:

Item	US\$	%
Food	250	50
Shelter	120	24
Health	55	11
Education	15	3
Household effects (tools, cooking utensils, etc)	60	12

Material goods consisted of trousers, shoes, shirts, batik, underwear, towels, socks, hat, handkerchief, travel bag, head covering (females), sanitary items, toiletry kit, food items and newspaper. This package was based on the needs of political prisoners. The package of material goods for former combatants was adjusted, depending on the precise needs. The overall value of the package remained unchanged.

In addition to the reintegration package, IOM provided transport assistance for individuals to their places of origin. Amnestied prisoners released from Java were flown to Jakarta where they connected to flights departing to either Medan or Banda Aceh. From there, they were transported and escorted by bus to their home districts. Amnestied prisoners located in Aceh were transported by bus to their villages. No cash payments were made. The total amount spent for air and land transport under this project is USD 145,115.00."

I cannot say how many times I said to him that this request was purely administrative and had no political undertones. It was in their own best interests to sign it.

Panic twisted around my staff over this. I reported this to JK. "Hamid, you must make this decision yourself. That's your job. Learn to adopt a stand and tonight I will test you. I want to see results by the morning," stressed JK.

The response from my heads of prisons was not pleasing. Nazar and a couple of others still refused. I gave them an ultimatum until midnight. There was still no result. "OK, there is no release for them. Take it or leave," I said. "Let Nazar know that I have no responsibility whatsoever for him. My only responsibility is to the people of Aceh. Our government is not going to be held to ransom by him. Our government has a commitment to the people of Aceh," was my stand that night. "No deal," I said yet again.

At about 2.00 a.m. in the early hours of the morning a report from my staff in East Java arrived. For sure it was in the middle of the night, but Nazar had sensibly changed his mind. He now wanted to sign the statement on his personal details. The others followed.

The following morning JK of course rang enquiring. I relayed all of what had happened overnight to JK. "Here we have new found leadership. You must take a stand and you must be able to defend this stand and do not alter it because of pressures on you or your own ego. Good Hamid," stated JK.

So slowly that morning all detainees were released and were flown back to Banda Aceh where they were returned to their individual home villages, upright and full of self-esteem.

On this occasion JK gave praise. "It is like that Hamid. You must learn to give dignity and esteem to people. Imagine if you had taken them back in a 'Hercules', a military aircraft, they would still consider us as their warders. You have done a good job."

They were now free men. God is great! And thanks to the Almighty my boss had praised me.

## From Sukamiskin

Our second round of peace talks heated up. One of GAM's demands was that we free their leaders who were arrested, especially those who had participated in the Tokyo COHA talks. GAM wanted them immediately released so that could participate in these Helsinki peace talks. This was a precondition for continuing our peace talks with GAM.

The ones they wanted released were Tengku Usman Lampoh Awe, Tengku Kamaruzzaman dan Amny Marzuki who were currently serving sentences in the Sukamiskin Prison in Bandung. They also wanted Nazar being held in East Java released.

By lobbying several times by the stream bank, I managed to succeed in convincing Malik Mahmud and Zaini Abdullah not to make their release a precondition for continuing our peace talks. Their release would become a precondition for signing our peace treaty, I said. "This means, Tengku, that we continue our peace dialogue. Except when the time comes and our agreement does not address amnesty, yes, Tengku do not sign it because amnesty is the foundation of our peace accord," I said endeavouring to convince these two GAM leaders.

The problem was what they could bring to the peace table for I certainly had not closed off anything. Here I did not close the door on Malik Mahmud and Zaini Abdullah. In a formal juridical sense the court had sentenced them and the government was unable to interfere with this process. But I would apply maximum effort to make contact with the Supreme Court. "So that you two Tengkus can rest easy. On my return from Helsinki, I will straight away visit them in Sukamiskin. I will also invite Juha," I said to convince them.

"Thanks to the Almighty for that. Both of us strongly believe in Pak Hamid's sincerity. Please convey to them our regards and tell them we are using every effort to free them," said Malik Mahmud.

Without wasting any time on our arrival in Jakarta Juha Christensen and I travelled to Sukamiskin Prison in Bandung.

Surprisingly when we met with Tengku Usman Lampoh Awe, Tengku Kamaruzzaman and Amny Marzuki, there was no welcoming expression when I appeared. The three of them just looked at me saying almost nothing.

I tried to break the silence. "Tengku, I came here to free all of you Tengkus, all GAM principals and activists who are held throughout Indonesia," I said.

"Fairy tales and idle chat! What more is the government now going to offer us? We have been sentenced to 16 years prison and have just served a little over one year. Which means we must live here for more than ten years? Sir, you come here bringing the winds of heaven with you which we find extremely difficult to fathom," replied Tengku Usman.

"It is like this, Tengku, my presence here is because of an agreement with your leaders in Helsinki, Tengku Malik Mahmud and Dr Zaini Abdullah. I did not come here for idle chat and to only promote meaningless words. I am a man who does what he says. Please, gentlemen, understand this. I am here because I want to free you, Tengku. Not sell snake oil," I continued.

Hearing this these three GAM principals changed their expression and the face of friendship was now shown to me.

"What is it Minister you really want from us? We are not just anyone but are prisoners of the government. What can we do for you? And how are you going to get us out of here? It is not likely, Minister," said Tengku Usman.

"Here, I am happy with your questions Tengku. How are we going to get you out of here? For method, it is easy. Please Tengku, all of you, please convince the GAM leadership to speed up the peace talks. Believe me Tengku if all goes well I will be able to release all of you and your friends in August," I promised them.

"If that is the case, Minister, there is no problem. When we are able to contact the GAM leadership for certain we will support and encourage this peace initiative. Also, I feel it is necessary to let you know Minister that there a number of us who are sick, including Tengku Usman," said Tengku Kamarruzzaman.

"God willing I will be able to fix this up," I replied.

Our meeting finished up with lunch in the prison. It was for the first time I discovered openness with these three GAM principals and from there initiated regular communication with me. A little joking started to spread amongst us. When I was about to take my leave, the

three of them hugged me firmly. "Pak, we will pray for your success in Helsinki," said Tengku Usman Lampoh Awe as I left them.

Hearing these words from Tengku Usman, "We will pray for your success in Helsinki" convinced me that this time we would achieve peace in Aceh. "Hamid, that is a good sign and you are convinced that we will resolve the Aceh problem peacefully" said JK when I informed about these prison talks.

