

Policy Studies 10

Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?

Rodd McGibbon



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List of Acronyms

ASEAN	Association of Southeast Asian Nations
BIN	Badan Intelijen Negara (State Intelligence Agency)
COHA	Cessation of Hostilities Agreement
DPR	Dewan Perwakilan Rakyat (national legislature)
DPRD	Dewan Perwakilan Rakyat Daerah (local legislature)
FORERI	Forum Rekonsiliasi Rakyat Irian Jaya (Forum for the Reconciliation of Irian Jaya Society)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
HDC	Henry Dunant Center
IMF	International Monetary Fund
JSC	Joint Security Council
KNPI	Komite Nasional Pemuda Indonesia (Indonesian National Youth Committee)
KRA	Kongres Rakyat Aceh (Aceh People's Congress)
MPR	Majelis Permusyawaratan Rakyat (People's Consultative Assembly)
MRP	Majelis Rakyat Papua (Papuan People's Assembly)
MPU	Majelis Pemusyawaratan Ulama (Consultative Council of Islamic Clerics)

NGO	nongovernmental organization
NKRI	Negara Kesatuan Republik Indonesia (Unitary State of the Republic of Indonesia)
OPM	Organisasi Papua Merdeka (Free Papua Organization)
OTK	<i>orang tak kenal</i> (unknown persons)
PDI-P	Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Party of Struggle)
PDP	Presidium Dewan Papua (Papuan Presidium Council)
PKB	Partai Kebangkitan Bangsa (National Awakening Party)
PNG	Papua New Guinea
SAMAK	Solidaritas Masyarakat Anti-Korupsi (Solidarity for Anticorruption Society)
SIRA	Sentral Informasi Referendum Aceh (Aceh Referendum Information Center)
TNI	Tentara Nasional Indonesia (Indonesian Defense Force)
Uncen	University of Cendrawasih
Unsyiah	University of Syiah Kuala

Executive Summary

This study examines the drafting and implementation of special autonomy laws for Aceh and Papua as part of the Indonesian government's broader response to secessionist challenges in both provinces. I examine the background to the political decision to grant special autonomy to Aceh and Papua while also presenting a detailed examination of each law. The objective of this analysis is to provide a case study for policymakers and academics seeking to understand the dynamics of separatism. The analysis seeks appropriate policy responses to the challenge of secessionist movements and outlines the conditions under which granting autonomy may or may not be conducive to addressing separatist conflict.

As this study illustrates, special autonomy laws were drafted in Indonesia as a response to rapidly growing independence movements in Aceh and Papua that followed the collapse of the authoritarian regime of President Suharto in 1998. Responding to mounting violence, the government offered special autonomy laws in a bid to divert secessionist demands. This offer of "asymmetric" autonomy in fact contained significant and special concessions for Aceh and Papua. Special autonomy was the product of an opportune moment of Indonesia's democratic transition in which the government faced multiple crises and central authority was at a weak point. With pro-independence movements intensifying their pressure on Jakarta, the government was impelled to make major concessions as a way of staving off crisis and keeping the country together.

It was not long, however, before the government was able to close down the political space for independence leaders and their supporters, and address other crises challenging the state. As the government reconstituted central authority, the imperatives that had driven the decision to grant special autonomy eased. And as the government's commitment to special autonomy faltered, it soon turned to more coercive measures to respond to separatist demands. By 2003, the government was pursuing an alternative strategy of imposing martial law in Aceh and subdividing Papua, a strategy that eclipsed special autonomy and signaled a return to a more coercive, less accommodating, posture.

In presenting the case study of Aceh and Papua, this essay confirms a central theme of the comparative literature on autonomy: the fragility of such arrangements and their vulnerability to reversal. Special autonomy arrangements are exceedingly difficult to entrench as national elites almost always resist demands to devolve political authority and are suspicious of any initiative that may set a precedent for other regions. This is particularly the case in large multiethnic countries such as Indonesia where the state faces an array of possible challenges to its authority. A driving force in the Indonesian government's backsliding, for instance, was the official concern that special autonomy was fuelling separatism rather than resolving it. In conceding special rights to Papua and Aceh, officials feared a cascade of similar demands from other regions.

All of this suggests that special autonomy, in and of itself, does not represent a solution to separatist conflict. Rather, the concessions that are offered under special autonomy must be part of a broad process of bargaining and negotiation. In the absence of official negotiation with popular elements, autonomy arrangements typically fail to generate widespread support. In this context, central governments, which have many incentives to roll back autonomy, incur few costs in doing so. As this study illustrates, the provincial elites and national parliamentarians that formulated and enacted special autonomy in Indonesia did so largely in isolation from popular elements in both provinces. Special autonomy represented a unilateral concession on the part of Jakarta that lacked any links to the main political forces advocating independence in either province. What has been missing to date is a systematic bargaining process between Jakarta and the regions—one that links concessions granted under the laws with a wide-ranging dialogue involving key elements of Papuan and Acehnese society.

This study concludes by examining these comparative themes while also discussing the future prospects for special autonomy in Indonesia. Neither ad hoc unilateral concession making nor the subsequent shift to coercive measures has resolved separatist conflict in Aceh or Papua. In fact, the adoption of more coercive means has not only failed to address the underlying causes of injustice driving both conflicts but has actually exacerbated the alienation of local populations from the state.

As a result, the government may again turn to special autonomy as a means to address separatism. The laws remain in place and revenues from autonomy continue to be allocated. But even if Jakarta does strike a more committed posture toward special autonomy, the government will need to move beyond the ad hoc policy responses of the past. At a bare minimum, a link must be established between, on the one hand, the unilateral concessions offered under the laws and, on the other, a systematic bargaining process between Jakarta and the regions to build support for resolving the conflicts. Without linking concessions to dialogue, Aceh and Papua are likely to represent a continuing source of conflict and secessionism for the Indonesian state.

Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?

The Indonesian government enacted laws on special autonomy for Aceh and Papua in August and November 2001 respectively.¹ Movements for independence had been gathering momentum since the fall of President Suharto in 1998, resulting in violent conflict between the security forces and supporters of independence. As violence mounted, the government offered special autonomy in a bid to divert secessionist demands. The offer of autonomy to disadvantaged minorities or restive regions within the state has in fact become a popular policy option for many governments seeking to avoid costly ethnic wars while maintaining their overall sovereignty (Gurr 2000). As one comparative analyst has argued, “autonomy is increasingly becoming the metaphor of our times” with self-government provisions now constitutionally recognized in the Philippines, Papua New Guinea, Ethiopia, Russia, and China to name just a few recent examples (Ghai 2000). Joining this list, Indonesia offered the special autonomy laws as a major concession to Aceh and Papua and as part of its overall accommodating approach to resolving separatist conflict that had few parallels in Indonesian history. By granting special political, economic, and cultural rights to Aceh and Papua, the laws represented a significant departure from the ways Jakarta had traditionally managed ethnic relations.

In fact, the evolution of the Indonesian state from the late 1950s involved the development of centrally integrative political institutions that resulted in the consolidation of central state authority and a reduction in

the autonomy of the regions. Under Suharto's "New Order" (1966–98), the authority of the military-dominated government was strengthened through a massive boost in state revenues from the resources boom, enabling Suharto to develop a large system of patronage through which his government co-opted local elites. Together these centripetal forces integrated the regions closely into a highly centralized political system. While local elites were drawn into this system of material rewards, periodic opposition to Jakarta's rule in the regions did emerge and was met with a strong military response in which dissent was stigmatized as a threat to the state. Indonesia's political and military leadership justified this resort to violence by highlighting the enormous challenges that the postcolonial state had to overcome in unifying a country of immense ethnic, religious, and social diversity. But Jakarta's reliance on coercion was not merely a reflection of the need to enforce order on the country's fissiparous tendencies. It was also the result of the specific evolution of Indonesian nationalism in which uniformity had become elevated above diversity and autonomy as the basis for structuring the state.

The special autonomy laws, by contrast, represented an accommodating approach to regional demands developed by Indonesia's fledgling democratic government. The acknowledgment of diversity and local autonomy in the laws provided a prospective framework through which Jakarta could begin to address the grievances that had fuelled separatist conflict. Indeed, one of the main aims of special autonomy was to enshrine basic minority rights in law—an important evolution not only in center/region relations but in Indonesian jurisprudence as well. The passing of the special

One of the main aims of special autonomy was to enshrine basic minority rights in law

autonomy laws, however, was only a momentary victory for leaders in both provinces. In fact, by 2003 new policy initiatives had been adopted in Jakarta that eclipsed special autonomy, including a presidential instruction that mandated the division of Papua into three separate provinces.

This move not only contravened the special autonomy law but also sparked deep internal divisions within Papua, signaling Jakarta's faltering commitment to accommodating local aspirations through special autonomy. Similarly, the declaration of martial law in Aceh eroded any autonomy local leaders may have enjoyed. Under martial law, the military exercised a degree of control that surpassed its formal powers under the Suharto regime. These new policies resulted in the vir-

tual suspension of special autonomy in Aceh and its increasing emasculation in Papua. This troubled passage of special autonomy in Indonesia echoes the experience of other states. There are numerous examples of government either refusing or abandoning negotiations over autonomy or a region's political status due to overwhelming concern that it could set a precedent that would result in other regions making similar demands on the government.²

This study focuses on the case of government backsliding in Indonesia by tracing the trajectory of the democratic transition. As we shall see, special autonomy was granted to Aceh and Papua under remarkable, even abnormal, conditions that saw the state facing multiple crises: the government was dependent on international financing; its authority was being contested by separatist movements; and the credibility of state institutions was challenged by mass protests from civil society. Moreover, the government continued to face strong international pressure over human rights. Special autonomy, in other words, was conceded at a time when central authority had been seriously eroded and was a response to the state's need to address a deepening sense of crisis.

As the government began to reconsolidate its authority, the crises facing the country receded, easing the imperatives that had driven the decision to grant special autonomy in the first place. These changing political dynamics resulted in the government's wavering commitment to the conciliatory approach to regional demands in the post-Suharto era. National leaders feared that granting special concessions would trigger a cascade of demands from other provinces and increase the prospect of further separatist challenges—concerns that surfaced particularly in relation to Papua. The nationalist reaction that emerged in response to these fears demonstrated not only the commitment of Jakarta's political elite to maintaining a strong unitary state but also the broad resonance of these views in the community.

While reflecting this broad shift in political forces, Jakarta's backsliding was also facilitated in both provinces by weak and corrupt local governments that failed to implement the laws effectively. As a result, not only did the development dividend fail to materialize but popular support for special autonomy remained elusive. Furthermore, while the determination of national leaders to defend the unitary state was strong, their corresponding commitment to upholding the rule of law and asserting civilian supremacy over the military was far more ambivalent. In light of this weak

commitment, the rights enshrined in special autonomy were easily reversed or undermined. Hence the central government had little regard for the laws, particularly in Papua where policy measures were introduced that eclipsed special autonomy. Moreover, the security forces continued to perpetrate human rights abuses with impunity in Aceh and Papua, eroding the rights that were enshrined in the laws.

While this study examines the two laws within a single narrative, it also highlights the differences between the two provinces and their respective experiences with special autonomy. Throughout this text I touch on the ways Aceh has been historically integrated into Indonesia compared to the weaker ties binding Papua to the state. The resistance to central rule has also taken different forms: the Free Aceh Movement (GAM) represents an armed threat to the state that the Free Papua Organization (OPM) has never constituted. In fact, Papuan leaders have in recent years adopted nonviolence as their main political strategy.

Furthermore, the respective elites within the two provinces have also been divided along different fault lines and over varying issues. The political divisions in Aceh have been much deeper than in Papua where cleavages tend to be based on tribal and regional differences. Acehnese officials, by contrast, have faced hostile attacks by GAM and student leaders who see them as collaborators with Jakarta. Provincial officials, including local assembly members, have been deliberately targeted in the conflict, and a number of high-profile officials have died in the violence. The Papuan provincial government, by contrast, has not had the same adversarial relationship with pro-independence leaders, and students and NGOs have readily cooperated with the province in various programs. As a result, Papuan leaders have been subject to enduring suspicion from the central government about their loyalty to the state, unlike Acehnese officials who have traditionally developed close relations with patrons within the central government. These differences have had important implications for special autonomy—not least in the dissimilar perceptions of national leaders regarding special autonomy for Aceh and Papua. A deep sense of anxiety has emerged in Jakarta regarding the threat that the Papuan law poses to national unity. This has not been evident to the same extent in the Aceh law. Thus the government has adopted a more direct form of backsliding over the Papuan law.

In sum, then, special autonomy has failed to provide a sustainable framework through which to address separatist conflict in Indonesia.

While the laws appeared to offer a breakthrough in recasting center/periphery relations, this advance ultimately turned out to be illusory. The *content* of special autonomy amounted to an offer of significant concessions by Jakarta. But the broader *process* through which special autonomy was granted and enacted lacked the involvement of larger elements within civil society in both provinces, including pro-independence leaders. This experience has found an echo in other cases such as Sri Lanka's efforts to grant autonomy in the 1980s—in which the government's failure to negotiate with Tamil rebels saw little respite from the ethnic conflict that had engulfed the country despite the government's concessions (Gurr 2000: 210).

In Indonesia, the laws were the result of an opportune moment in the political transition: fearing the disintegration of the state, the government hastily granted key concessions to provincial elites. The granting of these concessions did not follow from a systematic process of bargaining and negotiations with broad-based elements of civil society. Provincial elites and the national parliament formulated and enacted special autonomy largely in isolation from popular elements in both provinces. Special autonomy represented a unilateral concession that lacked any links to the main political forces advocating independence in either province. This process had one overriding consequence: there was little public support for special autonomy in either province. Once international and domestic pressures on the government eased, officials introduced alternative policy initiatives that eclipsed special autonomy. The opposition that emerged to the government's backsliding was too diffuse to safeguard the concessions offered under the laws. Weakly organized interests in the regions generated only limited demand for special autonomy. In this context, the temptation to wind back special autonomy was too great for a national elite that had a strong commitment to the unitary state and had only agreed to special autonomy as a result of exogenous shocks to the Indonesian state and dramatic weakening of central authority.

In drawing these lessons, this study offers two fundamental insights into the limits of autonomy as a framework to resolve separatist conflict. First, the Indonesian experience suggests that when autonomy is conceded under conditions of weakening central authority, it is vulnerable to

Fearing the disintegration of the state, the government hastily granted key concessions to provincial elites

reversal once state power is reconsolidated—particularly if pro-independence movements are subject to state pressures and cannot maintain their political momentum. Second, the troubled passage of special autonomy in Aceh and Papua indicates that special autonomy does not, in and of itself, represent a solution to separatist conflict—that is, autonomy arrangements that are not linked to a broad bargaining process with separatist leaders and elements of civil society are unlikely to constitute a sustainable policy framework, no matter how far-reaching the concessions offered by central authorities.

Prelude to Special Autonomy

Since its independence, the Indonesian state has faced challenges of national integration in Aceh and Papua, situated at the western and eastern ends of the country's sprawling archipelago respectively. While each province is rich in natural resources and its peoples have their own distinct ethnic identity, Aceh and Papua's integration into the state have taken separate forms. Aceh is historically part of the Malay world from which the Indonesian state has derived many of its key political traditions. During Indonesia's struggle for independence, Aceh represented a stronghold of republican resistance to the Dutch. In launching a major rebellion against Jakarta in the 1950s, Acehese leaders were not making separatist demands but did want guarantees that their autonomy would be protected in the Indonesian state—particularly to allow for local control of education and the implementation of Islamic law (Sjamsuddin 1985). Rebel leaders were soon persuaded to abandon their struggle; ever since, Acehese have become prominent in national affairs.

Papua, by contrast, was integrated into the state more than a decade after Indonesia attained its independence and, except in certain coastal areas, Papuans did not participate in the struggle for independence. Recent essays by Richard Chauvel (2003) and Danilyn Rutherford (1998), as well as an earlier study by Lijphart (1966) about the Netherlands' failed diplomacy over Papua, have provided a picture of the territory's troubled history. While Indonesia's controversial integration of Papua into the state has been used as a key justification for Papuan separatist claims, local leaders have also insisted that their Melanesian cultural roots separated them from the Malay and Javanese majority of Indonesia.³ Perhaps even more crucially, a large political gap has divided Papuan leaders from the national leadership, and few Papuans have been elevated to positions within the

Jakarta elite. These basic differences have been strongly reflected, as well, in Jakarta's varying perceptions of special autonomy for Aceh and Papua respectively. The main difference between the two provinces, as we shall see, has been the depth of Indonesian anxieties regarding Papua's integration into the state—reflected in the greater suspicion and opposition that special autonomy has provoked in the case of Papua.⁴

These two provinces shared a common experience, however: the repressive state control imposed by the Suharto regime, which fostered a deep sense of grievance regarding central rule in Aceh and Papua. Throughout the New Order period, secessionist movements associated with GAM and OPM attempted to challenge central rule and drew on popular discontent over Jakarta's security and development policies. The central government's response to dissent was to crush the first signs of resistance, often targeting local communities indiscriminately. This reaction compounded local resentment.

Following the Suharto regime's collapse in May 1998, the new government of B. J. Habibie embarked on an ambitious agenda of democratization by lifting media restrictions and other political controls. These actions precipitated a cascade of demands from local communities. Protests by the country's urban underclass and middle class, led by the student movement, soon extended to rural communities and produced a range of far-reaching calls for change. Enjoying their newly won freedoms, local leaders in Aceh and Papua emerged and gave voice to the accumulated resentment created by Jakarta's failed development and security policies. Soon civil protest movements were gathering momentum in both provinces.