Quickly the news of these talks spread in the mass media and also reached the highest levels of GAM leadership in Sweden. "Pak Hamid, thank you. You always fulfil your promises and our expectations. You sure work fast Pak Hamid. It is clear that you went to Bandung. Yes, we heard all about it. We are now at ease, Pak Hamid," said Malik Mahmud on the telephone to me after my visit to Sukamiskin.

However there remains one more problem: How to get these GAM principals to the peace table in Helsinki. I wrote to the Head of the Supreme Court, Prof. Dr. Bagir Manan, about the possibility of doing this remembering that they were still serving prison sentences. Because of good personal relations, the Head of the Supreme Court only took one day to reply to my letter. In principle, if a person had been sentenced by the court it became the responsibility of the government from then on. It is up to you to do what you want. That was the legal opinion of the Supreme Court.

This solved yet another problem!

I reported this to JK. He replied that he was concerned although this simplified our dialogue it would later drain our energies debating public opinion opposition over how come prisoners could be taken overseas. He asked me to discuss this further with Bagir Manan giving him the full story.

Bagir Manan's reaction to this was that there still was no legal impediment as his earlier ruling explained but the problem really was the government's ability to face the pressure and spotlight because this had never been done before. There was no precedent.

On hearing the Chief Justice's thoughts on the subject, JK said, which was the same as mine, "So Hamid you had better find a solution for this. I want to test your ability to solve this difficult problem. Do it first and then let me know afterwards. Remember, you can either

make a good decision or a fatal one. Basically, this is my test of you. Work it out whether you pass or fail," ordered JK. "A good staff member is a staff member who follows your orders, Pak," I replied.

What should I do considering the talks were about to start again and the GAM expectations that I would bring these three to Helsinki.

I was not at my wits end. I asked the provincial office of my department in Bandung, the Department of Justice and Human Rights to order an immigration official to go to the Sukamiskin Prison to meet with Tengku Usman Lampoh Awe and his friends to take photographs to make passports for them.

Once the passports were done, my second request to my Bandung staff was "Take a tailor to the prison, measure them up and make coats for them to wear in Helsinki."

Once this was done, I took their passport to the Finnish Embassy in Jakarta requesting visas. Almost instantly, Malik Mahmud rang to thank me praising this action. Clearly, news about the passports, clothes and visas had spread quickly even reaching Stockholm.

"Hamid, what have you been up to with the GAM leaders. Tengku Malik just rang me to thank me and praising what you had done," said the VP on the phone to me. For sure, Malik had also phoned JK to show his appreciation.

Probably these new passports were unique anywhere in the world for Tengku Usman, Tengku Kamarruzzaman and Amny Marzuki, their passports showed that their home address was the Sukamiskin Prison in Bandung!

Later I learnt after I had left government there were those in the ranks of the office of the Coordinating Minister for Politics, Justice and Human Rights who found problems within the ranks of the Immigration Department as to why passports were issued with the prison address and why were passports issued to persons currently serving prison sentences.

Today my response would be "Please read this book, especially the background to this passports issue."

Three days before my departure to Helsinki for the third round of peace talks, I went to Sukamiskin again. To these three, I asked

"Tengku, what would you prefer? Join these talks and then return to prison after the talks. Or would you get out of prison quickly and permanently?"

"Why are you asking us that, Minister?" enquired Tengku Usman.

"It is like this, Tengku. I have everything organized including your passports and your visas to leave for Helsinki. There is something that is outside of my control and as a result I would feel it would be better for you if you did not come to Helsinki with us on this trip. The reason being when your permanent release comes up Tengku, you and your friends may have problems," I explained.

"It is like this Minister; we already know how serious you are and have witnessed this and your sincerity in all of this. We already had jackets sewn for us and so forth. We would prefer to come out of here permanently and quickly. We really do not need to go to Helsinki and later we will let Tengku Malik and Zaini Abdullah know," said Tengku Usman.

Without thinking, I instantly hugged Tengku Usman, Kamaruzzaman and Amny Marzuki. My difficult task was happily resolved.

Afterwards, in front of Tengku Usman and his friends, I straight away telephoned Malik Mahmud in Sweden to let him know about my visit to Sukamiskin with Tengku Usman's decision.

"If it is like that, Pak Hamid, there is no point for them to come to Helsinki beforehand. What is important, we try to get them and all of the others released by the government quickly," said Malik Mahmud.

"But please Tengku Malik, do not feel I did not fulfil my promise to you," I asked.

"Ah, I and Dr Zaini always think positive things about you, Pak Hamid. Further I would like to thank you for all your preparations, including their new clothes," replied Malik.

I reported this fully to JK on return to Jakarta.

"Really, you are out of the ordinary Hamid! That is the way to work! You must be creative yet satisfy all sides. This time you pass," exclaimed JK in praise.

"What kind of a pass, Pak?" I teasingly asked.

"What is the highest possible in higher learning?" asked JK again.

"What about '*magna cum laude*' Pak?" I asked.

"Righty-oh. That is your grade this time," said JK.

All of this resulted in the third round and following rounds proceeding smoothly until we reached the MOU. The GAM principals in Sukamiskin did not need to attend.

A week after the government's grant of amnesty, JK ordered me to send Tengku Usman Lantoh Awe and his friends off to Stockholm to meet their leaders.

"Hamid, fulfil your promises to take them there. You have to be a gentleman. Remember, real men always fulfil their promises. Never ever break your promises," ordered JK. "Get the funds for this from Rina, my private secretary. Don't let them down!" he continued.

So Tengku Usman along with six others left to meet with the GAM leadership in Sweden.

Thanks to the Almighty, our promises to them were fulfilled, and the commitment fully executed. We all until now remain close friends. Peace for Aceh!

## AN UNFORGETTABLE MORNING IN HELSINKI

Monday 15<sup>th</sup> August 2005: A cool morning encircled the city of Helsinki which was covered by a clear blue sky. Although above, there were some mare's tail clouds moving swiftly across the sky allowing the sun's rays to bathe gently the earth below. This place was 12,000 kilometers away from Aceh, but it was here that the fate of Aceh was on the line. Since January 2005, the Indonesian delegation discussed peace with the leadership of the Free Aceh Movement (GAM) who resided in Sweden and every month both delegations came to this capital city to meet.

For every change of season I came to this city with one sole aim: PEACE IN ACEH! Over that period I was unable to observe my youngest growing up, now aged 14 months. I was unaware that Aam, his nickname, had started to walk until one night I was awoken by him beside my bed. Obviously, Aam struggled to stand up and made staggering unsteady steps. My God, my son who had escaped my attention for these many months had now started to walk! So, the Aceh peace talks also started in much the same way as my son did - staggering and so moves with increasing confidence onwards.

That day was our zenith. Very early in the morning JK had telephoned checking on all the preparations including whether or not I had prepared my speech. At about 7 a.m., my colleagues and I enjoyed breakfast at the Indonesian Embassy Guesthouse. This was located to one side of the Hotel Hilton Helsinki Kalastajatorppa, where

some of our delegations stayed along with many of the journalists covering the talks. I stayed not far from the Hilton at the Finnish State Guesthouse which was under tight security.

From the Embassy Guesthouse the Indonesian delegation made its way to the Government Banquet Hall, the property of the Finnish Government. The building was not really grandiose but old and sparkling clean. It was located on a corner of a street which ran down to the waterfront where cruise ships moored. The large tourist ships, the "Viking Liners" seemed to be moored not far from that turn in the road.

Not much of a din accompanied this great event. The Indonesian delegation which consisted of the five delegates were accompanied by the Coordinating Minister for Politics and Security, Widodo AS and the former military commander of Aceh Major General Bambang Darmono as well as several members of the Indonesian parliament moved towards the second floor to sign the MOU for peace in Aceh. The room was pretty small and contained only a long table in front of which were several rows of chairs for visitors and press. The room was of classic design with crystal chandeliers and old masters in ornate gold frames hung on the walls. At the end of the table was a wide screen television for a teleconference with the President of Indonesia.

The Indonesian delegation gathered in one side room while the GAM delegation along with their Australian advisor gathered in another side room. A number of young people from Aceh milled around in one corner of the main room. Most present were journalists, probably over 100, from local and overseas newspapers, who since early morning had taken positions in front of the long table to get shots of this great moment.

The signing of the MOU document was delayed by almost an hour as the document required some tidying up. In this hour of waiting I received hundreds of SMS. All of them prayed and hoped that the Aceh Peace MOU would be immediately signed. It goes without saying that JK send SMS in the midst of the tense waiting at the National Palace in Jakarta where all were counting the seconds for the MOU to be signed. "Hamid, if there is still time there, please

immediately ring your mother and ask her to offer a prayer that all of this will go smoothly. "Mother's prayers are always granted," read one of the SMSs from JK.

I was extremely touched by this SMS from JK. He, the Vice President of Indonesia, even respected my dear aged mother who did not have the slightest clue about politics. I almost sobbed with what JK did. Not long after his first SMS JK sent another, which read, "Don't be afraid. You must be calm. The eyes of the world are upon you. You have the fate of our country on the line there. Read the *Surah Al Ikhlas*<sup>77</sup> over and over. I will join you in prayer from here."

In the midst of my prayers in a corner of the room, suddenly Juha Christensen came behind me. "Hamid, everything's OK. It is time to be standing. Over there Ahtisaari and Pak Malik Mahmud are waiting. Let's join them," invited Juha.

Ahtisaari immediately grasped my hand and placed it firmly in the hand of Malik Mahmud. "I am delighted for you both. Finally, we have arrived at the moment we have all long awaited. This is because both of you really wanted all of this to happen. Let's go in and realize this long awaited hope," invited Ahtisaari.

Ahtisaari, in between me on his left and with Malik Mahmud on his right, we walked slowly into the room where the MOU would be signed. As we entered the room, hundreds of journalists' camera flashes were aimed at us three. Ahtisaari brought us straight to the long table and chairs which had been set up well beforehand. The three of us stood briefly in front of the journalists.

All was now silent and peaceful. The Indonesian Government and GAM had agreed to end the turbulent armed conflict of thirty years in the Land of the Rencong Dagger. There was no great celebration. Lit up by hundreds of camera flashlights popping, I, and the leader of GAM, Malik Mahmud, respectively representing the Indonesian Government and GAM, together opened the agreement documents which were in triplicate. We sat wedged in by the facilitator of our peace talks, the former President of Finland, Martti Ahtisaari. Also at

<sup>77</sup> *Surah Al Ikhlas*, is Surah 112, called "The Unity". It is almost always recited at every prayer acknowledging His unity and His eternal nature.

the end of the table sat the Finnish Foreign Minister, Erkki Tuomioja and a representative of the EU, Ambassador of Great Britain to Finland, Matthew J.L. Kirk.

This was the moment that had been waited for thirty long years, the signing of the MOU for Peace in Aceh. The three of us signed the MOU. It was silent again. A few minutes later, Ahtisaari stood upright, grabbed my hand and Malik's inviting us to stand as well. Malik Mahmud and I reached out to one another and shook hands with Ahtisaari's laid on top. The room, which was not that large, erupted with thunderous applause and shouts of joy. I heard loudly called "God is Great" coming from behind me. This certainly came from an Indonesian who had come specially to witness this ceremony. Thanks to God Almighty, in this room the enmity for over three decades was now ended. In this room now the burning coals of revenge of the past could now be extinguished and buried for good. In this room, the dignity and prestige of the Acehnese could now begin to stand proudly upright.

Behind us in the line-up were a government delegation and GAM members circulating congratulating one another. In between them were members of the Indonesian Parliament and the Indonesian Ambassador to Finland, Iris Indra Murti, the Acting Governor of Aceh, Azwar Abu Bakar standing in line with GAM delegate Nurdin Abdul Rahman. Not far from them was our Coordinating Minister for Politics, Justice and Security, Widodo AS and to one side of him were GAM members who had come from various countries.

The room quietened when Ahtisaari started to deliver his speech. My hand phone then buzzed showing a SMS had been received. For sure it was from JK again. It read "When you make your speech in a few moments, greet Pak Malik Mahmud and Pak Zaini Abdullah with the words "our brothers". Give it in Bahasa. Best wishes."

No speeches with the slightest inflammatory tone were made. Malik Mahmud did the same. All he did was note some critical points and worried that there would not be a failure again in this peace agreement as had happened in the past. It all went off very smoothly.