In Aceh, protesters organized around the demand for a referendum to determine the province's political future. While university students were at the vanguard of this movement, calls for a referendum involved a popular front of religious leaders, traditional Muslim students (*santri*), intellectuals, and even local government officials. By November 1999, it appeared that the momentum for a referendum was unstoppable as the provincial capital of Banda Aceh was brought to a standstill by hundreds of thousands of people in the largest rally ever seen in Aceh. Similarly, local leaders in Papua were quick to sense the weakness in Jakarta after the fall of Suharto and called for national and international dialogue to address Papua's grievances. Public support for independence took many forms, but it was most visibly expressed through flag-raising ceremonies across Papua.

As early as July 1998, a group of protesters on the northern island of Biak had hoisted the Morning Star flag, a potent symbol of Papuan nationalism; their refusal to take down the flag provoked soldiers to open fire on the crowd (Rutherford 1999). By December 1999, local communities were openly celebrating what Papuan nationalists claimed was their independence anniversary with large gatherings across the territory raising the flag and singing the anthem associated with Papuan nationalism.

The bloodshed on Biak and other incidents resulted in the emergence of the Forum for the Reconciliation of Irian Jaya Society (FORERI) in 1998, an organization made up of Papuan intellectuals, activists, and community leaders. FORERI, which included many of the local leaders who were to become prominent in the pro-independence movement in 2000, was the main group behind efforts to launch a national dialogue in January 1999 between Papuan leaders and the central government. But the dialogue, involving a representative group of 100 Papuans drawn from across the territory, was abandoned virtually before it had gotten under way. Habibie called a halt to the discussions when the dialogue was opened on the Papuan side by traditional leader Tom Beanal, who immediately expressed Papuan desires for independence.

Following this aborted attempt at dialogue, Papuan leaders stepped up their efforts at organizing political activities. In May and June 2000, thousands of representatives from across Papua were brought together in the provincial capital at the Papuan People's Congress. The congress resulted in the establishment of the Papuan Presidium Council (PDP), which became the main pro-independence movement in the province. The Presidium elected as its chairman the controversial but charismatic tribal leader Theys Eluay, who had once been a prominent supporter of the New

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Order regime and had strong links to the military but now became an enthusiastic advocate for Papuan independence.

Separatist mobilization in Aceh and Papua, however, was not the only challenge confronting Habibie. Indonesia's economic reversal following the 1997 Asian monetary crisis set off a dangerous chain reaction of skyrocketing inflation and popular unrest across the country. With the government facing crises on multiple fronts, few expected that Habibie would survive. While opponents in the political elite attempted to engineer his removal, Habibie

faced daily demonstrations and popular opposition on the streets.

Distracted by these challenges, the Habibie government grasped for a political solution to rising tensions in the country's restive provinces. But without concrete action, promises to address local grievances did little to divert growing pressure from the regions. The government embarked on an ambitious decentralization program that devolved power and redistributed resources to local governments. Outside Papua and Aceh, the decentralization laws were remarkably successful in converting anger against Jakarta into deliberations over how to allocate resources now at the disposal of newly empowered local governments. In Riau, for instance, a budding independence movement soon lost momentum as local leaders became largely satisfied with the enormous oil revenues now being allocated to the province.

In drafting the decentralization laws, the Habibie government was concerned with the threat of Balkanization and was seeking to minimize the potential for the growth in ethnic demands from the provinces. The solution that the decentralization laws offered was to transfer administrative control and resources to local or district-level (*kabupaten*) governments throughout Indonesia. The decentralization strategy was designed to undercut the appeal of region and ethnicity—bypassing the provinces and cutting across ethnic boundaries. It sought an administrative and fiscal remedy to regional discontent by devolving services and resources.

Leaders in Aceh and Papua, however, derided these decentralization laws for failing to address the fundamental grievances fuelling the conflicts. They pointed out that devolving power to local government did little to redress basic injustices. Grievances in both provinces centered on gross human rights violations and economic exploitation over decades. Decentralization was criticized by Papuans and Acehnese not only on the basis of this shortcoming but because the laws were seen as containing a political agenda aimed at dividing the ethnic unity of provinces. The government's creation of a slew of new administrative units out of existing districts also accelerated the process of dividing administrative power among competing units. From 2001 until 2004, some 98 new district and municipal (*kabupaten/kota*) governments came into being, bringing the total of local governments to 428, as the government's policy triggered demands from local communities for the establishment of their own districts. For many Papuan and Acehnese leaders who saw the post-Suharto era as an opportunity to consolidate local unity, these measures echoed the divisive

policies of the New Order.

Acknowledging the need for additional legislation for the restive provinces, the government agreed to demands that Aceh be granted special status; at the same time it announced plans to establish new districts and provinces in Papua, passing Laws 44/1999 and 45/1999 respectively. In Aceh, the government offered “special status” to the province through a law establishing local autonomy in education, religion, and local custom. Its core provision was the implementation of Islamic law for Muslims, including the establishment of an independent council of Islamic leaders to advise the provincial government. Law 44 was in fact based on a decades-old offer by the central government recognizing Aceh’s special status that ended the Darul Islam rebellion in the 1950s. The central government had never acted upon its offer—a source of profound grievance for successive generations of Acehnese. In drafting the new legislation, Acehnese legislators and the Habibie government were seeking to make good on the government’s long-standing promise. The hope was that this new offer would begin to address contemporary grievances.

But the new law received only a lukewarm response in Aceh and was criticized as being largely irrelevant to addressing the province’s escalating violence. The conflict had moved well beyond the demands for greater autonomy in religious and educational affairs that had generated the Darul Islam movement. The contemporary conflict was fuelled by grievances centering on Jakarta’s exploitation of the province’s rich resources and violations of human rights by security forces. It soon became apparent that granting special status had limited elite backing and even less popular support. Faltering efforts to implement the law continued, however, through the establishment of a separate division of Islamic law in the provincial government (*Dinas Syariat*), with its own funding and staff, and a consultative council of Islamic clerics (*MPU*), although these initiatives had little impact on the escalating conflict.

In the Papua case, the government enacted Law 45/1999, claiming that it would improve the provision of local services across the territory by “moving government closer to the people.” The government argued that additional provinces and districts in Papua would address decades of neglect in some of Indonesia’s most isolated and remote areas. But the law provoked immediate opposition in Papua. A widespread view emerged that the law merely replicated the political strategy contained in the decentralization laws by creating new districts and splitting the province into

three. Local critics not only accused the central government of trying to “divide and rule,” they pointed out that the law had been passed by the old Suharto-appointed DPR without public consultation. When Papuan student groups led protests throughout the territory and occupied provincial government offices in Jayapura, government was brought to a halt. The protests forced Jakarta to postpone implementing key elements of the law for fear of provoking chaos in Papua. By the last quarter of 1999, therefore, the Habibie government’s policies toward Papua and Aceh were in disarray. Decentralization had clearly failed to quell nationalist movements in the country’s troubled provinces. Law 44/1999 had done little to reduce rising conflict in Aceh. And key elements of Law 45/1999 had been virtually abandoned before any attempt at implementation.

And then there was East Timor. In January 1999, Habibie had shocked Jakarta’s political establishment when he announced the offer of a referendum to East Timor. The prelude to the referendum had been marked by growing political tension and the growth of TNI-backed local militia groups. The result of the referendum represented a resounding rejection of Indonesian rule—provoking a rampage of the militias that destroyed most of the territory’s infrastructure. Scenes of violence were broadcast by foreign media outlets already in the territory to cover the referendum—provoking an immediate reaction from the international audience viewing these events. Following strong international pressure, the Indonesian government was forced into agreeing to international intervention. In August 2001, East Timor was officially separated from Indonesia. The loss of East Timor heightened the anxiety of officials in Jakarta over the prospect that the country was disintegrating. It also had the unintended effect of fuelling nationalist mobilization in Papua and Aceh. Pro-independence supporters in Aceh and Papua asked: if East Timor, a province that had once been given no hope of achieving independence, was now being granted a referendum, why couldn’t the same happen in Aceh or Papua? In light of the expectations being generated in Aceh and Papua by these events, Laws 44 and 45 appeared entirely irrelevant.

Habibie’s East Timor policy severely constrained the government’s policy options in regard to Indonesia’s other two restive provinces. Having spent his limited political capital on seeking to resolve the East Timor problem, Habibie had left himself few resources to address separatist pressures in Aceh and Papua. Habibie and his advisers had hoped that resolving the East Timor issue through a referendum would ease international

The debacle had the opposite effect—resulting in international intervention and continuing pressure

pressure on Indonesia.⁵ The debacle had the opposite effect—resulting in international intervention and continuing pressure on the government to

prosecute Indonesian officers responsible for the violence. Domestically the offer of a referendum for East Timor provoked staunch opposition within Habibie's own government, not least among the military, which had lost many troops fighting in the province. By sending a firm signal to other provinces that separation carried serious costs, the scorched-earth tactics unleashed in East Timor had a more calculating logic than may have appeared at first blush. East Timor also left Habibie exposed to criticisms that his policies were leading to the breakup of Indonesia.

Putting Autonomy on the Agenda

With Habibie's presidency unraveling amid both the East Timor controversy and a major financial scandal, the impetus for a resolution to the conflicts in Aceh and Papua would have to come from another quarter. The People's Consultative Assembly (MPR), Indonesia's highest lawmaking body, was convening in October 1999 following Indonesia's first democratic elections in four decades. Once a rubber stamp for Suharto's rule, the MPR now included democratically elected members of the national legislature (DPR) as well as regional representatives and government appointees. The general session of the MPR took place amid a sense of both crisis and anticipation. Political leaders across the spectrum hoped the session would restore a sense of national purpose and unity to the country.

With a degree of democratic legitimacy now bestowed upon the MPR, its leading members soon set about devising an ambitious agenda that, even for the most jaded observers, amounted to a historic attempt at reform. In the first flushes of the newly elected assembly, members were intent on exercising their legislative rights. The MPR's actions included mandating a major rewriting of the constitution, officially ceding sovereignty to the new state of East Timor, electing Abdurrahman Wahid as the nation's new president, and formulating the broad outlines of state policy for the new government. Most notably, for present purposes, the MPR issued a decree on special autonomy for Aceh and Papua.

Perhaps the most insistent theme throughout the session was a strong

determination from MPR members to ensure that the overcentralization of power under authoritarian rule would never happen again. This was to be Indonesia's brief moment of antistate liberalism. This implied, not a sudden embracing of Western individualism by Indonesia's political elite, but the widespread revulsion toward authoritarian rule that had swept the country in the wake of the democratic transition. Exposure of the crimes of the Suharto regime had highlighted the dangers of unfettered executive authority. For politicians of all persuasions, the core liberal suspicion of state power suddenly had a compelling urgency.

For MPR members from Aceh and Papua, this emerging sentiment strengthened their resolve to demand that the government make amends for the past and address the grievances of their respective constituencies. In the lead-up to the general session, a group of Acehnese members sent a letter to the MPR leadership appealing for action over Aceh (Hamid 2002). The letter urged an MPR resolution granting far-reaching powers to the province and calling on the government to address human rights violations. Both Acehnese and Papuan members lobbied their respective parties while vocally pressing their demands on the assembly floor. In fact, members from these provinces were preoccupied with seeking concessions from the central government, rather than with any party agendas, and worked together across party lines to voice their demands.

There was also a strong degree of sympathy among the general public for human rights victims. The media had exposed serious violations, highlighting how local communities in Aceh and Papua were foremost among the victims of the Suharto regime. Newspaper and television coverage during this period uncovered violations committed by the security forces over decades. Such public sentiments shaped the MPR's sympathetic posture over Aceh and Papua. Even more important in forming MPR opinion, however, was the gathering momentum of pro-independence movements in both provinces. With the loss of East Timor now in sharp focus, many MPR members felt that the country was on the verge of disintegrating—particularly as pro-independence leaders stepped up their demands and continued to mobilize supporters. A sense that the country was unraveling enveloped Jakarta. Indonesia's ignominious departure from East Timor also increased international pressure on Jakarta to prosecute those responsible for the violence and fostered a widespread belief that other regions too might garner international support for independence.

The pressure on the central government to address the growing per-

ception that the country's sovereignty was being challenged was intense. The economic crisis in 1997 had set off a series of events in Indonesia that eroded central authority and severely reduced Indonesia's ability to exercise its sovereignty. In particular, the dramatic downturn in Indonesia's economy forced the government into dependence on international financing. The IMF's bailout package in turn eliminated the government's ability to set basic economic policy. The special autonomy laws, therefore, were a product of an opportune moment in Indonesia's democratic transition.⁶ The combination of political forces unleashed by the transition had result-

It was, however, a decision that had essentially been forced upon Indonesia's elite

ed in a dramatic weakening of central authority. The need to respond at once to this crisis of sovereignty overrode whatever sense of unease the political elite may have had with respect to the concessions contained in special autonomy, which departed from the way the periphery had traditionally been integrated into the state. In this

context, the MPR was spurred into action. As one prominent MPR member, a retired general, conceded: "We were prepared to concede anything to Papua and Aceh at the time as long as they agreed to maintain the unitary state."⁷ In its decree formulating the broad outlines of state policy, the MPR instructed the government to "maintain the territorial integrity of the unitary state of the Republic of Indonesia by respecting the social-cultural diversity" of Aceh and Papua "through enacting special autonomy" (Secretariat General, MPR-RI 2000).

This appeared to be a historic decision in a country where uniformity had been elevated over diversity for decades and where suspicions over ethnic or regional identities ran deeply. It was, however, a decision that had essentially been forced upon Indonesia's elite under conditions of crisis: special autonomy had been granted as a result of external political imperatives.

Drafting the Aceh Law

Acehnese leaders were the first to act upon the MPR decree and immediately set to work on drafting a new law. Events on the ground in Aceh had moved a lot further than in Papua. GAM was active over large swathes of the countryside, and a massive civil protest movement had emerged. This groundswell challenged not only the central government but also the Acehnese elite and its claims to local leadership. In response, a small group of legislators, businessmen, and local officials began drafting a special

autonomy bill for Aceh as they soon realized that events were threatening to overtake them. They hoped to retake the initiative as support for independence gathered strength in the form of large pro-referendum rallies. GAM had no other choice but to swing its support behind mounting calls for a referendum. For the first time in the history of the contemporary resistance, GAM was linking up with mass elements in civil society—representing a major threat to local business and government elites.

From late 1999 until the end of 2000, a small group of Acehnese leaders worked on several different drafts on special autonomy. The provincial government under the rather uninspired governorship of Syamsuddin Mahmud produced a weak draft that, according to one local official, even the minister for justice and human rights, Yusril Mahendra, criticized for “lacking content.”⁸ The real impetus for special autonomy came from Acehnese legislators and businessmen based in Jakarta and the local DPRD in Banda Aceh. Early drafts from these elements sought wide-ranging autonomy, a major reallocation of resource revenues to the province, official acknowledgment of key symbols of Acehnese identity, and provincial control of security forces.⁹ These early drafts made ambitious claims; in one iteration, Aceh was identified as the “Country of Aceh Darussalam” (Negeri Aceh Darussalam) with the sovereignty to govern itself in a loose “association” (*perikatan*) with the Republic of Indonesia. If the counter-leadership of GAM and pro-referendum groups demanded a process leading toward formal independence, advocates of special autonomy from the Aceh elite were proposing a resolution that fell only marginally short of this demand. While these early drafts contained sweeping concessions, the drafting process had little public input and it directly engaged neither GAM nor civil protesters in a dialogue over the province’s future. Without popular consultations, the bill garnered little support outside elite circles, a problem also with the Papuan law.

One curious omission in the main drafts was reference to human rights. A provision had in fact appeared in some of the earliest drafts, but this merely invoked language from the Universal Declaration of Human Rights. In later drafts even this provision was omitted. The Acehnese team argued that calls for justice over past human rights violations required national laws, which were being drafted, and could not be addressed adequately by legislation with specific relevance only to Aceh.¹⁰ They also claimed that strong resistance from the military to inclusion of human rights provisions would have threatened to scuttle the whole law. But this

reasoning was less than compelling—particularly in light of the final Papuan law, which contained significant provisions on human rights.

While this failure to address human rights concerns represented a major omission in the government's approach, it also reflected the absence of popular participation in the drafting of the law, which was limited to a

few leaders were willing to back a bill that had no guarantee of success and lacked popular support

small group from within the local elite. The lack of public consultation was partly the result of the elitist nature of the groups advocating the law, but it also was due to ambivalence of key local institutions charged with promoting the law. The provincial government, the State Islamic University, and the Consultative Council of Islamic Clerics (MPU) were asked to comment

on the bill but offered only perfunctory responses. In a prolonged conflict environment such as Aceh's, local leaders had become accustomed to reacting cautiously to new initiatives. With pro-independence sentiment at its peak, few leaders were willing to back a bill that had no guarantee of success and lacked popular support.

Though only a small group from the Acehnese elite based in Jakarta and Banda Aceh was committed to special autonomy, the DPRD managed to consolidate the various drafts into a single bill in October 2000. Some of the key provisions in the provincial draft related to direct elections of local government heads and the establishment of local institutions such as the *wali nanggroe*, a figurehead who acted as a symbol of Acehnese unity and was responsible for protecting local custom. These provisions, widely seen as concessions to GAM, were intended, according to one of the law's key drafters, to provide a process through which GAM could abandon the armed struggle and transition into a political movement participating in elections and local government.¹¹ But these concessions were offered unilaterally. The steps that were taken to formulate the special autonomy provisions did not reflect a broad bargaining process that involved separatist leaders or other elements of civil society, such as students and traditional religious leaders.

According to one prominent member of the Aceh drafting team, it met with a barrage of criticisms when briefing central government ministries for the first time on the bill.¹² Key elements within the central bureaucracy were intent on granting as few concessions to the province as possible. The Home Affairs Ministry had drafted its own version of the

law that offered virtually no additional concessions except limited implementation of Islamic law and local curriculum development in the education sector. The government bill appeared to do little more than duplicate the concessions offered under Habibie. In offering so little to the Acehnese, the government seriously miscalculated. The DPR opted for the Acehnese draft over the government's one as its main point of reference.