Truly, I said when making my speech, there was a part of one of my sentences that was not perfect as I was feeling quite emotional when I said, "From today, the distinctive line between "they"<sup>78</sup> and "we" must be deleted. We have only one clear word: "we," so together, let us all sew together our past bitter differences to become a beautiful piece of embroidery."

I nearly sobbed when I said, "This peace agreement is the most appropriate way of realizing all of our dreams. It is a dream of sailing together in the same boat. A dream for us to reside and live together on the same ground as brothers."

Loud applause broke out when I concluded my speech with an Acehese aphorism: "There is always a time for rain to stop, and there is always a time for a war to end. We end the war."

Following this there was a teleconference with President Susilo Bambang Yudhoyono with the government delegates. In this Widodo AS played the principal role. Once this was over, a press conference was held lead by Sofyan Djalil while delegates from both sides socialized, in a side room the room where the MOU was signed. Later everyone moved across to Wisma Indonesia for a thanksgiving lunch hosted by our Ambassador to Finland.

All enjoyed and appreciated the snacks: One meal, one crew, one canoe, one destination<sup>79</sup>: Peace in Aceh!

Twelve thousand kilometers away, hundreds of thousands of pairs of eyes in Aceh watched the proceedings on the sliver screen. My handphone started to buzz again. It was not from JK this time but from the Aceh Director General of Regional Development in the Department of Home Affairs, he wrote, "Here it is really crowded. Thousands have come to the mosque." He was in the middle of the crowd at the Baiturrahman Grand Mosque in the centre of Banda Aceh, clearly influenced by the warm emotions of the Acehese welcoming the dawn of peace there.

<sup>78</sup> Bahasa uses in the third person plural in two forms - an exclusive we or us (*kami*) and an inclusive we or us (*kita*). In this instance it is inclusive.

<sup>79</sup> An Indonesian proverb relating to unity of purpose. The translation is changed a bit to capture the meaning.

Yes, the rain stopped, and the war ended. Aceh returned to its name *Nanggroe Aceh Darussalaam* - Aceh Abode of Peace.

### *Some Praise, Some Rage*

After the MOU was signed, we, the members of the government delegation were busy disseminating copies of the MOU. Some praise came but at the same time some caustic and insulting criticism arrived. Even, Prof. Achmad Ali, a lecturer at Hasanuddin University in Makassar commented in the press and in his lecture hall to his students as well "What this Hamid Awaludin had signed was not a Memorandum of Understanding but a Memorandum of Misunderstanding."

These commentators, I replied, they really had a basic misunderstanding of the concept and implementation of peace accord. Furthermore, I continued, to understand the MOU fully required a deep understanding of English.

These critics did not understand substance or had any intellectual critical ability. Also, it could be implied that they had no desire whatsoever for peace for humanity's sake.

One of our leaders in Indonesia's political reformation after President Suharto, Prof. Dr Amien Rais, was one of the most vociferous critics of the MOU. In the MOU, should there be differences in the future between the the Government and GAM, there was a mechanism in place to deal with this.

In the MOU, if there was a future difference, then the Head of the Aceh Monitoring Mission (AMM) would make a ruling. If this did not satisfy, then the Head of AMM would summon the senior leaders of both sides. If this again failed to resolve the problem, he would then report the matter to the Coordinating Minister for Politics, Justice and Security, the GAM leadership, the EU Committee for Politics and Security along with our mediator Martti Ahtisaari. In the end after consultation with all parties, Ahtisaari would make the final ruling.

This mechanism was not acceptable to Amien Rais because he believed we had sold our sovereignty and would thus be dictated to by foreign powers in our domestic affairs.

So, in one cabinet meeting with our President, the Coordinating Minister for Politics, Justice and Security raised the matter of Amien Rais's attacks. Immediately, the President fixing my eyes fiercely, yelled at me, "What is this all about? Its name is impudence, not following my orders. I wrote instructions that I did not agree with this mechanism but you just ignored this and went ahead and did it!"

I was fearful and stunned that this was brought up by the President. Really I had no knowledge of his memo at all. Seeing my amazed reaction he continued to stare at me angrily. Later I learnt that the crossings out on the draft MOU were the President's. Obviously, the President did not approve of our mechanism.

The situation became heavily silent. Then all of a sudden, a colleague of mine in the talks, Dr Sofyan Djalil, broke this silence, raising his hand, asking to speak. "Mr President, I was the one who received your fax with your notes. Unfortunately, your order was late arriving. We intentionally formed this mechanism for dispute resolution anticipating possible future problems. Who knows that in time to come there may be differences between us and GAM. When we discussed this we were unanimous in that we needed clear mechanism to handle this. Also, we all felt Ahtisaari must again be involved because he knew all the ins and outs and the background to each and every problem contained in our MOU. Further, Ahtisaari was the man in the middle throughout our negotiations. Ahtisaari stated he wanted to close off every possibility that there would be no further problems brought to him for resolution. That was our thinking at the time Mr President."

I really appreciated Sofyan Djalil's explanation of this hidden problem and now have a very special place for him in my heart.

Apart from what was mentioned by Sofyan Djalil, we also thought that in practice in every agreement between parties, there must always have a dispute settlement mechanism as an inseparable part of the agreement. We foresaw the need for a mechanism of arbitration where the arbitrator must be a third party impartial and knowledgeable about the problem.

The President's anger made me feel very guilty about my neglectfulness not knowing about or trying to find out about this memo with my superior's orders to me.

Truthfully, I never, and hopefully never ever again, have to face such rage like that. I felt utterly worthless and meaningless.

After that meeting, JK rang me. "Hamid, I see you have just lost your sense of proportion. Sure, that sort of thing happens to underlings. Their superiors can be angry at them. Do not feel you have lost your authority. Authority is not determined by the status of the one who is angry or by the person with whom he is angry. Authority is in fact determined by sincere deeds and a firm attitude for action. All the good things you have done for Aceh are noted. That will never be lost," said JK trying to jolly me up.

When I returned home that night I asked my mother to be awoken. We both sat in the darkness watching the TV. There were no words. No movements. It seems all empty and silent. A mother's sixth sense is razor sharp if her child is troubled. In refined and gentle Buginese language, my mother broke our silence. "I feel and know you have experienced something that is extremely painful to you. Be convinced everything has an end. I have always prayed for you every night. God will surely praise His servant. This is a great test for you. Be patient and face it. Nothing can defeat patience," she said while dabbing her tears away.

The day, the weeks, the months and how many years since then this feeling of guilt over that rage still reside in my heart. When will it be gone?