But this was to be only a momentary victory for the Acehnese advocates of special autonomy. In fact, the DPR lacked an independent research and analytical capacity and was dependent on the government for providing "independent" analysis of proposed legislation. The DPR now turned for expert advice to the same government ministries that had resisted the Acehnese bill. According to a key proponent of the law, it was at this time that officials, notably from the Home Affairs Ministry, made an effective foray into this process, arguing that the bill could threaten national unity.¹³ And with so few genuinely committed Acehnese advocates of special autonomy able to offer a defense against official criticism, the bill was significantly diluted. In its revision of the bill, the government changed the tone of the law by adding language that emphasized how the exercise of special autonomy had to be consistent with Indonesia's unitary state.

After months of deliberation, the bill was finally passed in August as Law 18/2001 on Special Autonomy for Nanggroe Aceh Darussalam. Articles on provincial control over the security forces had been eliminated, as had the provision allowing for local parties, although direct election of government heads had been retained. Generous revenue sharing had been granted, but it was significantly reduced after eight years and control for collecting revenues was still in the hands of Jakarta. The law also mandated the implementation of Islamic law, although appeals were to be heard by the country's secular Supreme Court (See Appendix A).

Perhaps the law's greatest weakness was an implicit provision that blocked any future political role for GAM. The provision for direct election of local government heads and establishment of local cultural institutions in the early drafts was designed to invite the participation of GAM leaders in the political process. The DPR's deliberations over the bill, however, resulted in specific clauses being added that, at least implicitly, prevented GAM members from participating in direct elections or being eligible to participate in newly created cultural institutions. Candidates for the direct elections had to prove they had never been guilty of criminal acts, including subversion, or had never been the citizen of a foreign coun-

try, ruling out much of GAM's leadership both in Aceh and Sweden. Whatever one felt about the legitimacy of GAM's tactics, there was widespread consensus that any resolution of the conflict must involve the rebels in a political settlement. The exclusion of these provisions only underlined the extent to which special autonomy was being devised in isolation from the main political forces driving separatist demands in the province.

Drafting the Papua Law

While the Acehnese elite immediately seized the initiative offered by the MPR decree, moderate Papuan leaders would take another year before embarking upon drafting. Many Papuan leaders were still unwilling to promote initiatives that fell short of independence, as there was widespread rejection of central government rule throughout the province. Papuan intellectuals did not want to compromise too quickly and took a wait-and-see approach—in contrast to the Acehnese elite who saw pro-independence agitation as a threat to their own position and therefore immediately looked toward alternatives. Another important element in Papua was Governor Freddy Numberi's inclusion in Abdurrahman Wahid's cabinet in late 1999, which resulted in the appointment of a caretaker governor in Papua. The caretaker, Musiran Darmosuwito, held the position until late 2000 and took the view that his caretaker status precluded him from making major decisions, especially on special autonomy.

The security situation, however, grew increasingly volatile throughout 2000. As pro-independence groups continued to mobilize their supporters, concern grew that a political collision with the security forces was looming. This fear was realized with an outbreak of violence in October 2000 in the central highlands town of Wamena sparked by the security forces' attempts to lower Papuan independence flags. The incident triggered a confrontation between locals and the security forces and, in the ensuing unrest, local tribes turned their anger on migrant traders in the marketplace. Armed only with bows and arrows, tribal warriors exacted considerable loss of life. By the end of fighting more than 30 people were reportedly killed, with hundreds of migrants fleeing the area, many reportedly returning to their home provinces.

It was against this background that academics and civil activists began to debate the option of special autonomy. The respective merits of autonomy versus independence had in fact been debated since the fall of Suharto in 1998. In promoting special autonomy, Papuan intellectuals

were seeking to introduce a circuit breaker into a public debate that was becoming polarized between those who supported Habibie's decentralization laws and those who wanted independence (SKP 2001).

At the same time, the MPR reconvened in annual session in November 2000, chastising the government for not having enacted special autonomy and issuing a follow-up decree that instructed enactment of the laws by May 2001 (Secretariat General, MPR-RI 2000). Armed with this MPR directive, Papua's newly elected governor, Jaap Solossa, and his deputy, Constan Karma, signaled a proactive role for the provincial government. The election of Solossa and Karma, both native Papuans, gave special autonomy an enormous boost, as the two quickly put the support of local administration behind the proposed law. As with the Aceh bill, however, the process of promoting and drafting the bill excluded key separatist leaders and broad elements of civil society.

In December 2000, soon after his election, the governor established a technical assistance team from the University of Cendrawasih (Uncen) to solicit community input into the drafting of a new law.¹⁴ The drafting team made admirable efforts to conduct wide-ranging community consultations, but these efforts were undermined by Papuans' deep-seated suspicion of autonomy. In attempting to elicit public input, the Uncen team met stiff opposition from key sectors of the community, particularly students, *adat* leaders, and the Presidium, who rejected any form of autonomy in favor of independence and maintained calls for a direct dialogue with Jakarta and the international community. In the absence of Jakarta's willingness to open a genuine dialogue with the province's leaders, there was widespread skepticism regarding the concessions offered under special autonomy. In fact, on the occasion of the final public consultation in Jayapura in late March 2001, public anger boiled over and violent clashes occurred between police and student protesters (SKP 2001).

Notwithstanding such opposition, the drafting team eventually produced a final version of the bill in April 2001. While falling short of independence, the bill included a provision for a referendum to be held after three years of special autonomy. Once the completed draft had been submitted to the governor, members of the drafting team embarked on an advocacy campaign to shepherd the bill's passage through the national parliament (DPR).

As with the Aceh draft, however, centralist elements within the government rejected the Papuan bill.¹⁵ The Home Affairs Ministry had already

submitted its own draft to the DPR, a watered-down version lacking many of the powers stipulated in the provincial draft. Furthermore, an interdepartmental committee outlined no fewer than 471 “problems” in its official review of the provincial bill. The government was particularly concerned that the draft was too “federalist,” and it was opposed outright to the provision for a referendum.

Against such opposition, it appeared that the province’s lobbying attempts had failed. The unitary state remained nonnegotiable for Jakarta’s political elite. Any initiative hinting at more “federal” arrangements—a fear raised repeatedly in relation to the Papuan bill—was bound to provoke strong opposition from these quarters (Sumule 2003b). Indeed, cen-

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tral government officials feared that, by granting Papua and Aceh special autonomy, the government would invite an avalanche of political demands from other areas that could threaten the state’s unity. Nevertheless, the drafting team continued its campaign and received backing from important elements within the parliament and executive. President Abdurrahman Wahid had long advocated the loosening of Jakarta’s rule over the regions. His own party, the National Awakening Party (PKB), and the former ruling Golkar Party, which had been able to survive the political transition through maintaining its support in the regions, particularly in eastern Indonesia, supported the Papuan bill in the legislature (Sumule 2003b).

A key breakthrough reportedly came from an unlikely quarter when Abdurrahman appointed retired general Agum Gumelar as the new coordinating minister for politics and security in mid-2001. Papuan officials close to the process reported that Gumelar immediately put his support behind the Papuan bill.¹⁶ Faced with this support from the senior-ranking minister in the cabinet, the Home Affairs Ministry dropped its insistence on the government’s own version of special autonomy. Once it had been accepted for consideration, the Papuan bill enjoyed a speedy passage through the DPR and in November was passed as Law 21/2001. While the final law contained a number of significant changes, including omission of the provision for a referendum, it provided a stronger form of autonomy than was the case for Aceh.¹⁷ In fact, many of its concessions went a long way to accommodating key demands made by local leaders.

Although limited attempts at consultation were ineffectual due to

popular opposition, the main point of reference for Papuan autonomy had been the Manifesto of Rights drawn up by the pro-independence Presidium. Independence leaders and advocates of special autonomy alike shared a preoccupation with establishing basic minority rights for Papuans. The drafting team, for instance, published a booklet on the rights and responsibilities of Papuans under the new law in order to promote the bill.¹⁸ It was through this drafting process, rather than from a systematic consultative process, that popular Papuan demands were indirectly adopted in the laws. This helps to explain the apparent paradox of special autonomy in Indonesia in which public opposition to the laws in Aceh and Papua belied the substantial powers that special autonomy invested in the provinces to manage their own affairs. (See Appendix B for the Papuan law.)

The centerpiece of the Papuan law was the establishment of the Papuan People's Assembly (MRP). The assembly comprised Papuan members from *adat* communities, women's organizations, and religious institutions in equal numbers to be elected by their respective constituencies. The law granted the MRP wide-ranging powers such as review and veto authority over the selection of candidates for governor. Moreover, the law contained provisions for the establishment of a truth and reconciliation commission that would address local demands for a review of the history of Papua's incorporation into the state. The commission was to "clarify" Papuan history with "the aim of strengthening Indonesian national unity in Papua." This was a modification of the initial provincial bill that echoed the demands of the Papuan congress for a "straightening of history."

Why did the Papua law offer a stronger form of autonomy than in Aceh? One explanation was that the Papuans pursued a better-organized advocacy campaign and carefully shepherded the bill through the DPR. While the special autonomy bill for Aceh had initially involved Acehnese officials and businessmen influential in Jakarta, by the end of the drafting process only a few of the most committed of these people remained engaged. A wider section of the Papuan elite, by contrast, displayed a solid commitment to special autonomy.

Why did the Papua law offer a stronger form of autonomy than in Aceh?

Implications of Special Autonomy

Before discussing the troubled implementation of the laws, it is useful to assess the larger implications of special autonomy for nationalism and democracy in Indonesia. The special autonomy laws represented groundbreaking legislation in several ways.

First, the DPR's adoption of bills that were devised by provincial elites in preference to government drafts marked a departure in legislative/executive relations. The adoption of these bills reflected a shift in legislative initiative away from the central bureaucracy to the parliament and the provinces. The DPR had not been able to fully assert its newly empowered role under democratic rule because the technical capacity to draft legislation still resided in the bureaucracy, as it had during the Suharto regime. In adopting bills that had been drafted in the regions, the DPR was breaking this old pattern of legislative/executive relations. The passing of the Papuan law demonstrated that a well-organized advocacy campaign by provincial interests could bring about legislative change. This reflected a double shift in power: not only from Jakarta to the regions but from the bureaucracy to the parliament.

The different fates of the Aceh and Papuan bills, however, demonstrated the limits of this shift in legislative/executive relations. In the Aceh case, the DPR was able to adopt the Aceh bill as its own initiative, but its dependence on government to review proposed legislation resulted in a significant weakening of the bill. The Papuan drafting team, by contrast, filled the gap of analysis and research in the legislature through their advocacy and strengthened the DPR's ability to resist efforts to weaken the bill. Acknowledging the potential breakthrough that special autonomy represented, the international community was also involved in supporting key groups advocating the bills. In terms of the concessions it offered, the special autonomy law for Papua represented one of the most far-reaching pieces of legislation passed by the DPR in the post-Suharto period.

Second, special autonomy signaled that Jakarta was adopting a distinct strategy for addressing regional discontent in Aceh and Papua compared to other regions. The government was recognizing the need to grant separate rights through a form of "asymmetric" autonomy to regions where strong political identities formed the basis for secessionist movements. The government's response to the general problem of regional discontent, however, was to implement decentralization laws that were

applied across the country, including in Aceh and Papua.

Appreciating the differences between decentralization and special autonomy underscores the distinct strategies that Jakarta was pursuing. Unlike decentralization, special autonomy invested powers and resources not in the districts but in the provincial governments, which were granted concessions that went beyond fiscal and administrative decentralization. Far from cutting across ethnic identities, special autonomy explicitly linked the devolution of power and redistribution of resources to minority ethnic rights. In fact, Aceh and Papua were recognized as having special characteristics and, by implication, accorded a unique place in the state.

This political strategy departed from the basic organizing principles of the Indonesian state and the dominant nationalist ideas that had underpinned it at least since the late 1950s. From this time onward, the state had evolved a set of centrally integrative political institutions in the form of a centralized bureaucracy, a military under united central leadership, and political parties that had a national basis. This process of state formation was supported by a nationalist elite that promoted the civic ideal of territorial unity as the basis of Indonesian nationalism.

By recognizing separate political, economic, and cultural rights for Aceh and Papua, special autonomy departed from these dominant modes of managing ethnic relations. The laws affirmed the principle of diversity and ethnic rights through developing autonomous institutions at the provincial level. The chief aim of special autonomy was to guarantee minority ethnic rights of special regions in the larger state. In adopting an asymmetric approach, the government was granting certain regions special status—a departure from conventional nationalist thinking, which held that all provinces should be treated equally under a strong unitary state.¹⁹ Autonomy arrangements have in fact become a popular policy option for many states since they “seem to provide the path to maintaining unity of a kind while conceding claims to self government” (Ghai 2000: 2).

Special autonomy also marked a departure in Indonesia in its explicit recognition of ethnic political identity in the Papuan law. Papuan special autonomy involved not only the recognition of minority ethnic rights but the creation of ethnic institutions in the form of the MRP. In fact, a central distinction was made in the law between indigenous (*asli*) and non-indigenous Papuans: new rights were granted to indigenous Papuans such as affirmative action and political representation in the MRP. It would be difficult to find a precedent to these ethnic definitions in Indonesian law

or government policies that have traditionally been based on a general rejection of ethnic political identity in favor of civic ideals. In addressing minority rights, the Papuan law was part of a broad global trend—what Gurr (2000: 278) has called an “emerging global regime governing the status and the rights of minority peoples.”

Third, special autonomy provided one element of an emerging policy framework through which Jakarta was seeking to accommodate demands from Aceh and Papua. As we have seen, Habibie’s policies toward the country’s restive regions were in disarray by the time he left office, and local leaders were scathing about his empty promises. With the passing of special autonomy, however, the government now had a more accommodating set of concrete policies to offer the provinces. The election of Abdurrahman Wahid to the presidency raised popular expectations that the new government would tackle the threats to the country’s territorial integrity—particularly separatist challenges in Aceh and Papua. Early in his presidency, Abdurrahman controversially initiated a dialogue with GAM facilitated by the Henry Dunant Center (HDC), an NGO based in Geneva, a move that predictably provoked nationalist criticisms, particularly in the national legislature. On Papua, Abdurrahman not only unilaterally changed the province’s name from Irian Jaya but he allowed Papuans to raise the Morning Star flag, a key symbol of Papuan nationalism. While declining to attend the Papuan People’s Congress organized by pro-independence leaders, Abdurrahman did provide the organizers with financial support. Papuan leaders greeted both moves as important gestures of reconciliation.

The international community immediately welcomed the new initiatives. A number of donors offered technical assistance to support drafting and implementation of the laws. For the United States, Japan, and Australia, in particular, territorial integrity was a key element of their respective policies toward Indonesia. The concern in Washington, Tokyo, and Canberra was that the Indonesian government would be unable to contain challenges emerging on the periphery, presaging a breakup of the state that would have grave implications for regional instability. Special autonomy provided a means by which to pursue this policy objective while also supporting a peaceful resolution to the conflicts. As human rights groups shifted their focus from East Timor to other parts of Indonesia, most notably Papua, Western governments claimed that their support for special autonomy would help ensure the peaceful integration of the outly-

ing regions into the state. For Jakarta, international support for the laws helped to ease pressures on a government still reeling from the prolonged economic crisis.

But special autonomy came with some serious qualifications. Certainly the laws provoked particularly strong opposition from the central bureaucracy. Before the laws had even been passed, anxieties had surfaced about the impact of giving additional autonomy to Aceh and Papua, provinces that had both experienced long histories of rebellion. These anxieties were manifested in the final laws, which underwent wide-ranging revisions on the basis of concerns from the central bureaucracy, nationalist politicians, and the security forces. Such concerns were reflected in the stipulation that special autonomy was granted “in accordance with” or “in support of the unitary state,” a qualification attached to many provisions in the final law. The addition of this phrase throughout the text reflected the enduring commitment of Indonesian leaders to the unitary state formulation. The new emphasis on Indonesia’s “unitary state” in the final draft also significantly changed the tone of the laws. These provisions can be likened to autonomy arrangements in Sri Lanka, Papua New Guinea, and China, which are qualified by constitutional protections requiring that the state remain a unitary entity (Ghai 2000: 3).

Similarly, the requirements in the final law for central government approval of several key provisions—such as the human rights instruments established under the Papua law—reduced the overall autonomy that was granted to Aceh and Papua. This move reflected the deep ambivalence that national leaders had in surrendering power to these provinces.

The greatest weakness of special autonomy, however, was that it was devised with few references to popular elements in Aceh and Papua that were fuelling secessionist pressures. As we have seen, special autonomy represented a unilateral concession by Jakarta that did not involve separatist leaders or civil society in a process of bargaining and negotiation. As a result, special autonomy not only enjoyed little popular support, but the laws contained few political incentives for separatist leaders to abandon their goal of independence and accept the legitimacy of the state. Crucially, neither law offered autonomy at the level of political society. While the laws resulted in new fiscal transfers and devolution of governmental authority, special autonomy did not extend to political parties. The

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party system was still regulated by national laws preventing the emergence of local parties by making it mandatory for parties to have a national base to compete in elections. Early drafts of the laws did include provisions for local political parties. But following central government objections these were omitted from the final laws or at least diluted to the extent they became merely symbolic. The government resisted attempts to create local parties lest they fuel ethnic sentiment that could threaten the state. The Aceh law provided for direct election of local government heads, including the governor and district heads (*bupatis*). But legislative elections for local assemblies remained national in the sense that candidates had to be from national parties, many of whom had few connections to the local areas they were notionally supposed to represent.

With their appeal based on national constituencies, the parties lacked coherent local platforms on which to campaign. Furthermore, the parties were highly centralized—at least in terms of their candidate selection process, which gave central party boards authority in selecting candidates. Due to the fragmented nature of post-Suharto politics, leaders of the major parties were careful not to alienate the military, which meant they were reluctant to adopt issues of local identity and grievance that resonated in Aceh and Papua. Given these institutional features of the party system, it is difficult to see how the political aspirations of pro-independence supporters could be accommodated without provision for local parties—either through the special autonomy laws or a broad political dialogue. Without such local institutions, there was no mechanism to convert protest and rebellion into forms of political participation that accepted the underlying legitimacy of the state.