One matter that tickles me to this day and probably for which I shall never have an answer is: When the President issued instruction to represent the government discussing the Aceh Government Law with the Parliament as a direct result of the MOU, my name was not included, either as head of the negotiating team, or as Minister for Justice and Human Rights. Maybe this is the price I have to pay for this neglect of mine.

Yes, sure the seasons change. Sure wheels always turn. What is certain my mother's tears that night were always accompanied by her prayers for me. God willing all will be granted. And importantly, I will take my beloved mother's good advice: Be patient and more patient.

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# Attachments

## Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement

The Government of Indonesia (GoI) and the Free Aceh Movement (GAM) confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.

The parties commit themselves to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia.

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.

The parties to the conflict commit themselves to building mutual confidence and trust.

This Memorandum of Understanding (MoU) details the agreement and the principles that will guide the transformation process.

To this end the GoI and GAM have agreed on the following:

### 1. Governing of Aceh

#### 1.1 Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

1.1.2 The new Law on the Governing of Aceh will be based on the following principles:

- a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.
- b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.

Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.

Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

- 1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.
- 1.1.4 The borders of Aceh correspond to the borders as of 1 July 1956.
- 1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.
- 1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.
- 1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.

## 1.2 Political Participation

- 1.2.1 As soon as possible and not later than one year from the signing of this MoU, GoI agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local

political parties, GoI will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.

- 1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.
- 1.2.3 Free and fair local elections will be organized under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.
- 1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.
- 1.2.5 All Acehnese residents will be issued new conventional identity cards prior to the elections of April 2006.
- 1.2.6 Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.
- 1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.
- 1.2.8 There will be full transparency in campaign funds.

### 1.3 Economy

- 1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.
- 1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.

- 1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.
- 1.3.4 Aceh is entitled to retain seventy (70) per cent of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.
- 1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.
- 1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.
- 1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.
- 1.3.8 GoI commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.
- 1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).

#### 1.4 Rule of Law

- 1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.
- 1.4.2 The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 1.4.3 An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.
- 1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of organic police forces and prosecutors will take place in consultation with and

with the consent of the head of the Aceh administration in compliance with the applicable national standards.

- 1.4.5 All civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh.

## 2 Human Rights

- 2.1 GoI will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 2.2 A Human Rights Court will be established for Aceh.
- 2.3 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.

## 3 Amnesty and Reintegration into Society

### 3.1 Amnesty

- 3.1.1 GoI will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.
- 3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.
- 3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.
- 3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.

### 3.2 Reintegration into society

- 3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will

have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.

- 3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.
- 3.2.3 Gol and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.
- 3.2.4 Gol will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.
- 3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:
- All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
  - All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
  - All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- 3.2.6 The authorities of Aceh and Gol will establish a joint Claims Settlement Commission to deal with unmet claims.
- 3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

#### 4 Security Arrangements

- 4.1 All acts of violence between the parties will end latest at the time of the signing of this MoU.
- 4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.
- 4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.
- 4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.
- 4.5 GoI will withdraw all elements of non-organic military and non-organic police forces from Aceh.
- 4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.
- 4.7 The number of organic military forces to remain in Aceh after the relocation is 14,700. The number of organic police forces to remain in Aceh after the relocation is 9,100.
- 4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.
- 4.9 GoI undertakes the decommissioning of all illegal arms, ammunition and explosives held by any possible illegal groups and parties.
- 4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.
- 4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.

- 4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.

## 5 Establishment of the Aceh Monitoring Mission

- 5.1 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.
- 5.2 The tasks of the AMM are to:
- monitor the demobilisation of GAM and decommissioning of its armaments,
  - monitor the relocation of non-organic military forces and non-organic police troops,
  - monitor the reintegration of active GAM members,
  - monitor the human rights situation and provide assistance in this field,
  - monitor the process of legislation change,
  - rule on disputed amnesty cases,
  - investigate and rule on complaints and alleged violations of the MoU,
  - establish and maintain liaison and good cooperation with the parties.
- 5.3 A Status of Mission Agreement (SoMA) between GoI and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by GoI will confirm in writing their acceptance of and compliance with the SoMA.
- 5.4 GoI will give all its support for the carrying out of the mandate of the AMM. To this end, GoI will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.5 GAM will give all its support for the carrying out of the mandate of the AMM. To this end, GAM will write a letter to the

- European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.6 The parties commit themselves to provide AMM with secure, safe and stable working conditions and pledge their full cooperation with the AMM.
  - 5.7 Monitors will have unrestricted freedom of movement in Aceh. Only those tasks which are within the provisions of the MoU will be accepted by the AMM. Parties do not have a veto over the actions or control of the AMM operations.
  - 5.8 GoI is responsible for the security of all AMM personnel in Indonesia. The mission personnel do not carry arms. The Head of Monitoring Mission may however decide on an exceptional basis that a patrol will not be escorted by GoI security forces. In that case, GoI will be informed and the GoI will not assume responsibility for the security of this patrol.
  - 5.9 GoI will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.
  - 5.10 Immediate destruction will be carried out after the collection of weapons and ammunitions. This process will be fully documented and publicised as appropriate.
  - 5.11 AMM reports to the Head of Monitoring Mission who will provide regular reports to the parties and to others as required, as well as to a designated person or office in the European Union and ASEAN contributing countries.
  - 5.12 Upon signature of this MoU each party will appoint a senior representative to deal with all matters related to the implementation of this MoU with the Head of Monitoring Mission.
  - 5.13 The parties commit themselves to a notification responsibility procedure to the AMM, including military and reconstruction issues.
  - 5.14 GoI will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.
  - 5.15 In order to facilitate transparency, GoI will allow full access for the representatives of national and international media to Aceh.

## 6 Dispute Settlement

- 6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:
- a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of Monitoring Mission will make a ruling which will be binding on the parties.
  - b) If the Head of Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of Monitoring Mission with the senior representative of each party. Following this, the Head of Monitoring Mission will make a ruling which will be binding on the parties.
  - c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

.....  
GoI and GAM will not undertake any action inconsistent with  
the letter or spirit of this Memorandum of Understanding.  
.....

Signed in triplicate in Helsinki, Finland on the 15 of August  
in the year 2005.

On behalf of the Government of the  
Republic of Indonesia,

On behalf of the Free  
Aceh Movement,

Hamid Awaludin  
*Minister of Law and Human Rights*

Malik Mahmud  
*Leadership*

As witnessed by

Martti Ahtisaari  
*Former President of Finland*  
*Chairman of the Board of Directors of the Crisis Management Initiative*  
*Facilitator of the negotiation process*

**STATEMENTS AFTER THE SIGNING  
OF THE MOU**

**MENTERI HUKUM & HAM  
REPUBLIK INDONESIA**

Speech by Hamid Awaludin  
The Chief Negotiator of the Government of Indonesia

Delivered on the day of signing the peace MOU  
Government of Indonesia and GAM  
In Helsinki, 15 August 2005

Excellency President Ahtisaari  
Minister Widodo, Minister Sofyan Djalil, Minister Tuomioja  
Excellency Ambassador Kirk of the United Kingdom, representing  
the European Council of Ministers, Ambassador Indra Murti and  
Members of Parliament of Indonesia, Saudaraku Malik Mahmud and  
Zaini Abdullah  
Distinguished Guests  
Ladies and Gentlemen

We are here today not for a celebration for any party. We and  
the world are witnessing the glory of human dignity because we just  
signed the commitment for peaceful settlement, so we are trying to  
end as well as to begin. We aim to end violence and to begin a new

life. Our commitment is to value human life for human dignity. Some of us here, miles away from home, crossing the oceans and continents, only to witness this moment.

From today, the distinctive line between "they" and "we" must be deleted. We have only one clear line: "we", so, together, let us tailor our past differences to become a suitable outfit.

Ladies and Gentlemen.

History does not happen, but is made. We are here to try to make history, a history of peace. Peace should not be perceived as only the absence of violence. Peace means living together, supporting and understanding each other. Peace means law is upheld, order is preserved, justice, human rights and fairness are served, and prosperity is achievable. This peace accord that we are doing today is all about.

One of the main objectives of peace, is to provide a land of opportunity for our children, to grow and having good education, for a brighter future. Peace is aimed to create a certainty, so that each person can live with a good dream and high expectation for better life. Peace must present a condition where each people are free from fear, free from intimidation and provocation.

Ladies and Gentlemen.

With this peace accord, we are hoping that no more children become orphans. We can not afford our women become widows. Parents will not lose their lovely children anymore. Tears must be stopped. Blood and sadness must be ended. We have to say: no more and no more.

With this in mind, ladies and gentlemen, let's not make our bitterness of the past, cloud our minds and destroy our hearts and future. Our children's future always goes beyond the point of the past. A good phrase that should lead us is what our hero and legend, Teuku Umar ever said. In his deliberation to stimulate his troops and followers fighting against the past colonial power, Umar spoke: "We have to educate, teach and grow our children to become good fellows. This is our fighting for."

Mr. President.

What we just have now, is a long process of journey, from the first round of the talk in January until the signing time. At the very beginning of the first round of our talk, you said, "Let's get on board with the same direction and the same airplane." Our airplane just touched down. Our direction is correct and precise. Mr. President, direction never changed. The airplane never stopped over in any other terminal of any airports. You were and are always with us from the time of departure until landing. Without your presence, we would not land. Please accept our heartfelt thanks, along with all your staffs from CMI. We also thank the government of Finland for facilitating us to make this endeavors happen. Mr. President, you did a great work. The history is writing it.

Ladies and Gentlemen.

The peace MOU that we just signed, is the best and the most affective vehicle to embody our dream, a dream to sail together in the same boat. A dream to reside together on the same land and soil, so lets start the new journey, sailing together, and living together on the same land, brothers and sisters.

Ladies and Gentlemen.

Please allow me to say a few words in Acehnese language: "Pat ujeun han pirang, pat prang tan reda, "there is always a time for rain to stop, and there is always a time for a war to end. We end the war. God bless our lovely country and nation.

HOMID



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**STATEMENT BY PRIME MINISTER MR MALIK MAHMUD ON THE  
SIGNING THE ACEH MEMORANDUM OF UNDERSTANDING**

HELSINKI, 15 August 2005

Bismillahirrahmaanirrahim

Praise be to Allah by whose Grace, we are today to end the conflict that has caused so much sufferings for the Acehese people.

President Ahtisaari, Excellencies, Ministers, distinguished guests, ladies and gentlemen,

On behalf of the people of Aceh, our Wali Neugara Tengku Hasan di Tiro, and all the members of GAM in Aceh and everywhere in the world,

I would like to thank the CMI and President Ahtisaari for their work in helping us come to this point, where we now have a peace agreement for Aceh.

I would also like to thank the European Union for its support and commitment to this peace process, and for agreeing to establish the Aceh Monitoring Mission which will oversee the implementation of the agreement.

Without the work of these two organisations, this process would not have been possible.

I must also thank the people of Aceh for their patience during this difficult period, and humbly accept the expressions of support and good will they have offered to GAM and to the success of the peace process.

I would also like to thank the Indonesian delegation with whom we have been holding these talks over the past six months.

I thank them for their willingness to try to find a way through the many problems that the peace process has faced.

We come to this day at the conclusion of six months of talks aimed at achieving a peace agreement for the future of Aceh.

But more importantly, we come to this day after almost 30 years of GAM's struggle for the liberation of the people of Aceh.

We come to this day after almost three decades of military violence and repression against the people of Aceh.

The people of Aceh have a long and proud tradition of resisting aggression from outsiders. And we have a long and proud tradition of justice.

The struggle that we have waged for these many years has been to achieve justice for the people of Aceh.

There has been no peace in Aceh because there has been no justice in Aceh.

What we hope we have achieved with the signing of this peace agreement is the beginning of a process that will bring justice to the people of Aceh.

Justice means ensuring that the people have a voice and that they are listened to and their wishes are followed.

This means the creation of a political system that encourages freedom of speech, many opinions, and the ability to fully participate in and be represented by that process.

That is, ladies and gentlemen, the only way to ensure peace in Aceh is through the implementation of a genuine democracy.

Genuine democracy does not restrain the creation of political parties - it encourages the creation of political parties.

Genuine democracy does not limit the range of ideas that inform those parties - it encourages the full flowering of ideas.

And genuine democracy does not bow in the face of violence and injustice - it is the means of ending violence and injustice.

In coming to this peace agreement, the Free Aceh Movement has made many concessions.

It has not always made these concessions because it believes they will promote peace, justice and democracy - it has made these concessions because they have been a part of the process of compromise with a political system that is still in transition.