Finally, the faltering efforts of political reform at the national level undermined the rights that were supposed to be protected under special autonomy. Reform in the security and justice sectors was critical if a democratic Indonesia was to develop the necessary mechanisms of accountability to check potential abuses of power and to integrate Aceh and Papua peacefully into the state. Reformers, however, had encountered entrenched resistance in the courts and security forces. The implications for special autonomy were dramatically highlighted with the killing of Papuan independence leader Theys Eluay by special forces in November 2001 just days after the law was enacted. Eluay's murder gave rise to speculation that the army wanted to derail implementation of the law and provoke disturbances to unsettle the province.²⁰ After initial attempts by the military to

cover up the involvement of security personnel, seven special forces troops were found guilty by a military tribunal of the murder.²¹ Commenting on these convictions, the army chief of staff referred to the soldiers who had killed Eluay as “heroes.”²²

In light of the Eluay murder and the TNI response, the concessions contained in special autonomy appeared to many Papuan leaders as a trivial gesture. Moreover, the light sentences given to Eluay’s killers and the fact that investigations had only implicated junior officers exacerbated local resentment toward Jakarta and eroded what goodwill the offer of special autonomy may have generated in Papua.²³ The Eluay case highlighted the continuing impunity with which military personnel acted in Aceh and Papua. This was to have serious implications for special autonomy—not least in the fact that continuing human rights abuses by security forces eroded many of the rights that special autonomy was designed to enshrine in law. It was difficult to see how the situation could be remedied as long as national reform in the security and justice sectors remained unrealized and abuses by the security forces continued largely unchecked.

Implementing the Laws

One of the main consequences of special autonomy was that it increased the civic participation of local elites, in both Aceh and Papua, and gave them a stake in defending Indonesian sovereignty. As Richard Chauvel and Ikrar Nusa Bhakti (2004: 33) have argued in relation to the special autonomy law for Papua, it represented “one of the few occasions since 1963 that sections of the Papuan elite supported a central government policy (largely out of their own assessment of Papuan interests).” The laws required implementing regulations to be drafted, the creation of new local institutions, and, in the case of Aceh, planning for direct elections. Special autonomy also resulted in an enormous increase in resources flowing to the province that had to be budgeted and distributed.

The implementation of special autonomy for Aceh and Papua began at the end of 2001 and beginning of 2002 respectively. The laws required the drafting of scores of local regulations. Furthermore, additional funds were disbursed under the laws and were allocated beginning with the 2002 provincial budgets. In both cases, special autonomy meant an enormous boost to provincial coffers due to the generous revenue-sharing provisions.²⁴

Throughout 2002, however, local governments in both Papua and

Aceh were ill prepared to implement the laws and pass transparent budgets. By year's end, both provincial governments had failed to enact key implementing regulations. In the case of Papua, as we shall see, the provincial government at least had the excuse that many of the regulations required MRP approval, the establishment of which was being held up by the central government. But this excuse could not explain why the government had not at least drafted the regulations. Representing an even greater failure, swelling provincial budgets had not resulted in discernible benefits to local communities. The "development dividend," an intended outcome of special autonomy, failed to materialize in the face of weak and corrupt local governments. In fact, conflicts soon emerged between the provinces and district governments in both Aceh and Papua. District officials claimed that only a small portion of special autonomy funds had been distributed to the local level.

If weak provincial governments hampered implementation of special autonomy, it was the absence of checks and balances on the executive in both provinces that accounted for the corruption that flourished, particularly in Aceh. The provincial legislature failed to check executive power not only in Aceh and Papua but throughout Indonesia. This was not for a lack of authority, however, as the DPRD had the power to reject the governor's annual accountability report and disrupt local administration. It could also launch inquiries into the government's performance. But rather than using these powers to provide effective oversight and improve the quality of governance, DPRD members took the opportunity each year to make demands on the executive for their own material benefit. One senior member of the provincial legislature in Papua, for instance, complained that the DPRD operated purely on the basis of "money politics."²⁵

The electoral system and lack of consolidation of political parties in the regions had subverted the function of democratic accountability that local assemblies were supposed to perform—in Aceh, in Papua, and in provinces and districts throughout the country. Because central party boards selected candidates for DPRD's, voters selected parties not candidates. Decades of patrimonial rule had conditioned both voters and party cadres. Becoming a candidate for political office was identified less with its representative function and more with a redistributive one, that is, in delivering access to state resources. Given these expectations, legislative members had little reason to develop distinct policy or ideological platforms. Unburdened by policy parameters set by the parties and with little

accountability to voters, DPRD members were free to engage in consensus deal making with the executive based on their material interests. Given these dynamics, the enormous boost in central government revenues flowing into the provinces resulted in growing corruption and a misuse of special autonomy funds.

The Aceh Law

In Aceh, the weakness of the local administration was particularly acute. Since late 1999, armed conflict between GAM and the security forces had been accelerating, severely narrowing the scope for the government to act. Troops and police stationed in Aceh were paid minimal salaries and, like the security forces throughout Indonesia, were expected to raise their own incomes. Both the TNI and the police put up roadblocks along the province's main arterial roads—ostensibly to improve security and block GAM's major transportation routes. In reality, they gave the security forces freedom to extort motorists. For its part, GAM was becoming increasingly implicated in extortion and had long been accused by the Indonesian government of involvement in the marijuana trade (a trade the security forces themselves were reportedly caught up in). GAM countered the government's allegations by claiming that their forces were engaged in legitimate fund-raising. Since GAM was the legitimate government of Aceh, they argued, it had the right to collect "state taxes" (*pajak nanggroe*) from the people and private business.²⁶

If this evolving "conflict economy" disrupted the functioning of legitimate business, it also paralyzed government in the province. Large central government transfers were dispersed to local governments in Aceh under the special autonomy laws and became a lucrative source of funds. As rebels and the security forces vied for control, local governments became a key target of extortion, often backed up by physical threats from both sides.²⁷ Intimidation of this kind was designed to send a warning to all civilian parties. Killings and disappearances by unknown assailants became common as both sides sought to create an atmosphere of terror and fear to advance their political and economic goals.²⁸

These conditions had a devastating impact on local governance under special autonomy. Some reports suggested that government projects in areas controlled by GAM were subject to a 30 percent impost, although GAM claimed its state tax was only a small percentage.²⁹ The security forces were also implicated in squeezing government officials to fund oper-

ations and other activities. In many of the conflict areas, local officials were subjected to unwanted attention from both sides. For many officials the safest option was to do as little as possible or say they were implementing programs while in fact siphoning off the budget. High-profile government programs would only attract the attention of GAM or the TNI, which could prove fatally dangerous.

While the armed conflict disrupted the functioning of local government, official corruption was another key factor in the flawed implementation of local programs under special autonomy. The conflict between GAM and the government became a convenient excuse for officials accused of mismanaging funds—creating conditions under which corrupt officials and unscrupulous businessmen flourished. Nongovernmental watchdog groups exposed numerous examples of “fictive projects” in which funds had been allocated and spent for programs that had never been implemented.³⁰ These allegations were substantiated by subsequent DPRD inquiries and by the government’s own audit agency.³¹ A leaked report from the Regional Audit Agency found major corruption in virtually all local government agencies and departments, including evidence of markups and stolen funds.³² The agency’s investigations found at least 22 projects with major financial irregularities, including a sham project on empowering women totaling \$250,000 that had never existed.

The enactment of special autonomy also required drafting a range of provincial regulations by the local government and the DPRD. In fact, the provincial government immediately began drafting the Qanun, as the implementing regulations for special autonomy were called, that covered Islamic courts, fiscal transfers, the mining industry, gas and oil, forestry, natural resource management, and education. The official teams responsible for drafting these Qanun consulted few outside of government circles.

It took the DPRD a year to review the set of Qanun. Such foot-dragging provoked strong public criticism, particularly from the main advocates of special autonomy. Frustrated by the lack of transparency from both the executive and the DPRD, academics and NGO activists carried out two separate external reviews of the Qanun. Responding to such public pressure, the DPRD eventually passed the 22 Qanun (some of which included normal government regulations not related to special autonomy) on October 14, 2002.

Not included in this package, however, was the Qanun on direct elections of local government heads—namely the *bupatis* (district heads), the

*walikota*s (mayors), and the governor. In response to the executive's reluctance to address this part of special autonomy, two separate NGO coalitions produced a consolidated draft Qanun with substantial input from key provincial legislators. The DPRD leadership, however, repeatedly refused to schedule a hearing to discuss direct elections.³³ It was only in mid-2004, following mounting public pressure, that the DPRD finally passed the Qanun on direct elections. The DPRD, the primary initiator of the special autonomy legislation, had now become one of the main obstacles to enacting key implementing regulations. Even as Acehnese leaders welcomed the Qanun on direct elections, the central government was in the process of passing a revision of the decentralization laws that would allow all regions in Indonesia to hold direct elections of local government heads. What had initially been a special concession to Aceh was now granted to all regions.

It was not only the DPRD that was slow to act. While initially it had been quick to draft select Qanun, especially addressing financial aspects of the law, the provincial government had done little to implement special autonomy subsequently. By the middle of 2004, three years after the law had been passed, the provincial government had enacted Qanun for only 6 of the 15 provisions that required implementing regulations. Draft Qanun had yet to be enacted for provisions covering foreign assistance, local symbols, the creation of Acehnese cultural institutions, the rights of voters, the provincial police, the definition of powers and authorities devolved to the province, and the specific authorities accorded to the provincial legislature.

Government critics credited political reasons for this lack of support. Some charged the governor and DPRD leadership of colluding to block key provisions of the implementation of special autonomy.³⁴ In particular, direct elections of bupati and the governor would have directly threatened the position of party and government elites, subjecting these candidates to competition from grassroots leaders.

The provincial government did move with some urgency, however, on the application of Islamic law, although as we shall see below, many Islamic leaders questioned the government's seriousness in doing so.³⁵ Under Law 44/1999 a separate branch within the local government had been created to administer matters pertaining to Islamic law (Dinas Syariat) and was headed by a widely respected urban Islamic cleric, Al Yasa Abubakar. The DPRD and the provincial government, through the Dinas

Syariat, moved to issue various Qanun and lower-order implementing regulations on Islamic courts. By 2004, the government had passed 7 Qanun regulating the Islamic Courts, the *zakat* (the religious tithe for Muslims), Islamic clothing, and the banning of alcohol, adultery, and gambling (Al Yasa Abubakar 2004).

Support for implementing Islamic law stemmed from unlikely quarters. Desperate to quell rising tensions in Aceh, the central government and the TNI became strong advocates for Islamic law. Curiously, the military, traditionally opposed to Aceh's Islamic demands, did not voice the secular nationalist fears that debates over Islamic law usually provoked. In fact, military officers publicly supported the implementation of Islamic law as a key part of the solution to the conflict.³⁶ This may have been a reflection of broader social changes in Indonesia in which society had become more Islamic in recent decades, at least in the public practice of religion. The armed forces were not unaffected by these broad social changes, at least to the extent that many TNI officers became more openly pious in their practice of Islam. Central government support for Islamic law, however, was less fuelled by religious zealotry than it reflected the pragmatic political deal that the central government had struck with the provincial Acehnese elite. While sanctions mandated in the Qanun included corporal punishment for offenders, Acehnese leaders were at pains to point out that their practice of Islam did not involve the draconian measures associated with popular Western stereotypes of Islamic law.³⁷ They claimed that cases subject to corporal punishment required a burden of proof that was so high that only the most blatant and extreme cases would be tried and liable to sanctions.

The central government's support for Islamic law reflected a theme that has been highlighted throughout this study—that special autonomy represented a unilateral concession to the regions driven by the concern that the country was unraveling. A widespread belief emerged within official circles, particularly in the ministries of religion and home affairs, that if Aceh were immediately given the right to implement Islamic law, GAM's popular base would erode, and discontent with Jakarta would fade.³⁸ But, these officials tended to exaggerate the influence of the religious leaders or (*ulama*) as an agent to resolve the conflict. This assumption was probably the result of understanding the Aceh conflict in terms of the political dynamics of the 1950s when the *ulama* were the undisputed leaders of the Acehnese people. It may also have been the product

of stereotypes circulating among the political elite in Jakarta depicting the Acehnese as “religious fanatics.”

In any case, the offer of Islamic law has had little impact on mitigating the conflict in Aceh.³⁹ GAM is a secular nationalist movement and the popular support for it is not based on the clamor for an Islamic state. Furthermore, the demands that surfaced in Aceh after 1997 centered on calls for basic justice including accountability over human rights abuses and fair revenue-sharing arrangements. These became more important themes in post-Suharto Aceh than calls for Islamic law. That the government focused so heavily on Islamic law for Aceh reflected the main problem associated with special autonomy: it had been based upon a unilateral concession from Jakarta and was not part of a broad consultative process.

The other main impetus for implementing Islamic law came from officials and key institutions in the province. The urban *ulama* who had been co-opted into the political parties, the provincial bureaucracy, the universities, and the Consultative Council of Islamic Clerics (MPU) were the main local force driving implementation. Indeed, the religious bureaucracy had a concrete interest in supporting Islamic law as a way of expanding its role and obtaining greater resources.

While key Qanun on Islamic law had been drafted by 2004, the provincial government still faced major hurdles in developing an institutional framework through which to enforce Islamic law. The Islamic court for the province (*Mahkamah Syar'iyah*) had been established in March 2003. By mid-2004, however, the court had yet to hear a single case. The province was waiting on guidance from Jakarta about how the cases were to be investigated and prosecuted. Both the police and public prosecutor's office are central government agencies. In the absence of clear guidance from Jakarta on their role in enforcing Islamic law, the Qanun cannot be enforced (Al Yasa' Abubakar 2004: 44). It was unclear whether this delay was the result of central government officials having second thoughts about Islamic law or whether they were just seeking to move cautiously in implementing this sensitive provision of the law. In lieu of trying concrete cases, the Dinas Syariat turned its focus to public education on wearing Islamic headdress (*jilbab*). The local media reported frequent “raids” by the police on busy public thoroughfares targeting female motorists not wearing the *jilbab*.⁴⁰ The government claimed that these actions were only intended to promote appropriate dress codes for Muslims and that it did not support the actions of overly zealous police on the ground.⁴¹

The implementation of Islamic law, however, did not garner the universal support that the government anticipated. The continuing religiosity of the Acehnese meant that few rejected Islamic law. But many local leaders, including some prominent *ulama*, argued that Islamic law had effectively been implemented in the everyday practices of the Acehnese people.⁴² Others supported the implementation of Islamic law but only as part of an overall settlement that posited human rights, revenue-sharing and/or independence as more pressing priorities. GAM spokesmen and student leaders went further by suggesting that Islamic law was merely a ruse by Jakarta to stigmatize the province as “fanatical.”

Perhaps the most common response was to question the seriousness of both the central and provincial governments in implementing Islamic law. Critics, including religious scholars from the State Islamic University charged that Islamic law was the product of a political deal that Jakarta had forged with provincial elites—a deal that had turned Islam into a “political commodity.”⁴³ They claimed that the government’s “*jilbab* raids” were a trivialization of Islamic law, intended only to enhance the government’s profile, and merely served to obscure its failure in applying Islamic law to prosecute “corruptors” who had misused special autonomy funds. Critics claimed that accommodationist *ulama* and officials within the religious bureaucracy at the provincial level were pressing for Islamic law because it would provide them with increased government budgets and opportunities for rent seeking. That few efforts had been made to promote Islamic law at the subprovincial level was also considered a reflection of the government’s lack of seriousness.

The Papua Law

As in Aceh, the implementation of special autonomy for Papua was severely limited by a weak and corrupt local government. Unlike the Aceh law, however, both the executive and legislature in Papua showed more vigor in supporting implementation of special autonomy. The DPRD chairman as well as the governor and vice-governor had tied their political fortunes to implementing the law. Despite the greater local support among the Papuan elite for special autonomy, however, both the Aceh and Papuan laws remained only partially implemented. Elite support for special autonomy in Papua was attenuated not only by central government backsliding but also by the weakness of local bureaucracy, which had a poor track record of providing basic services across a territory spanning some of

the most inaccessible terrain in the world.

Thus nearly three years after the law had been passed, the provincial government had achieved few results on implementation. Initially the governor and senior officials focused on negotiating with Jakarta to disburse the special autonomy funds and then on bargaining with local governments and the provincial legislature on how to distribute the funds amid considerable disagreement. By the end of 2002 the provincial government had drafted few of the regulations required to implement special autonomy. The provincial government argued that without establishment of the MRP, which required central government endorsement, none of the implementing regulations could be enacted. Even in these circumstances, however, there was no reason for the government to hold back on drafting the regulations. In fact, completing a full set of draft regulations would have increased the pressure on the central government to endorse establishment of the MRP.