The Republic of Indonesia is not yet fully reformed from the dark days of the New Order. But this peace agreement is an important step for Indonesia away from those dark days.

Peace is important to Indonesia so that it can learn to live with itself, in all its diverse forms. For too long, Indonesia's diversity has been allowed only so long as it conformed to a narrow nationalist interpretation.

This interpretation tried to force one identity on Indonesia's diversity. This has failed. And where this has failed it has been followed with repression.

This narrow nationalist interpretation did not allow justice. It did not allow real democracy. And it did not allow peace.

Ladies and gentlemen;

For there to be a sustainable peace in Aceh, the people of Aceh must be allowed to choose their own representatives from their own political parties to stand for their own government.

In their wisdom, the Government of Indonesia has agreed to this proposal. This is the major achievement of the agreement, and it is that which best ensures there will be lasting peace in Aceh.

However, ladies and gentlemen, it would be naive not to recognise there remains many challenges to peace in Aceh.

Coming to this point of agreement has been hard work. But we know that the real hard work remains ahead of us.

This peace agreement will need to be fully and properly implemented. It will need to obey not just the letter of the agreement but obeying the spirit of the agreement.

That is, where problems may arise, the answers to those problems will not be in a legalistic interpretation of the agreement.

The answer will be in following the spirit of the agreement, to seek solutions that will promote justice, genuine democratisation, and a sustainable peace.

This agreement specifies that most day to day issues will devolve to the government of Aceh.

But GAM has recognised that some powers in Aceh will remain with the government of the Republic of Indonesia.

Given Aceh's history, the most important of these issues is that of 'defence'.

GAM has accepted that so-called organic troops can stay in Aceh to focus on the external defence of the state.

However, the number of troops that will remain in Aceh does not appear to correspond with the usual requirements of the Indonesian military's territorial structure. At the end of this process, there will be around twice as many troops to be stationed in Aceh as any other area in Indonesia.

This outcome cannot be explained by a focus on external defence, and it does not create confidence in the TNI's intentions.

All Acehese people will, therefore, be relying on the Aceh Monitoring Mission to ensure these troops do not engage in any non-external activities.

That is, the Indonesian army has said it will no longer kill and attack the people of Aceh. We now call on the Aceh Monitoring Mission to make sure this is the case.

Of more concern, however, is the militias in Aceh.

The Free Aceh Movement expresses its deep concern over the continuing presence of TNI proxy militias in Aceh, despite the signing of the Aceh peace agreement.

According to the agreement, the Government of Indonesia will be responsible for the decommissioning of illegal weapons held by illegal groups or parties.

This means the Indonesian police will be responsible for the disarmament of militias.

The government of Indonesia has since denied that any militias exist in Aceh. Hence, the logic follows, there is no need for their disarmament.

However, we know that many militia organisations do exist in Aceh, and that they are directly linked to and are supported by the Indonesian army.

There are around 10,000 TNI-linked militia members active in Aceh.

It is difficult to believe that the Indonesian Police will take weapons from militias that have been given to them by the TNI.

According to reports that we have from Aceh, militia members have recently been saying that after GAM is disarmed they will kill GAM members.

If GAM defends itself against these militias, this will be the excuse the TNI is looking for to re-launch military operations against GAM.

This will end the peace process.

As we all know, the TNI had a long history of using proxy militias to attack activists and civilians in Aceh. It has also done this elsewhere, in East Timor, Papua, Maluku and Central Sulawesi.

We have always understood that the success of this peace will rely very heavily on the support of the international community and the attention given by the international media.

We now call on the international community to voice its opposition to the continuing presence of militias in Aceh at this time of working for peace.

And we humbly request the international media continue to focus on the militias in Aceh, so they cannot commit atrocities without being exposed to the world.

To use the words of President Ahtisaari during the last round of talks, this peace process has required a leap of faith by GAM.

It is a leap of faith GAM has taken to allow Aceh to rebuild after the devastating tsunami which killed so many of our brothers and sisters.

And it is a leap of faith that GAM has taken to give the people of Aceh the opportunity to build a better and brighter future for themselves, their children and generations to come.

While we hope there will be few problems ahead of us as we implement this peace process, we do understand that the task will not be easy.

To ensure the success of this peace process, we will need to remain vigilant. We will need to work hard. And we will need the goodwill and cooperation of the Government of Indonesia.

GAM is fully committed to a plural and democratic future for Aceh, in which justice and peace prevail.

We now leave this historic day and embark on a great journey into a new and, we hope, much better future.

We hope the days of darkness and despair are now behind us; we look forward to the days of hope and light ahead, if it be God's will.

Thank you

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Statement by President Martti Ahtisaari, Chairman of the Board of Crisis Management Initiative, former President of Finland and facilitator of the Aceh peace process, in Helsinki on 15 August 2005

Excellencies, Ladies and Gentlemen,

We are witnessing here today the culmination of the peace process which led to the Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement (GAM). This achievement has only been possible with the commitment of the parties to find a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all. The purpose of this peace process has been to give a new start for the people of Aceh to live their lives in a peaceful, just and democratic society. The agreement includes a strong commitment by the parties to human rights observance in Aceh, including the establishment of a human rights court and a commission for truth and reconciliation.

I want to express my deepest gratitude to the negotiating delegations and especially their leaders Minister Hamid Awaludin and Mr Malik Mahmud. I would also like to express my appreciation to the President of the Republic of Indonesia Susilo Bambang Yudhoyono and Vice President Yusuf Kalla for their support for the negotiating effort.

Excellencies, Ladies and Gentlemen,

This is a beginning of a new era for Aceh; much hard work lies ahead. With signing, both parties commit themselves not to undertake any action inconsistent with the letter or spirit of the Memorandum of Understanding. It is of utmost importance that the parties honour the commitments they have made in the agreement.

I appeal to both parties and all Acehnese and other Indonesians to give their full support to the Aceh Monitoring Mission (AMM). The AMM will start on 15 September, following the completion of appropriate legal arrangements between the Government of Indonesia, the European Union and five ASEAN contributing countries. From today until the formal start of the AMM the EU member states and the ASEAN contributing countries will provide an initial monitoring presence, the tasks of which will be to undertake all the necessary planning and preparations for the AMM. The tasks of the AMM are detailed in the Memorandum and include, among other tasks, monitoring of the human rights situation, monitoring of the legislation change process, monitoring the decommissioning of GAM armaments, and monitoring the relocation of non-organic police and military troops.

This process would not have been possible without the generous support of the Government of Finland, the European Commission and the Governments of the Netherlands, Sweden and Switzerland, nor without the tireless work of the staff of the Crisis Management Initiative and our advisors. I want to particularly thank Mr Juha Christensen who brought the parties to the negotiations and helped to move the process forward. It has been a privilege for me and my colleagues to guide this process.

### 3

## **AGREEMENT BY MAJOR POLITICAL PARTIES TO ADMIT FORMER GAM MEMBERS**

In the framework of national unity and integrity in support of the process of resolving the Aceh conflict in a peaceful and dignified manner, the leaders of the undersigned political parties when a peace agreement is achieved with GAM, are prepared to grant the opportunity to former GAM to stand as candidates as Regents/Deputy Regents, Mayors/Deputy Mayors and Deputy Governor in the 2005-2006 elections in Aceh.

This agreement is made in all sincerity.

Jakarta, 6 July 2005

## KESEPAKATAN

Dalam rangka persatuan dan kesatuan bangsa dan untuk mendukung proses penyelesaian konflik Aceh secara damai dan bermartabat, kami Pimpinan Partai Politik di bawah ini apabila telah dicapai persetujuan damai dengan GAM, bersedia untuk memberi kesempatan mencalonkan mantan GAM sebagai calon Bupati/Wakil Bupati, Walikota/Wakil Walikota serta Wakil Gubernur dalam Pilkada 2005-2006 di NAD.

Demikian kesepakatan dibuat dengan tulus.

Jakarta 6 Juli 2005

1. GOLKAR

2. PPP

3. PKB

4. PARTAI DEMOKRAT

5. PKS

6. PAN

7. PBR

8. PBB

9. PDK

10. PKPI


  
 11. Yusuf K. A. H.

## **Hamid Awaludin**

- BA on Law, University of Hasanuddin, Makassar
- LLM on International Human Rights Law, Washington College of Law, American University, Washington DC
- MA on International Affairs, Peace and Conflict Resolution, School of International Services, American University, Washington DC
- PhD on Social Justice, American University, Washington DC, American University, Washington DC
- Non-degree program on Journalism, American University, Washington DC
- Lecturer on International Law, Human Rights and International Relations, Faculty of Law and Social Sciences, University of Hasanuddin, Makassar
- Married to Andi Marcehya with two children



CENTRE FOR STRATEGIC AND INTERNATIONAL STUDIES (CSIS) is an independent, non-profit research organization, established on September 1, 1971. CSIS's main activities consist of policy oriented studies on both domestic and international affairs. The aim of this institution is to produce analysis for the benefit of those who need them.

CSIS employs an interdisciplinary approach involving scholars in various fields of study. In this way the complexity of the problem in hand may be dealt with adequately, yet within the bounds required for scholarly analysis. To that extent CSIS researchers and analysts work in an atmosphere and spirit of academic freedom.

CSIS dates back to the activities undertaken independently by two groups of young Indonesian scholar in the early 1960s. One group consisted of Indonesian postgraduate student abroad, especially in Western Europe. The other comprised Indonesian graduates who continued to pursue their studies in the country. They realized that not enough attention had been paid until then to strategic and international studies in Indonesia. It was intellectual contact between those two groups that gave birth to the idea of establishing CSIS. This idea could come into realization thanks to the full support of the late General Ali Moertopo and the late General Soedjono Hoemardani, then personal assistants to the President, and the formation of the *Yayasan Proklamasi* (Proclamation Foundation) in July 1971 to sponsor CSIS and its activities.

CSIS analysts undertake research on various international and domestic developments and problems. Their findings are published in the Centre's journals or in the form of monographs and books. They may also be presented in various fora of discussion such as seminars and conferences, at the national as well as international levels.

CSIS also organizes public lectures and provides lecturers for universities and various other institutions of higher learning.

CSIS publications comprise:

1. Books, monographs, occasional papers, and collections of seminar and conference papers.
2. *Analisis CSIS*, a bimonthly journal in Indonesian.
3. *The Indonesian Quarterly*, an English quarterly journal.
4. *Dokumentasi*, clippings of Indonesian newspapers on selected topics.

This book by Hamid Awaludin shows clearly the role played by him in bringing together the peace talks in Aceh through the Helsinki Agreement between the Government of Indonesia and GAM. We must give our great thanks to the author for telling this story and providing valuable information related to the resolution of the Aceh problem which made a way to build a strong pillar for peace in Aceh in the future within the framework of the Unitary State of the Republic of Indonesia.

*Akbar Tanjung*

Hamid Awaludin in this book relates five levels of analysis in the process towards peace in Aceh: Local, provincial, national, regional, and global. He brings these five levels together into one when he is tasked to be the leader of the Aceh peace talks. Using both a personal and group approach, and what was most important in his approach was his radiating unique personal empathy which enabled him to succeed in achieving the Helsinki Agreement with a very high degree of humanity. He defended our Indonesia unity by applying the second principle of our national political philosophy Pancasila: "A Just and Civilized Humanity".

*Juwano Sudarsono, Indonesian Minister of Defence*

I have often been thinking about the negotiation process in Helsinki over Aceh. You lead the Indonesian Delegation following the principle: "A peaceful solution with dignity for all." You were always ready to meet with the Acehnese and discuss with them the issues we needed to solve, also in private. You also showed respect for your elders which facilitated the smooth advance of our negotiations. Trust and confidence was gained gradually.

*Martti Ahtisaari, Former President of Finland and  
Head of the Crisis Management Initiative*

Although he traces the course of the dialogue in detail, he always avoided heated debate which would have triggered a deadlock in our negotiations. On the other hand, if discussions heated up, he used the friendly approach which cooled down the atmosphere and helped us solve the problem which we were both facing.

*Malik Mahmud, Head of GAM Delegation*

Applying a measured, intelligent and planned approach to the negotiation process, Hamid Awaludin, writes well and professionally, records all the events and his experiences. This valuable book about the talks which proceeded on a humanitarian basis for the future of Indonesia including Aceh. With this kind of basis, along with an intelligent patience, a golden momentum was created for the integrity and unity of the Republic of Indonesia along with justice for Aceh.

*Slamet Effendy Yusuf, Member of Parliament*