Some limited progress was made by 2003. Drafting on one of the human rights provisions of the law was completed at the end of 2003, for instance. The implementing regulations for these provisions were required by law to be endorsed by relevant central government agencies (instead of MRP approval).⁴⁴ Members of the local human rights organization Kontras Papua, working with the provincial government, began drafting the human rights regulations, beginning with a regulation for the National Human Rights Commission to establish a provincial office. This collaboration between government and civil society can be contrasted with the adversarial relations that marked similar relationships in Aceh. After a lengthy process of negotiation with Papuan leaders, the National Commission in Jakarta issued an implementing regulation that allowed the Papuan office to undertake its own investigations.⁴⁵

The other area of progress concerned the application of affirmative action policies in the recruitment of native Papuans into the bureaucracy and justice sector. This provision formalized existing government policies aimed at redressing the underrepresentation of Papuans in government since the New Order period. The rapid movement of Papuans into senior positions after 1998 was arguably the most striking change in local politics since the fall of Suharto. In Aceh, by contrast, this issue was not relevant because Acehnese had been able to entrench their positions in the local bureaucracy throughout the New Order. By 2003, senior Papuan officials were reporting that all but one of 28 *bupatis* were Papuans, as were

the governor and vice-governor—a dramatic change from the 1980s and early 1990s when few Papuans held the position of *bupati*.⁴⁶ Furthermore, the popular reformist police chief, Made Pastika, claimed to have dramatically increased the number of Papuans being recruited into the police force. In the 2002 annual intake, he reported, 443 out of the 600 police recruits were Papuans.⁴⁷

The emergence of a new indigenous leadership class in Papua heightened popular expectations of improved government services and increased levels of welfare and development. Papuan leaders proclaimed that a new era of Papuans being “masters in their own land” had begun. With the vast increase in funds from special autonomy, the governor [Solossa] devised an ambitious program of development that centered on health, education, infrastructure, and economic growth in small enterprises and the informal sector.⁴⁸ He pledged to waive the fee for education and promised free health care for native Papuans. Governor Solossa also announced an initiative offering 170 government scholarships to study outside the province and additional assistance to Papuan academics to undertake masters programs. On the primary education level, the government reported it would introduce long-distance-learning technology for isolated communities. Solossa also announced an ambitious program of building eleven major highways through the province—his so-called strategic road concept—with a targeted completion date of 2005.

Many factors conspired against Solossa in realizing these plans. By early 2003, in fact, polling showed that less than a quarter of households had registered an improvement in their general welfare over the previous twelve months (IFES 2003). Furthermore, only 35 percent said they knew about government plans to abolish school fees—indicating either genuine ignorance or skepticism regarding government rhetoric. The survey also highlighted enormous variation within the Papuan community itself and a serious lack of government services in remote communities. These findings must have alarmed Papuan leaders who had promoted special autonomy on the basis that it would improve welfare in isolated communities.

Of course, to expect the provincial government to address decades of neglect was hardly a reasonable measure against which to assess the early years of the Solossa administration. Nevertheless, the clamor from local Papuan communities for improved government services—particularly in the highlands and other isolated areas—was irrepressible and placed enormous pressure on government officials. Day after day, provincial

and local governments were inundated with personal requests for funding. In the absence of rapid improvements in government services, which in many cases required fundamental reforms of the bureaucracy, local officials reverted to traditional handouts and personal patronage. A queue of Papuans waiting outside the residence or offices of the *bupati* became a common site in the territory.

In a candid interview, the vice-governor observed that it was unrealistic to expect government officials not to distribute funds directly to their constituents.⁴⁹ Local district officers, unable to rely on a professional bureaucracy to provide services to the public, resorted to dispensing patronage to local communities. Failure to do so, according to the vice-governor, would have made local officials deeply unpopular in their community and ultimately unelectable. In fact, a strong Melanesian culture persisted throughout Papua in which exchange relations were based on deeply rooted social obligations—giving rise to the figure of the “Big Man,” the local leader who maintained his status through distributing largesse and gaining a following through displays of wealth and patronage. This culture shaped Papuans’ basic understanding of government and indeed their expectation that officials should “look after the people.” Such thinking also reinforced the importance of tribal cleavages in local politics. Candidates for official positions were identified with their own tribes and expected to distribute patronage on the basis of tribal loyalties.

While these factors may help explain why the local administration failed to govern in a transparent way, even the most sympathetic critics of the government were disappointed with the performance of the provincial administration. Above all, criticisms emerged over budget issues (Sumule 2002). The first provincial budget passed under special autonomy provoked an outcry among academics, NGOs, and journalists who raised serious objections about inappropriate costs.⁵⁰ These were the same intellectuals who had assisted the provincial government in drafting the special autonomy bill. Rather than 30 percent of expenditures being allocated for education, as stipulated in the law, one estimate suggested that the figure reached a mere 7 percent.⁵¹ The budget confirmed critics’ worst fears: not only was it passed without adequate public review, but it allocated insufficient funds for the improvement of basic services to remote rural commu-

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nities as had been promised.

The lack of transparency in the provincial budget in fact created serious problems for the province—not least in triggering a conflict within local government ranks. Officials at the district level (*kabupaten/kota*) were dissatisfied with what they saw as a failure by Jayapura to distribute special autonomy funds evenly across the province. Local officials were particularly critical of the revenue-sharing formula offered by Jayapura in which the province received 60 percent and only 40 percent would go to all the districts combined. While this conflict was driven mainly by local competition over resources, it was also the result of the separate strategies that the government was pursuing through the decentralization and special autonomy laws respectively. The former law was designed to empower district elites (bypassing the provincial government); the latter devolved power and resources to the provincial elite.

The conflicts produced by these contending policies were apparent in Aceh, too, although tensions within the elite were more salient in Papua due to long-standing regional and tribal cleavages. In fact, the emerging struggle over the allocation of autonomy funds in Papua eventually developed into a serious rift between the provincial government and district governments. The growing tensions within local government circles drew on deeper regional discontent toward Jayapura that had tribal overtones.⁵² These sentiments related to social inequalities between Papua's educated tribes from coastal regions that dominated the provincial government and disadvantaged tribes, mainly from the highland and interior, that were represented in some district governments. This basic division became an important element in fuelling demands for partitioning the province.

The Reconsolidation of Central Authority

While corrupt local governments were impeding implementation of the laws, the political conditions at the center were driving a reconsideration of policy. Before turning to the new policies that resulted, however, it is necessary to outline the transformation that occurred in the political atmosphere from 1999 to 2001. The MPR's 1999 decree on special autonomy reflected a recognition that if secessionist challenges were to be diverted, Jakarta needed to grant concessions to Aceh and Papua. By 2001, however, national leaders had become increasingly impatient with this approach and were relying more on repressive measures to tackle separatism.

What had changed in this intervening period? As we have seen, the initial political decision to grant special autonomy was made under remarkable conditions. The state was facing a serious crisis of sovereignty sparked by the economic slump and Indonesia's deepening dependence on international financing. This crisis was exacerbated with East Timor's separation from Indonesia. With mounting pressure coming from movements for independence in Aceh and Papua, it appeared that the country was on the verge of unraveling. It was no coincidence that the MPR decree on special autonomy was passed at the height of pro-independence mobilization in both provinces.

Within a year of the MPR decree, however, the political climate had shifted against those advocating special autonomy. Crucially, the central government was beginning to bring some of the threats to its sovereignty under control. Even if these threats had not been entirely overcome, the multidimensional crisis facing the state in 1999 was at least receding by 2001. While East Timor continued to provoke rancor among the military and other ultranationalist elements, civilian leaders accepted the new state's existence. Of greater importance was the government's ability to restore macroeconomic stability and meet some of the key conditions of the IMF program. By 2003, with experienced ministers presiding over policy, the economy was growing modestly again, inflation was under control, and reform was making halting progress. As a result, Indonesia was preparing to graduate from the IMF program, restoring a sense of economic sovereignty to the country.

The most significant factor in the government's fading support for special autonomy, however, was the waning momentum of protest movements in Aceh and Papua that occurred in the last half of 2000 and onward. This was to be the key factor in tipping the balance of political forces against special autonomy. Civil protest movements in both provinces had rapidly gathered strength throughout 1999 and into the early months of 2000. The image of thousands participating in mass rallies and other political meetings provoked deep concern in Jakarta that events were spiraling out of control.

As these concerns began to surface, policy struggles emerged within the central government over how best to address separatist movements in Aceh and Papua. The security forces strongly opposed what they saw as President Abdurrahman Wahid's permissive policies toward separatist movements. Abdurrahman's brief presidency, ending with his dramatic

removal from office in July 2001, was in fact to be a decisive period in the unfolding struggles over security policy in Aceh and Papua. To call Abdurrahman an architect of the policy of accommodation is perhaps to impute a strategic design to his policies that was rarely apparent. Nonetheless, he was the key advocate for conciliation—supporting the special autonomy packages while also promoting an internationally facilitated dialogue with GAM on a separate track. These efforts, however, were undermined by Abdurrahman’s decidedly clumsy attempts to pursue reform and his exasperating talent for alienating and confusing his allies as much as he outmaneuvered his opponents. Thus when a series of ill-judged political moves resulted in growing opposition to his presidency in early 2001, Abdurrahman sought to assuage military discontent by taking a harder line on separatism. As Abdurrahman increasingly lost control of the government, the security forces became increasingly emboldened to adopt more coercive measures in quelling separatist demands.

One of the key controversies to emerge was the flying of the Morning Star flag by Papuans. As Abdurrahman came under growing pressure to

One of the key controversies to emerge was the flying of the Morning Star flag

abandon his soft line on separatist activities, the government banned the flying of Papuan flags and instructed the security forces to lower those flags in Papua. The result was a series of clashes between the security forces and local communities culminating in a major outbreak of violence in the volatile central highlands in October 2000.

The government’s clampdown on pro-independence activities represented a major challenge for the Presidium leadership. The holding of the Papuan People’s Congress that resulted in the establishment of the Presidium in May–June 2000 represented the high point of pro-independence activity. Following the congress, political agitation for independence was stepped up. In a flurry of activity, Presidium leaders not only embarked on a traveling “safari” throughout the province to promote the independence cause but also stepped up diplomatic efforts to win support from the international community.⁵³ In response to the government’s hardening posture toward separatism, however, Presidium leaders failed to define a clear political strategy for maintaining the political initiative. In the face of pro-independence supporters being detained by the military following the Wamena clashes, the Presidium leadership appeared paralyzed and began to experience growing disquiet among its popular base. In

particular, many Presidium supporters were suspicious of Presidium Chairman Theys Eluay and his relationship with Yorrys Raweyai, the controversial leader of a paramilitary youth group with strong ties to Suharto. Furthermore, the Presidium was faced with the problem of reconciling fractious internal groupings, particularly old OPM exiles and other pro-independence elements abroad. With the government adopting increasingly tough security measures and the Presidium faced with internal problems, momentum for independence began to wane.

Similarly, security actions adopted by the police and the TNI in Aceh essentially closed down the political space that the civil protest movement had enjoyed in the immediate post-Suharto period. By the middle of 2000, the student coalition that had spearheaded calls for a referendum fractured after its remarkable success in mobilizing hundreds of thousands in Banda Aceh rallies. As student leaders became divided over strategy and others were silenced by growing intimidation from the security forces, the attempt to maintain a broad coalition with religious leaders and local officials waned. As an important juncture, if not the key turning point, one can cite the aborted attempt to organize the Aceh People's Congress (KRA) in the first half of 2000. In coalition with student groups, traditional *ulama* prepared for a congress that would bring together representatives across the province to discuss Aceh's political status. But the KRA provoked opposition from the provincial government, the security forces, and even GAM. The latter was suspicious of the *ulama* who represented potential leadership rivals of Aceh's rural masses. By mid-2000, the pressure on the *ulama* became so intense that they decided to withdraw from the KRA. This move signaled a general political retreat of the *ulama* and dashed hopes that they would once again play a significant public role. The aborted preparations for the Congress also produced splits in the student movement, with militant groups opposing the event.

While the security forces were increasingly able to neutralize the civil protest movement, moves within the central government were also afoot to give the military more powers to crack down on GAM. These plans were realized in April 2001. As the presidency of Abdurrahman became clouded by the threat of impeachment in the first half of 2001, Abdurrahman issued a presidential instruction (Inpres) on Aceh following months of pressure for him to do so. The instruction gave the military the green light to renew and intensify security operations against GAM with formal presidential backing. This move essentially provided formal legal

coverage for the adoption of a more repressive approach and drew the civilian government into taking direct responsibility for military operations. The issuing of the presidential instruction marked an important point in the evolving political dynamics between the center and periphery in Indonesia.

As the main civil protest movements in both provinces lost momentum, the pressure on the central government to grant concessions to Aceh and Papua eased. The main force driving Jakarta's adoption of special autonomy had been the gathering threats to Indonesia's sovereignty. With this threat now diminished, Jakarta's commitment to implementing the laws faltered as the government turned to a more coercive approach. In Aceh, for instance, the decline in the civil protest movement and GAM's continuing armed attacks on Indonesian targets meant that the government was able to shift to a purely military strategy and frame the conflict in strictly security terms.

Another factor in the shifting political atmosphere was the international dimension. It is tempting to see the government's hardening position toward Aceh and Papua as a product of the international climate that prevailed after September 11 and the subsequent subordination of human rights to the war on terror. In reality, however, Jakarta's commitment to a conciliatory approach to Aceh and Papua was waning well before September 11. Moreover, the international community, particularly the United States, continued to back Jakarta's implementation of the special autonomy law and the dialogue process in Aceh. Thus the war on terror was not a decisive factor. Instead the shifting sentiment in Jakarta was driven by the reconsolidation of state power internally and the growing confidence of Indonesian leaders in reasserting their sovereignty.

Nevertheless, the international environment after September 11 did reinforce these trends. Governments everywhere were now placing greater emphasis on state security. The Indonesian government sought to take advantage of international sentiment by labeling GAM and the OPM as terrorist organizations, a campaign that stepped up the pressure on both groups, particularly GAM exiles who became subject to official investigations by Swedish authorities.⁵⁴ Insurgent movements—no matter how legitimate their grievances—now confronted a far less accommodating international environment. As well, the war on terrorism offered front-line states such as Indonesia an opportunity to forge stronger ties with the West in supporting efforts to counter the threat from Islamic extremists.

The Indonesian military was presented with an opportunity to repair its tarnished international standing by becoming an important partner in countering terrorism.⁵⁵ All of this emboldened the military—strengthening its hand to take more repressive actions against “threats to the state” and weakening the leverage of the regions to make demands on the center. As we shall see, the move to curb separatism involved not just security measures, but efforts to discredit the peace talks in Aceh and special autonomy in Papua.

Mounting Hostility to Accommodation

If the reconstitution of state power gave rise to the general conditions under which special autonomy was challenged, there were also specific political interests driving a reconsideration of policy toward Aceh and Papua. Government officials and military leaders sought to extract political capital out of promoting a hard line against separatism. In fact, these powerful interests were challenging the whole conciliatory approach to Aceh and Papua that had been adopted in the post-Suharto period. Throughout 2002 and 2003, political and military leaders stepped up their efforts to highlight the dangers of separatism to the state and the need for strong security measures. On the political side, the DPR became increasingly vocal in relation to separatism and the dangers it posed to the state’s territorial integrity. A small group of ultranationalist politicians were among the most vocal in highlighting various threats to the unitary state, accusing the government of taking a permissive attitude to regional dissent in Aceh and Papua. More important, key parliamentary leaders including the Golkar chairman and DPR speaker, Akbar Tanjung, increasingly advocated repressive measures to counter separatism, particularly in Aceh.

On assuming office in 2001, President Megawati reiterated that her government would defend the unitary state at all costs. A more nationalist tone emerged that increasingly defined Jakarta’s posture toward Aceh and Papua. Insofar as Megawati had a sense of Indonesia’s place in the world, she defined herself as the guardian of the nationalist legacy bestowed upon Indonesia by her father, Indonesia’s first president, Sukarno.⁵⁶ While media portrayals of her as a puppet of the military were overdrawn, Megawati’s innate conservatism predisposed her to supporting strong security measures in the regions and stressing the importance of the TNI as the guarantor of order. In 2003, underscoring the worldview she shared with military officers, Megawati publicly supported the role of

militia groups in helping defend the unitary state—even in the wake of the disastrous consequences such groups had unleashed in East Timor.⁵⁷

While these elements represented the key underpinnings of Megawati's outlook, the government claimed that special autonomy for Aceh and Papua remained a central plank in its approach. Thus Jakarta appeared to be pursuing a number of different strategies at once. Not only did the government want to keep its tactical options open, but the shift toward more coercive measures was taking place indirectly, reflecting the dominant political culture among Indonesian leaders of seeking to avoid direct confrontation. Perhaps the most salient factor in the government's approach involved the policy struggles taking place in official circles.

While the legislature and executive helped shape the government's increasingly uncompromising posture toward Aceh and Papua, it was the military that provided the main impetus for this shift. The TNI's position in the post-Suharto political order was intertwined with policy debates over Aceh and Papua. Military officers were active in the public debate and rarely missed an opportunity to remind receptive civilian leaders of the threat that separatism posed to the nation. To counter this threat, they argued for the adoption of more repressive measures. These arguments buttressed the TNI's attempts to retain its key institutional role in the

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country's social and political affairs. Since the democratic transition in 1998, the military had faced demands for it to return to the barracks and had been forced to give up its formal positions in the national parliament and bureaucracy. But the military rejected far-reaching demands that would put it under the complete control of civilian leaders, claiming to have a unique historical

mission to defend the nation against internal threats. According to the standard TNI history, the military had stepped in to save the nation after the country's independence in 1945.⁵⁸ In post-Suharto Indonesia, TNI officers invoked this historical mission in claiming that the country was being threatened again by separatist conflict in Aceh and Papua. This scenario became the central ideological justification through which the TNI was seeking to reconsolidate itself politically and retain an independent role in maintaining security.

With powerful interests mounting such arguments, a strong political imperative drove the adoption of more coercive policies. By 2002, as the

Megawati government settled into office and economic and political crises receded, the government became increasingly emboldened in relation to issuing threats of harsh action in Aceh and Papua. In the case of Aceh, the peace process facilitated by the HDC had provoked deep concerns in Jakarta from the time it was launched in 2000. National leaders across the political spectrum feared that, by engaging a foreign NGO, the government was internationalizing the conflict, which would lead Aceh down the same road as East Timor. The implementation of the special autonomy law for Aceh, by contrast, provoked far less anxiety among the elite in Jakarta. For the national elite, the historical integration of Aceh into the state provided a foundation solid enough to ensure that the implementation of Islamic law would not fuel secessionist pressures.

For Jakarta, the real problem lay in the need to defeat GAM and ensure that GAM's position was not strengthened in the international community through the dialogue process. Thus the central government increasingly defined the Aceh conflict as a military problem that could only be overcome through force. This was the context in which the dialogue process, not special autonomy, became the lightning rod for attacks from those wanting a return to more coercive policies. Nevertheless, the ending of the dialogue and the subsequent imposition of martial law effectively resulted in the suspension of special autonomy as the military imposed tight control. Thus while the tough stance against separatism was not targeted at special autonomy per se, it gave rise to an alternative set of policies that undermined the law for Aceh.

The contrast with Papua is illuminating as it reflects the divergent paths of Aceh and Papua—particularly in the ways the Papuan law became a direct target of Jakarta's backsliding. Central government officials had long been suspicious of the Papuan elite. Betraying the depth of these suspicions, leaked government documents produced in 2000 and in the following years claimed that key Papuan leaders including high-level officials such as Jaap Solossa were secretly promoting separatism—highlighting the gap between the government and the province (Chauvel 2001). In the case of Aceh, by contrast, there had been a long history of local officials circulating in the national bureaucracy, often at senior levels. A strong contractor and business class from Aceh was visible in Banda Aceh, Medan, and Jakarta and had developed symbiotic relations with the state. This was quite unlike Papua where settlers dominated the economy and a local business class was very weak. National leaders, therefore, tended to view the

“Papuan problem” as much more intractable than Aceh. Aceh was seen as primarily a military and religious problem that could be resolved by defeating GAM and implementing Islamic law. In Papua, by contrast, special autonomy raised fears among Jakarta’s political elite that the law was a stalking horse for the real goal of the Papuans: independence.

Aceh: From COHA to Martial Law

The End of Dialogue

By the time Abdurrahman had been removed from office, negotiations with GAM appeared to have reached a stalemate. In a surprise development, however, international facilitators with backing from key foreign governments, most notably the United States and Japan, achieved a major breakthrough in 2002 when Jakarta and GAM agreed to significant concessions: the government consented to a small group of officers from ASEAN countries monitoring the cease-fire agreement being proposed; GAM accepted the special autonomy law as a “starting point” for further negotiations. Throughout 2002, negotiations made halting progress, eventually resulting in the signing of the Cessation of Hostilities Agreement (COHA) on December 9, 2002, between the government and GAM.

The COHA represented an important advance that coupled the dialogue with the implementation of special autonomy for the first time. Despite the shortcomings of the law, special autonomy did provide a set of basic concessions that could be extended through revisions as the basis for a future political settlement. Any credible revision would need to include a mechanism to allow GAM to participate in elections. Furthermore, additional provisions on human rights would be necessary to address popular concerns—if not included in a formal revision of the law then at least as part of the government’s broad response. The COHA was not intended to offer a comprehensive political settlement. Instead it focused on achieving a cessation of armed conflict between the two sides with the terms of a future political solution subject to future negotiations. This aim was consistent with the approach the HDC had adopted since becoming engaged in the conflict in 2000. The HDC’s main focus was to put in place a framework for guaranteeing a stable security environment through a series of confidence-building measures before addressing the key political differences between the two sides. Hence the drafting of the special autonomy laws and the dialogue process followed separate tracks. While the COHA merged these two tracks to some extent, it still only

referred vaguely to a “review” of the special autonomy law and the holding of an “all-inclusive dialogue” as part of a possible political settlement. The vagueness of these provisions led to different interpretations. The core of the agreement was the restoration of security through a multistaged process of confidence building in which a cease-fire monitored by international observers would be followed by GAM cantonment of weapons and the withdrawal of security forces from an offensive posture. Only when these conditions were met could a process be established to address political issues such as special autonomy.

From the government perspective, the COHA represented a last-ditch effort at achieving a negotiated settlement at a time when military and political leaders were losing patience with the dialogue’s failure to produce measurable progress. Jakarta agreed to give the dialogue a final chance as it sensed that GAM might be vulnerable following the shift in the international climate after September 11. This at least was the view of HDC representatives who claimed that key government ministers were looking to the HDC to “deliver GAM to the government,” and were hoping that the COHA process might provoke international pressure on GAM to abandon its armed struggle and renounce calls for independence.⁵⁹ In this context, GAM’s concession to accept the special autonomy law as a starting point became a central element in the government’s strategy. Thus Jakarta claimed that GAM’s acceptance of the special autonomy law implied a commitment to accepting Indonesian sovereignty over the province. Far from backsliding on the law, the government was, during this brief period at least, placing the law at the center of its political strategy to force GAM into accepting Indonesian rule over the province.

GAM, however, had a very different interpretation of the agreement. In entering into a dialogue with Indonesian leaders, GAM was seeking above all to internationalize the conflict. Its leaders claimed that the acceptance of special autonomy, far from being an implicit recognition of Indonesian rule over the province, merely signaled that they were ready to negotiate by using the law as “a reference point.” For GAM’s military commanders in Aceh as well as its exiled political leadership in Sweden, the final draft of the law offered few concrete incentives to abandon a struggle that had lasted for nearly three decades and cost many lives. As we have seen, the law was drafted with little reference to GAM and ran

GAM, however, had a very different interpretation of the agreement

on a separate track from the dialogue going on between GAM and Jakarta. In fact, government officials had been successful in revising a number of provisions that effectively disqualified GAM from participating in elections for political office under the laws.

The basic disagreement between the two sides over the COHA sparked a war of words in the media as GAM spokesmen and government ministers issued conflicting interpretations of the agreement. While ministers claimed that a “review” of special autonomy implied GAM’s recognition of the law, GAM countered that the review was intended to allow the Acehnese to determine whether or not to accept special autonomy. Similarly, disagreement plagued the interpretation over provisions for direct elections, which the government denied were ever intended to include elections with participation of local parties. These contentious public debates in fact reflected the deep ideological and political chasm that separated the government and GAM.

While the COHA resulted in a dramatic improvement in the security environment in its first months, the underlying distrust between GAM and the government soon erupted into tensions. The military accused GAM, with some foundation, of misrepresenting the COHA to its supporters by claiming that it was the first step toward independence.⁶⁰ Echoing its criticisms of early peace efforts, the military accused GAM of using the respite in hostilities to step up political agitation among local communities and consolidate its military position. GAM, in turn, accused the government of using the agreement as a cover for intelligence activities.⁶¹ It claimed that military intelligence was documenting GAM members and their families as a prelude to targeting them in planned operations once the agreement was no longer in force.

Amid this cycle of claim and counterclaim, confidence building over joint security measures and monitoring as envisaged in the COHA was insufficient to bridge the political and ideological gap that separated GAM and the government. The HDC itself conceded that little progress had been made to build trust between the two sides.⁶² Reflecting the flawed design of the COHA, the main problem was not that a lack of security was preventing the dialogue from addressing political issues but rather that unaddressed political differences were triggering growing hostilities between the two sides. The link between the political and security aspects of the agreement was too vague and the sequencing too loose.

By March and April, as violations of the COHA escalated on both

sides, it was becoming increasingly clear that the military had lost patience with the process and was intent on discrediting the agreement. Across the province, military-backed demonstrations were held against the JSC monitoring teams in the field.⁶³ In Central Aceh, the first of these demonstrations turned violent with reports of TNI backing.⁶⁴ As clashes between the TNI and GAM continued to increase throughout this period, the province returned to previous levels of instability. In reality, it was not only the TNI that acted as spoilers of the agreement. GAM, too, was guilty of undermining the agreement by carrying out provocative acts that included attacks on military personnel and renewed efforts at raising funds and extortion through the so-called state tax (*pajak nanggroe*).⁶⁵

Against this background, military officers and political leaders stepped up their campaign to promote martial law for Aceh, calling on the government to launch a renewed military offensive to eliminate GAM. Advocates for martial law claimed that negotiations with GAM had not only failed to resolve the conflict but had actually fuelled separatism and internationalized the conflict. They claimed that GAM had used the dialogue as a way of strengthening its position on the ground as well as gaining international legitimacy. As opposition to the COHA grew, the agreement finally collapsed in May. The end of the COHA signaled the end of the formal dialogue process. The subsequent imposition of martial law signaled that the government had abandoned conciliation altogether in favor of coercive measures.

Martial Law

The government announced that martial law would be applied in Aceh from May 19, 2003. The announcement of martial law immediately boosted Megawati's popularity and the overall support for the government. Both had been seriously eroded since Megawati took office in the middle of 2001. According to opinion polls, Megawati's tough stance on Aceh received strong public approval with only 6 percent of people opposing military operations (Secretariat General, MPR-RI 2003a). When asked more generally about policy toward Aceh, 50 percent of Indonesians favored a military solution compared to only 29 percent who supported continuing dialogue. Megawati, known as a tentative decision maker, suddenly appeared as a decisive and tough leader in Aceh with presidential elections only a year away (Jones 2003).

With the unitary state retaining popular currency, the collapse of the

COHA triggered a revival of nationalist politics and warnings from military and political leaders that separatism posed a grave threat to the nation. Strong popular sentiment surfaced against GAM, reinforcing the swing against the government's conciliatory policies toward Aceh and Papua. Callers to radio talk shows, for instance, expressed strong sentiments against GAM and were overwhelmingly in favor of military action in Aceh (ICG 2003b: 3). While the imposition of martial law was a popular move, it resulted in the virtual suspension of the special autonomy law. Revenues allocated under the law continued to be disbursed to the province and the DPRD continued to draft implementing regulations related to special autonomy. But martial law represented the very antithesis of self-government that was the intended goal of special autonomy. With the military exercising near absolute powers, the special autonomy law became mere window dressing.

The provision for martial law in Indonesia's legal code derived from a draconian 1959 law on states of emergency that granted sweeping powers to the TNI as the Martial Law Administrator. Under this status, the authority transferred to the administrator extended well beyond military operations. The entire civilian administration was subordinate to the administrator. Postal service and telecommunications in the province came under the control of the military, which could also impose restrictions on the media and on printing facilities. Moreover, the military had the power to ban or restrict the movement of goods and people into the province as well as controlling all air, sea, and road transport. Martial law also curtailed basic civil rights. The administrator not only had the power to ban public demonstrations but could press people into forced labor. Authorities could detain suspects virtually without restriction: they could be held for 20 days without trial, a term that could be extended by another 50 days if the authorities chose to keep them. Granted such sweeping powers, the TNI was now able to assert a level of political control it had not enjoyed since authoritarian rule. These arrangements underline just how far government policy had deviated from the objectives of special autonomy.

The Martial Law Administrator moved quickly to assert his authority over the local bureaucracy. Officials across the province soon came under suspicion from the military of being GAM sympathizers. Furthermore, the administrator announced that the TNI personnel would replace village chiefs where the conflict had paralyzed village governance.⁶⁶ In the GAM

strongholds along the north and east coast, civilian government barely functioned as village heads and subdistrict officers had long been easy targets for combatants on either side.⁶⁷ Furthermore, the government claimed that it had to eliminate pro-GAM influences in local government and often implied that GAM had attempted to infiltrate the local administration. While no public evidence of such infiltration existed, it was common knowledge in Aceh that many officials had to play both sides during the conflict to ensure their own security.

*many officials had to
play both sides during
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their own security*

The military also placed severe restrictions on freedom of association and movement within Aceh. The Martial Law Administrator issued new identity cards to all residents and established checkpoints throughout Aceh. Some prominent NGO and student leaders, such as the women's right activist Cut Nur Asikin and SIRA Chairman Muhummad Nazar, were prosecuted and sentenced. While the fear of mass arrests of civil leaders did not materialize, the military's strategy was a targeted campaign of intimidation and detention. The police summoned the Muhammadiyah chairman, Imam Syuja', for questioning and raided his home. These actions against one of the province's leading religious figures sent a strong signal that any Acehnese regardless of position or status was subject to the wide-ranging powers the security forces now wielded. Fearing for their safety, many NGO and student leaders, numbering possibly several hundred, fled abroad and to other parts of Indonesia. Meanwhile the courts moved quickly to prosecute GAM suspects with both undue haste and disproportionate severity, imposing lengthy sentences rarely seen in Aceh.⁶⁸ The lightning speed of GAM prosecutions raised serious doubts about the integrity of these trials. It also reinforced the impression that the government was intent on dispensing summary justice rather than guaranteeing the rights of the Acehnese to a fair trial.

The implementation of martial law recalled key aspects of previous authoritarian rule, at least in the unconstrained power now at the TNI's disposal, illustrating how far Aceh had moved from the ideals of special autonomy. Many of the patterns of political control of the New Order era returned. In particular, the screening of civil servants (*litsus*) to confirm their loyalty to the state and the military's call to wipe out (*membasmikan*) and eliminate (*mengganyang*) the separatists recalled the New Order's purge of the Indonesian Communist Party over three decades earlier

(Jones 2003). Similarly, the military encouraged various youth groups and other civilian paramilitaries to mobilize demonstrations in support of martial law and Indonesia's unitary state.⁶⁹ These actions were part of a larger effort to stigmatize opposition to martial law and limit public debate. Political commentary was permissible only when it was couched in terms of supporting martial law and declaring loyalty to the state.⁷⁰

In this oppressive environment, government propaganda stressed the virtues of showing loyalty to the unitary state, known by its Indonesian acronym NKRI. This campaign recalled the stultifying environment of the New Order in which citizens pledged their support for the state ideology, *pancasila*, and the 1945 constitution. The notion of NKRI became an increasingly popular formulation in public discourse both in Jakarta and in Aceh and came to function in much the same way as *pancasila* had done during the New Order—as the key ideological construct of state nationalism. Under martial law, ceremonies across the province took place in which local officials and ordinary citizens were compelled to pledge their allegiance to NKRI. Military spokesmen cited such exhibitions of stage-managed nationalism as a key indicator of the military's success in winning the support of the Acehnese. Officials proudly proclaimed that growing numbers of Acehnese were pledging their loyalty to the state. In reality, these demonstrations of loyalty reflected the extent to which the government was now relying on coercion to integrate Aceh into the state.⁷¹

While the TNI's tightening political control suspended the authority enjoyed by local powerholders under special autonomy, the main element of the government's strategy was the military campaign to eliminate GAM. Under martial law, the military launched the most extensive operations ever seen in Aceh. Military officers explicitly tied the success of martial law to the TNI's ability to root out GAM, claiming that they would need six months to neutralize the resistance. Martial law was in fact lifted after a twelve-month period in May 2004, though intensive military operations continued.

As part of its strategy, the government sought to complement security operations with "integrated" measures on humanitarian assistance and improved governance. This was intended to create the conditions for restoring local governance in the province. To this end, coordinating ministers Yusuf Kalla and Susilo Bambang Yudhoyono took the lead in planning initiatives on humanitarian relief and local governance. They recognized that perhaps the most urgent task in Aceh was to revive the

province's ailing administration by "setting in motion the wheels of government." Kalla and Yudhoyono released substantial funds to allow for a humanitarian response to military operations. Responding to concerns that corruption in the provincial government was an obstacle to realizing these plans, Yudhoyono's office set up a monitoring team with the goal of ensuring the use of central government funds in a transparent and accountable way.⁷² This orientation held out the prospect that the government might turn again to the special autonomy law as a key element in its post-martial-law strategy.

The government's strategy during the martial law phase, however, faced two hurdles. First, GAM's military leadership was able to retreat to isolated areas and evade engagement with security forces. While the TNI's "counterinsurgency" approach targeted GAM's popular support base in the villages and towns, military pursuit teams were less successful at capturing or killing GAM's main commanders. With its leadership still intact, GAM had not been eliminated and the possibility that it might again challenge central authority in the future could not be discounted. Second, the restoration of local governance was complicated by widespread corruption and ineffectiveness within the provincial administration. If the ultimate goal of martial law was to create the conditions in which the government could function again, the military required a local administration with at least some credibility when martial law was lifted. Without an effective administration to hand power to, the military's efforts of neutralizing GAM were vulnerable to reversal. In the weeks preceding the imposition of martial law, local reformers intensified their campaign to unseat the governor. While some senior ministers such as Yudhoyono expressed concerns about the poor performance of the provincial government, other national leaders weighed into the debate by rejecting demands that the controversial Acehnese governor Abdullah Puteh be removed.⁷³

Within less than a year, however, the Martial Law Administrator, Maj. Gen. Endang Surwarya, began to promote investigations into corruption of the provincial government. By the early months of 2004, the military had become directly involved in summoning suspects, high-ranking officials, and subjecting them to interrogation. By May, with the end of martial law and the application of civilian emergency, Puteh's future appeared unclear as he was now the subject of an investigation by the government's counter corruption commission that implicated him in corrupt activities.⁷⁴

Papua: From Backsliding to Conflict

Backsliding

While developments in Aceh raised concerns that martial law would be imposed on Papua, Security Minister Yudhoyono offered reassurances that the government was not considering this option.⁷⁵ The security forces had already cracked down on pro-independence mobilization following the

From this time on, a repressive security posture was adopted

Papuan People's Congress in 2000. From this time on, a repressive security posture was adopted that contributed to the demobilization of pro-independence constituencies. Rather than step up these coercive measures through martial law, the government's strategy was to rework the legis-

lation governing Jakarta's relations with Papua. This strategy involved diluting the special autonomy law and adopting alternative legislation to divide the province and weaken Papuan unity.

When assuming office in August 2001, President Megawati had recommitted the government to implementing the special autonomy law for Papua, a claim that was reiterated by senior ministers throughout 2002.⁷⁶ But even as ministers were issuing such statements, key elements within the government were expressing strong reservations about the sweeping concessions the DPR had surrendered to the province. Megawati's accommodation of military interests and her strongly nationalist orientation were further valid reasons for Papuans to remain skeptical of the government's commitment to special autonomy. Skepticism deepened as the implementing regulation establishing the Papuan People's Assembly (MRP) languished in the central bureaucracy. Papuan officials, including the governor and the DPRD chairman, made repeated visits to Jakarta to seek clarification on the progress of the implementing regulation.⁷⁷ They were greeted with contradictory policy statements by ministers. Thus, according to the visiting Papuans, while Home Affairs officials told them the draft regulation was being reviewed by the coordinating minister for politics and security, the minister's staff claimed that Home Affairs was responsible for delaying the regulation.⁷⁸

Eventually, in February 2003, the Papuan delegation reported that officials had declared their misgivings over the draft, claiming that the MRP was envisaged as a "political superbody" under the draft regulation.⁷⁹ Officials reportedly claimed that not only was this unacceptable to the

central government, but it was a violation of the principle of Indonesia as a unitary state. The MRP's function, according to government ministers and officials, was to provide "cultural representation" for native Papuans; it was never intended as a political body. Papuan advocates of the law, however, pointed to specific provisions of special autonomy stating that the MRP had certain defined powers including veto rights over government legislation that impacted on native rights. Officials were essentially denying the key concession that had been granted in the special autonomy law by the national legislature—reflecting the shifting balance of power away from the legislature to a resurgent central bureaucracy.

If delaying the MRP regulation was a clear indication of Jakarta's waning commitment to special autonomy, moves to split Papua into three separate provinces represented an even clearer departure from the law. On January 27, 2003, Megawati issued a presidential decree instructing Home Affairs to accelerate efforts to implement Law 45/1999 mandating the division of Papua into three provinces. The Habibie government had abandoned this plan in 1999 due to widespread popular opposition in Papua. Throughout 2002, however, a number of different Papuan delegations from outside Jayapura visited Jakarta, including a group of 300 Papuans who met with Megawati in September 2002 to express their desire for the establishment of new provinces. Initially Megawati had signaled that her government would not accede to these demands.⁸⁰ When the Inpres was suddenly announced, therefore, it shocked Papuan officials and community leaders who were genuinely ignorant of the government's plans. It also gave rise to the impression that although Megawati had signed the instruction, the initiative for the policy had come from other quarters within the government—namely the Home Affairs Ministry and the State Intelligence Agency (BIN).

Papuan advocates of special autonomy immediately condemned the government's dramatic policy shift.⁸¹ The Inpres, they claimed, reflected a broad lack of transparency that had come to characterize government policymaking on Papua. They also questioned the legality of the decree, pointing out that Article 76 of the special autonomy law explicitly required that any subdivision must obtain approval from the DPRD and the MRP, an institution not even yet established. Papuan leaders stressed that they were not opposed to the creation of new provinces, an idea that had been discussed since the New Order period. Papuan opposition focused instead on the process by which the new policy had been created.

In subdividing the province without reference to the mechanisms of consultation outlined in the law, the central government was essentially riding roughshod over special autonomy. Thus with the stroke of a pen, in what amounted to executive fiat, Megawati had circumvented the historic political decision made during the MPR's annual session in 1999. Megawati's disregard for special autonomy underscored the political elite's still fragile commitment to the principle of the supremacy of law.

Official Anxieties

As the wide-ranging devolution of powers granted in the special autonomy law raised serious objections in Jakarta, the extent of Jakarta's anxieties toward Papua's place in the state became increasingly apparent. Home Affairs Minister Hari Sabarno claimed that the MRP could "spark national disintegration" and create "a state within a state."⁸² These comments related to fears that the MRP might become dominated by pro-independence groups—fears that would have only been heightened by knowledge that the Presidium was readying candidates to compete for positions in the MRP.⁸³

Such concerns were clear in government policy statements that provided a penetrating view into the thinking behind Jakarta's change of direction on Papua.⁸⁴ During 2002–03, the problem of separatism in Papua was hotly debated within the government. Four main themes stand out: first, Jakarta's suspicions of the Papuan elite and a fear that growing unity among Papuans represented a major threat to Indonesian rule; second, the fear that implementation of the far-reaching provisions of special autonomy would lead down the path of national disintegration; third, accusations that foreigners had economic and political interests in promoting Papua's secession from Indonesia; and fourth, an integrated strategy had to be developed to counter the separatist threat.

The government's strategy was outlined by the National Resilience Institute (Lemhannas), a government think tank that had an important role in analyzing security threats and planning security policy. Lemhannas argued that partition was "the best solution to overcome the threat of national disintegration" and linked partition to a broad strategy of dividing the pro-independence movement in Papua. According to this strategy, partition would "isolate . . . opportunistic groups who claim to speak on behalf of all Papuans" and "divide the physical capacities" of armed groups into three fronts in each of the provinces. The establishment of new

provinces would also encourage the elites in these provinces to “compete with one another to get political attention from the central government,” rather than joining together against Jakarta. Furthermore, partition would undermine any future campaign for a referendum, as it was unlikely that the provinces would act in concert to make such demands, considering that each province would have autonomy from the others.

In harboring concerns about Papua’s weak integration into the state, Indonesian leaders also expressed unease that Papua’s rich resource base provided strong incentives for separatism. Such unease was reinforced by nationalist perceptions that foreign interests were working to break up Indonesia. Megawati herself touched on these concerns when speaking before Indonesian students in New York on her visit to the United States in September 2003. She claimed that that foreign countries were “eyeing off” Papua and recalled that the Greek tycoon Aristotle Onassis had once made an offer to Sukarno to lease Papua from Indonesia. She also claimed “there are those who always want to put across the impression that Papuans are curly haired and therefore their own tribe” and that it was Indonesia’s right to defend its own independence.⁸⁵

Security officials regularly charged that foreign interests were behind calls for separatism, a theme that became frequent throughout 2003.⁸⁶ The government claimed that foreign NGOs, especially from Australia, were active in supporting Papuan separatists. A TNI spokesman declared:

Security officials regularly charged that foreign interests were behind calls for separatism

The preconditions for this easternmost province separating are visible, like the pattern with East Timor previously. A number of foreigners are suspected of being involved in stirring up the situation. We have seen a lot of foreigners creating the preconditions in Papua disguising themselves as journalists and NGO activists. Those foreigners who are disguising themselves as journalists we have recorded at about 20 people. We suspect them of undertaking intelligence activities there. . . . The Aceh demands did not get international support at all. But for Papua there are countries that are secretly providing support to separatists there. This is dangerous and must be prevented from early on.⁸⁷

In response, central government officials and their local clients in Papua waged a political campaign against special autonomy. This cam-

campaign echoed the ways in which officials had discredited the dialogue process in Aceh. A key exponent of this campaign was the Papuan Jimmy Ijie of the shadowy Irian Jaya Resource Center. Ijie, who reportedly had links to BIN, had sent a letter to BIN Chief Hendropriyono in July 2002 claiming that special autonomy was leading down a dangerous path to separation.⁸⁸ One of the key themes of Ijie's complaints related to allegations that Governor Solossa had misused special autonomy funds. Ijie claimed that Solossa, a Golkar Party chairperson, was channeling funds from special autonomy revenues into the Golkar war chest. While such allegations remained unsubstantiated, these charges resonated in Jakarta's political circles and rivalry between the parties sharpened in the lead-up to elections in 2004. The lack of transparency in budgeting for the special autonomy funds gave Solossa's enemies plenty of ammunition to attack the governor. The Home Affairs Ministry latched onto these allegations and questioned the integrity and capacity of the provincial administration to implement special autonomy.⁸⁹ The allegations of corruption provided a justification for Home Affairs to hold up the distribution of special autonomy revenues to the provincial government.⁹⁰

Solossa's failure to promote basic transparency in his government was seized upon by his opponents. The campaign against him reached new heights when one of PDI-P's most senior officials publicly accused Solossa of being part of the OPM.⁹¹ These attacks had their desired effect as officials and nationalist politicians publicly argued that special autonomy had been hijacked by vested interests and had not resolved the "Papuan problem." As one PDI-P member and former military commander in Papua put it:

We don't regret granting special autonomy to Papua. But special autonomy has not been the answer to problems on the ground. Maybe Law 45/1999 can provide more of an answer to the problems. There is a need to distribute the benefits of special autonomy. So far this has only been enjoyed by the coastal elite in the governor's office. If there are three provinces, other Papuans will be able to vie for governorships and this will improve people's welfare.⁹²

The rift between central government ministries and the province was becoming increasingly evident as the partition policy provoked new tensions and disaffection with Jakarta. The decree had been greeted with disbelief from the local Papuan elite that had advocated special autonomy. The

governor himself cautiously expressed his misgivings about the decree while religious leaders condemned the government.⁹³ Academics, including well-known legal experts, sharply criticized the government's plan in local and national media, urging a reconsideration of the policy.⁹⁴ Meanwhile, legal experts in Jayapura carried out a detailed analysis of the presidential decree, providing the basis for the DPRD to mount a legal challenge by submitting a request for judicial review by the constitutional court.⁹⁵

Mounting Internal Conflicts

The emergence of opposition among Papuan intellectuals and the provincial government, however, did not cause the central government to reverse its policy. Pressure to accommodate regional demands had eased substantially since the height of pro-independence mobilization when Jakarta had been forced to grant concessions.

Predictions that the partition plan would reignite separatist pressures did not eventuate. While the presidential instruction provoked local elite opposition and sporadic protests, local leaders failed to galvanize a broad front of regional opposition to Jakarta. In limiting participation mainly to provincial elites, the special autonomy initiative failed to generate political demand for its continued implementation. The Presidium, for instance, maintained a focus on the independence struggle; its key spokesmen claimed that the government's moves merely vindicated their early skepticism about special autonomy.⁹⁶ Similarly, student and *adat* leaders were not sufficiently galvanized against the plan to mount large protests. Moreover, the policy of subdivision achieved its intended effect of dividing the Papuan elite.

The main intellectuals who advocated special autonomy looked to the governor to provide leadership in opposing Jakarta's policy. Solossa, however, fearing a confrontation with Jakarta, failed to act decisively in opposing the partition plan. Having made his career within the bureaucracy, he had a cautious disposition that was reinforced by the tenuous position he found himself in as rivals within the provincial government undermined him and rumors circulated in Jakarta that he was secretly promoting a separatist agenda. But there was another factor militating against Jakarta reversing its policy: Papua no longer resonated as a political issue in Indonesia, except in relation to the threat that separatism posed to national unity. This shift in sentiment reflected the fatigue that had set in regarding "reformasi" due to a prolonged period of crisis and economic stagna-

tion. The wide-ranging concerns over human rights voiced in the public debate immediately after the resignation of Suharto—concerns that had elicited a groundswell of sympathy for Aceh and Papua—were by 2000 rapidly fading. This shift occurred as Indonesians became increasingly preoccupied with their basic economic and physical security. As public sentiment shifted, the government could accept the relatively insignificant cost of provoking disorganized local opposition in a province that contained only 1 percent of Indonesia's total population. In reality, therefore, the advocates of special autonomy were in a weak position to defend the law and resist implementation of the partition plan.

Weakening their position further were divisions within the local bureaucracy that derived from long-standing rivalries. This struggle for power within the local government surfaced almost immediately following the issuing of the presidential instruction. A former vice-governor of the province and retired marine general, Abraham Atururi, who also had an intelligence background, had seen his appointment as Governor of West Irian Jaya under Habibie effectively voided as the partition plan was shelved due to strong popular opposition in 1999. Within days of the 2003 presidential instruction being issued, Atururi had gone to the West Irian Jaya capital of Manokwari to install himself as governor of the new province, reclaiming his position.⁹⁷ While Atururi's appointment had not been officially recognized by Home Affairs, he reportedly had strong backing from BIN. The DPRD chairman, Jon Ibo, claimed that Atururi had presented to him a letter from BIN Chief Hendropriyono instructing Atururi to take up his position as governor of the new province.⁹⁸

With such backing Atururi quickly moved to assert his authority over the local bureaucracy.⁹⁹ Crucially he received support from the district head of Manokwari, who had been dissatisfied with the redistribution of funds from special autonomy to the districts. Meanwhile opponents of subdivision mounted strong legal arguments against the government's plan, raising serious questions about the legality of Atururi's precipitous move.¹⁰⁰ As opposition to Atururi mounted, the self-appointed governor tapped into deep-seated tribal and regional sentiments. Claiming that outsiders always spoke for the local tribes in Manokwari, he proclaimed that his governorship would usher in a new era in which local tribes could speak for themselves.¹⁰¹ He also made regular references to the spiritual significance of Manokwari as being the first place where foreign missionaries had settled in Papua, bringing Christianity with them.¹⁰² Atururi was par-

ticularly attentive in cultivating support among the majority Arfak tribe that had traditionally claimed to have been discriminated against by government policies favoring other tribes.

The use of such tribal and anti-Jayapura regional sentiment no doubt had its source in legitimate grievances over decades of neglect and the subsequent failures of governance in the post-Suharto era, including the uneven distribution of special autonomy revenues. But Atururi's politics raised serious concerns that opportunistic local officials with their Jakarta patrons were manipulating tribal sentiment. Many religious and *adat* leaders were particularly concerned about the specter of rising tribalism erupting into conflict and dividing Papuans. These fears were to a certain degree realized as the presidential instruction set off a chain reaction of demands from local officials and their supporters throughout Papua. A host of local leaders, with supporters in tow, made visits to Jakarta to demand the establishment of their own province. Far from rejecting the partition, therefore, some Papuan officials outside Jayapura saw an opening to stake their own claims to governorships linked to the establishment of new provinces. This image of Papuan disunity weakened Jayapura's leverage in opposing the implementation of subdivision.

The divisive impact of the presidential instruction was illustrated when attempts to establish the province of Central Irian Jaya provoked violent clashes between supporters and opponents of partition in the mining town of Timika in August 2003. Opponents then stepped up their criticism of the government's policies claiming they were creating conflict and discord within the community. The chairman of the DPR and the Golkar Party, Akbar Tanjung, and key commission members claimed that the partition law was no longer valid and called for the government to implement special autonomy.¹⁰³ Akbar had been a strong opponent of the partition policy—not surprising since the main supporters and beneficiaries of special autonomy were the governor and the DPRD chairman who were key Golkar leaders. Presidium Chairman Thom Beanal also attacked Jakarta for its divisive policies.¹⁰⁴ Perhaps the strongest criticisms came from church leaders who called on the central government to stop its “inconsistent and arrogant attitude” and implement special autonomy immediately.¹⁰⁵

Many religious and adat leaders were particularly concerned about the specter of rising tribalism

In response to this violence—and the criticisms it provoked—the government was forced to postpone plans to establish Central Irian Jaya province. Following a cabinet meeting in September 2003, Coordinating Minister for Politics and Security Susilo Bambang Yudhoyono announced that the government would immediately synchronize the special autonomy law with Law 45/1999 on subdividing the province.¹⁰⁶ Yudhoyono stressed the importance of the continued implementation of special autonomy.¹⁰⁷ The government's attempts to push through its partition plans amid considerable opposition in Papua triggered growing differences within the political elite; indeed, some ministers and legislators argued that these divisive policies were counterproductive. In stark contrast to the tone of Yudhoyono's remarks, the home affairs minister remained unapologetic about the deadly consequences of the government's policies.¹⁰⁸ Rejecting demands that the government reverse partition, Sabarno claimed the policy had a strong legal basis.

In reality, however, Sabarno understood that the success of Jakarta's policy hinged less on legal arguments than on the government's ability to weather criticisms. Opposition to the government did not inflict the kind of political damage that would have forced a reevaluation of policy. In fact by September, at the height of the fallout from the Timika violence, the government continued to revise the MRP legislation. While Sabarno warned that forming the MRP was still "proving problematic," Justice and Human Rights Minister Yusril voiced specific government concerns over the MRP's veto right.¹⁰⁹ Even prior to the Timika violence, it was clear that those elements defending special autonomy for Papua had little remaining leverage over the government to reverse its divisive policies. This was illustrated when the MPR convened in annual session in 2003 and issued a decree recommending that the government "fully implement the special autonomy law" and ensure that the partition law be made consistent with the special autonomy law (Secretariat General, MPR-RI 2003b).

But constitutional amendments and changes to the MPR's standing orders weakened the MPR's position vis-à-vis the central government. Not only could it no longer impeach the president, but the MPR's role as Indonesia's supreme lawmaking body was also to be phased out in 2004 under a constitutional amendment that established a more conventional presidential system of government. The pendulum of executive/legislative relations had swung back in the executive's favor. Reflecting this shifting

balance in power, the MPR decree on Papua was in the form of a recommendation only and thus not binding on the government. Not surprisingly, the decree had little force and did not cause Jakarta to change its policies in Papua.

With a resurgent bureaucracy ascendant over the legislature on policymaking over Papua, the main strategy of the provincial government and the DPRD was to prepare a legal challenge to the presidential instruction. Under the amended constitution, the principle of “judicial review” was introduced into Indonesia and a new constitutional court was established to adjudicate on matters pertaining to violations of the constitution. A provincial legal team under the auspices of the DPRD submitted a legal challenge to the government’s partition policy. Papuan leaders hoped that the court would check the executive’s attempts to disregard the Papuan autonomy law.¹¹⁰ If the court voids the partition of the province on the grounds that it was unconstitutional, such a decision would have a major, if as yet unclear, ramification for Papuan autonomy.

Amid these efforts, however, the Home Affairs Ministry continued to draft a packet of revised laws and regulations intended to dilute the special autonomy laws and provide legal cover for continuing with partition. This packet, drafted by the end of 2003, included amendments to the special autonomy law and the partition law, a government-drafted regulation establishing the MRP, and a draft presidential decree mandating the continued implementation of partition. After months of legal uncertainty and confusion, the government was moving to bring some consistency to its policy framework on Papua. Jakarta was intent on refocusing Papuan policy away from the original intent and purpose of special autonomy.

The drafts not only advanced the government’s partition plan but also significantly reduced the powers of the MRP. Under the revised draft, the MRP was not a single body but separate institutions in each of the new provinces. The new draft also eliminated the MRP’s power to veto certain government policies. Furthermore, the revised draft changed the process by which MRP representatives were to be selected. In the original draft, members were to be elected through “democratic means,” while Home Affairs was insisting that candidates be nominated through “community consultation” (*musyawarah*), a process regulated by ad hoc government committees. This selection process recalled the New Order when government-sponsored *musyawarah* was used to exercise strict political control and stifle democratic aspirations. This fundamental alteration in the selec-

tion process was related to concerns that elected representatives for the MRP would have strong popular legitimacy, converting the MRP into a political superbody. The revised draft was also aimed at preventing the possibility of pro-independence candidates being nominated. People who had been charged with subversion were prohibited from becoming candidates, a requirement that would have ruled out many Presidium supporters.

Taken together these changes represented the culmination of the government's strategy of blunting the independence movement by dividing the province. The draft regulations not only undermined the fundamental precept of special autonomy, based on recognizing cultural and ethnic rights at the provincial level, but weakened the centerpiece of special autonomy: the establishment of an indigenous assembly that had both popular legitimacy and defined powers to guarantee the rights of Papuans.

Lessons

The laws on special autonomy granted far-reaching concessions to Aceh and Papua that centered on recognizing special rights for the two provinces. These concessions appeared to signal a departure from the way Jakarta had addressed regional grievances at least since the 1960s. Indonesia's new democratic government was offering "asymmetric autonomy" to Aceh and Papua as a way to resolve the conflicts. This offer, however, was made from a position of weakness. Provincial elites in Papua and Aceh were able to gain concessions from the central government at an "opportune moment" of Indonesia's democratic transition when central authority was at its weakest. As these challenges receded, the government was able to reconsolidate central authority. With the political imperative to grant concessions to the regions diminishing, the government pursued an alternative strategy of imposing martial law in Aceh and subdividing Papua to clamp down on pro-independence political activity. By 2003, these new policies had eclipsed special autonomy and signaled a return to a more coercive, less accommodating, posture.

Initially special autonomy seemed to offer a novel redefinition of Indonesian nationalism

The political objective of special autonomy was directed not only at assuaging provincial elites but at responding to international concerns about Balkanization. Initially special autonomy seemed to offer a novel redefinition of Indonesian nationalism by recognizing special rights for ethnic minorities within the state. But this promise turned out to be illusory.

With the policy shift in 2003, the government was reverting to divide-and-rule tactics that elevated uniformity over diversity in the state's management of ethnic relations. Granting major concessions to Papua and Aceh was not intended to signal a new approach to the periphery; rather it amounted to a temporary step to keep the country together.

While there was a common pattern in the government's faltering commitment to both Aceh and Papua, there were also key points of divergence between the two provinces. In the case of Papuan autonomy, government backsliding took a more direct form with the introduction of policies that directly undermined the law's implementation. Opposition to Papuan autonomy was fuelled by anxieties in Jakarta regarding the province's weak integration into the state. These anxieties derived from suspicions among officials in Jakarta toward the Papuan elite and its loyalty to the unitary state. In Aceh, by contrast, the government was more anxious about the risk of the dialogue process internationalizing the conflict than it was about the special autonomy law. In fact, officials and military leaders supported the implementation of Islamic law for Aceh, a central element of special autonomy. Jakarta's fears of separatism in Aceh focused largely on the military threat posed by GAM and did not extend to casting wider suspicions on the elite's loyalty to the same extent as in Papua.

Central government officials were far more anxious about what they saw as Papua's incongruent place in the Indonesian state. This uneasiness among state officials regarding Papuan difference defined the limits of Indonesian civic nationalism. Whereas Indonesia was characterized by its multiethnic community and by civic principles, government officials tended to see Papua in exceptional terms as being outside the Indonesian cultural and ethnic mainstream. In many ways, it was central government officials, as much as pro-independence leaders, who defined Indonesia's cultural boundaries in ways that excluded Papua. Local intellectuals even argued that the real separatists in Indonesia were government officials whose policies had alienated Papuans from the state.¹¹¹

This case study of the Indonesian experience with special autonomy leads us to the familiar conclusion, echoed in the comparative literature, that autonomy arrangements are typically fragile and vulnerable to reversal. There are specific conditions that militate against the adoption and retention of special autonomy to resolve separatist conflict. The case studies on Aceh and Papua presented here reveal at least five general factors

that typically impede the adoption or full implementation of special autonomy—factors that have relevance to other countries:

- Special autonomy granted under the condition of weakening central authority is vulnerable to reversal if external and internal pressures ease on the state and central power is reconstituted.
- The extent to which societies are ethnically divided helps to explain why many governments fail to muster the political will to entrench autonomy arrangements. Walter (2003) has shown how reservations toward autonomy are strongest in ethnically diverse societies where the state faces more than one ethnonationalist threat. Indonesia's faltering commitment to special autonomy confirms these broad experiences—reflected in official concern that conceding special rights to Papua and Aceh would trigger a cascade of similar demands from other regions.
- The historical experiences and perceptions of national elites can also result in resistance to (or faltering support for) special autonomy arrangements. In the case of Indonesia, the national elite's perceptions have been shaped by specific historical experiences of ethnic and religious threats to the state. Such threats have traditionally been addressed by developing central political institutions and tightly integrating the regions into the state. The special autonomy laws, by contrast, represented a break from this history by providing for the establishment of autonomous institutions at the provincial level and the protection of minority ethnic rights. Indonesia's commitment to defending a strong unitary state has bred both a reluctance to give up central power and a deep ambivalence regarding special autonomy—an important element in the government's backsliding on the laws.
- Special autonomy can be undermined by weak and corrupt local governments—the very agents to which power is devolved and control of resources is entrusted. As the Aceh and Papua laws were passed down to the provinces for implementation, it soon became clear that the local governments charged with exercising new autonomous responsibilities were too weak and corrupt to capitalize on the laws and build public support for them. Secessionist struggles tend to breed weak local governments and conflict economies that have a vested interest in perpetuating violent conflict.

- Absence of the rule of law is another major impediment to the consolidation of special autonomy arrangements. In light of the reluctance of central authorities to cede special powers, the temptation of elites to backslide on concessions is very great when political conditions allow. If there is a strong tradition of disregarding the law and ruling via executive fiat, there is little to prevent a repudiation of special autonomy altogether. In Indonesia's case, the legal system had for decades been subordinated to the capricious and arbitrary rule of the Suharto regime. The postauthoritarian elite that emerged after 1997 wavered in its commitment to establishing the rule of law—which has yet to be entrenched either as a key element of Indonesia's emerging democratic political culture or as a regulating principle for political institutions. In this context, special autonomy became vulnerable to reversal. When it suited Indonesia's political leaders to do so, for instance, they simply disregarded Papuan autonomy, violating the law by adopting alternative policies. Furthermore, the continued impunity with which the military acted in Aceh and Papua eroded many of the rights that the laws were intended to protect.

This brings us back to the main thesis: special autonomy, in and of itself, is not a sustainable framework for resolving separatism. Any concessions granted to restive regions through autonomy must be part of a broad approach to resolving conflict through bargaining and negotiation. As Ted Gurr (2000) has concluded in his global study of ethnonational movements, the most successful autonomy packages tend to be the product of a negotiated settlement between governments and rebel movements. In the case of Indonesia, special autonomy represented less a product of negotiation than a concession to local officials and academics without reference to the counterelites who were calling for independence. The special autonomy laws were devised and implemented on a separate track from efforts to directly engage the leaders of separatist movements. In the case of Aceh, the government was involved in an internationally facilitated dialogue with GAM. Only late in the process did special autonomy become part of formal negotiations between GAM and the government—and even when it did, reference to special autonomy only included a vaguely worded phrase

At no time did the process produce a political roadmap the two sides could negotiate

about the law being a starting point for future discussions. At no time did the process produce a political roadmap the two sides could negotiate over. As special autonomy and dialogue proceeded on largely separate tracks, attempts to find a solution to the Aceh conflict failed to get any political traction. In a similar vein, the government's drafting of the Papua law was carried out with little reference to pro-independence leaders. In fact, the government had abandoned dialogue with local independence leaders long before the special autonomy law had been passed by the DPR.

While the approach of granting unilateral concessions allowed Jakarta to divert growing domestic and international pressures, it failed to achieve much progress in resolving the conflicts. This is all the more salient when one recalls that the significant concessions the government was offering through special autonomy were met with either ambivalence or outright opposition in both provinces. In unilaterally offering concessions that compromised basic national principles, Indonesian political leaders were giving ground but even so they ultimately failed to engage either separatist leaders or other key elements of civil society. This failure reduced the impact of special autonomy in at least two ways. First, the lack of a systematic negotiation process meant that special autonomy never generated the demand necessary to drive continued implementation of the laws once political conditions turned against the regions. The most striking theme of the government's backsliding was that it provoked opposition in the regions that was neither sustained nor well organized—allowing central government officials to adopt more coercive measures with relative ease. Second, while the concessions in the laws were far-reaching, special autonomy was not granted at the level of local political society and therefore offered few incentives for pro-independence leaders to abandon separatist goals. There were no meaningful provisions in either law, for instance, that would have enabled the establishment of local parties. Parties remained national and were regulated under national political laws. Exacerbating this limitation, several provisions in the laws were designed implicitly to prevent participation of pro-independence elements in direct elections of local government heads—thus ruling out persons who had formerly been charged with sedition or had previously had dual citizenship.

What, then, are the future prospects for special autonomy in Aceh and Papua? While this study has highlighted Jakarta's backsliding on special autonomy, the laws are still in place, revenues from autonomy continue to be allocated, and implementing regulations continue to be enacted, at least

in an ad hoc way. It is not out of the question, therefore, that changing political circumstances—such as the advent of a new government or the emergence of another “opportune moment”—might result in the government once again striking a committed posture in regard to special autonomy. Indeed, with the lifting of martial law in Aceh in May 2004, the province may again begin to exercise its responsibilities under special autonomy. Even in the waning months of martial law, the long-awaited Qanun on direct elections was passed, paving the way for elections of local government heads from 2005. The possibility that the government may become more committed to the Papua law represents a less likely option due to the widespread anxieties in Jakarta regarding Papua. Nevertheless, the regulation establishing the MRP may eventually be issued by Jakarta and the government may also move to mollify Papuan discontent over the partition of the province. One of the most ironic outcomes of the government’s partition plan was to soften local opposition to the law and boost popular support for special autonomy for the first time, including from the Presidium. A factor that could have a major bearing on the fate of the Papua autonomy law is the Constitutional Court’s expected decision over whether to void the partition policy on the basis that it is unconstitutional.

But even if there is a swing back toward qualified support for special autonomy, the government will need to move beyond the ad hoc policy response that has marked previous efforts to address the Aceh and Papua conflicts. Neither ad hoc unilateral concessions nor a shift to coercive measures has resolved separatist conflict in Aceh or Papua. In fact, the adoption of more coercive means has not addressed the underlying causes of injustice driving the conflicts; on the contrary, it has exacerbated the alienation of local populations from the state.

What has been missing to date is a systematic bargaining process between Jakarta and the regions—one that links concessions granted under the laws with a wide-ranging dialogue involving key elements of Acehnese and Papuan society. It is only by linking concessions with dialogue that the protest and rebellion which have long plagued Aceh and Papua might one day become transformed into peaceful forms of political participation that accept the underlying legitimacy of the state. In the absence of such a comprehensive process, Aceh and Papua are likely to represent a continuing source of conflict and secessionism for the Indonesian state.

Endnotes

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1. During the period covered in this study, the name Irian Jaya Province was changed to Papua Province. The province's name has officially been changed on several occasions, reflecting the tumultuous history of the territory. Under Dutch rule, the territory was known as Dutch New Guinea or West New Guinea. In his campaign to wrest control of the territory from the Dutch, Sukarno renamed the province Irian Barat or West Irian. The name was then changed to Irian Jaya under the Suharto regime. In 2000, President Abdurrahman Wahid, in an effort at reconciliation with local leaders, renamed the province Papua, a move that provoked considerable controversy in Jakarta although it was eventually accepted and enshrined in law. To make matters even more complicated, Papuan nationalists often refer to the territory as "West Papua."
2. See Walter (2003) for this theme. Numerous examples of such states come to mind. Russia's policies over Chechnya, the Ukraine's steadfast opposition to autonomy, and the Spanish government's refusal to countenance a referendum for the Basques for fear that it would trigger similar demands in other parts of the country are just three recent examples.

3. These arguments of ethnic difference are contentious and their simplicity obscures a much more complex reality. “Melanesian” traits can be found in the neighboring island of Ambon, and languages similar to those spoken in Papua can be found as far west as Timor. To further complicate matters, Austronesian languages common throughout eastern Indonesia are also spoken along the coast of Papua New Guinea (PNG) and further to the east. In both Papua and Papua New Guinea a strong division exists between coastal peoples and those in the interior. In PNG, many highlanders define themselves as New Guineans in contrast to the Austronesian-speaking “Papuaans” of the coast.
4. In contrast to the discourse of ethnic difference that underpins Papua’s separatist movement, Indonesia’s claim to Papuan territory has been historical in that Indonesia is the successor of the Dutch colonial state and retains the boundaries of that political entity, which included Papua. Indonesian nationalist historians have even claimed links between Java and Papua going back to the ancient Majapahit kingdom as the basis for Indonesia’s modern-day claims on Papua (Bachtiar 1963). Papuaans have contested this narrative, focusing on more recent history and the “betrayal” by the UN and Western countries in the transfer of sovereignty from the Dutch to Indonesia.
5. Interview with Dewi Fortuna Anwar, Canberra, September 27, 2002.
6. For a broad discussion of how “opportune moments” lead to calls for secession see Bartkus (1999).
7. Interview with Maj. Gen. (ret.) Sembiring Meliala, Jakarta, July 20, 2003.
8. Interview with Acehese official who attended a meeting with the visiting minister, Banda Aceh, July 8, 2002.
9. For a compilation of the various special autonomy drafts see Hamid (2002).
10. Interview with Farhan Hamid, Jakarta, August 11, 2003.
11. Interview, Banda Aceh, July 8, 2002.
12. The police were particularly opposed to the bill on the basis that it was “federalist” and would undermine the unitary state. Police representatives were critical of the autonomy that was being ceded in the bill in the justice sector, including provincial oversight of local police forces. Interview, Banda Aceh, July 8, 2002.
13. Interview with Farhan Hamid, Jakarta, August 11, 2003.
14. SKP (2001). For a compilation of documents relating to drafting the special autonomy bill see Sumule (2003a).
15. The following account of the progress of the draft bill is taken from interviews with leading members of the drafting team, Drs. Mal Wanaha and Drs. Mohammad Abud Musa’ad, Jayapura, June 7, 2002.
16. *Ibid.*

17. The most substantive changes concerned the police, human rights, the rectification of history, the elimination of the provision for a referendum, migration policy, and land rights. The provincial bill allowed the governor to determine the level of security forces in the province; the final law provided only a “coordinating role” for the governor with the police. In the provincial bill, past abuses were to be addressed by locally based human rights machinery; in the final law, human rights investigations and prosecutions would be undertaken by national institutions with representatives in Papua. In the initial draft a moratorium on all migration was envisaged; the final law changed this to strong provincial oversight of migration. Indigenous land rights, which were acknowledged as absolute in the provincial bill, were qualified in the final law by adding that traditional land rights would be subject to existing Indonesian law. For a detailed comparison of the different versions see SKP (2001) and Sumule (2003b).
18. As one key member of the Papuan drafting team has said: “We had little reference of other initiatives for special autonomy from outside. This was almost totally internal to Papua. In fact our main reference in drafting the special autonomy laws was the Congress. The special autonomy draft was really inspired by the grassroots sentiments reflected at the Congress.” Interview with Agus Sumule, Jakarta, July 31, 2003. Official documents such as the following in fact incorporated much of the language of the Congress: Solossa (2001); Drafting Team for the Bill on Special Autonomy for Papua Province in the Form of a Self-governing Territory (2001).
19. Special areas have been long recognized in Indonesia but this has been symbolic. These regions have never been granted significant additional revenues or administrative powers due to their status. In fact, the government’s renegeing on granting “special status” to Aceh following the Darul Islam rebellion is exemplary as Aceh became special in name only.
20. Elsham Papua, Legal Aid Institute Papua, and Kontras Papua (2002), “Public Joint Statement,” www.westpapua.net.news/02/02/150202-theys.htm; accessed in August 2002.
21. For the trials and admissions from the troops involved see *Koran Tempo*, January 4, 2003.
22. *Jawapos*, April 24, 2003.
23. For the reaction to the light sentences see “Hukuman 3,5 Tahun Penjara Menyakiti Hati Rakyat Papua,” *Suara Pembaruan*, April 24, 2003.
24. In Papua, for instance, provincial revenues under decentralization laws totaled about Rp 700 billion in 2001, an increase of 50 percent over the previous year’s revenues. Under special autonomy, provincial revenues increased by nearly an additional 300 percent to Rp 1.95 trillion for 2002.
25. Interview, Jayapura, February 21, 2003.
26. Interview with senior GAM negotiator, Banda Aceh, July 5, 2002.
27. In particular, the assassinations of prominent members of the DPRD and the rectors of Banda Aceh’s two most respected universities sent shockwaves through local government and civil society.

28. Those responsible for these crimes became popularly known in Aceh as OTK, an acronym from *orang tak kenal*, Indonesian for “unknown persons.”
29. Interview with senior negotiator, Banda Aceh, July 5, 2002.
30. The local corruption watchdog, the Solidarity for Anticorruption Society (SAMAK), reported 392 corruption cases that were never investigated. SAMAK claimed that corruption resulted in tens of billions of rupiah in state losses; *Jakarta Post*, October 4, 2003.
31. Unfortunately the DPRD did not use these findings to call the government to account, raising suggestions that “money politics” was the main motivation behind the DPRD’s inquiries.
32. “Ketika Proyek Fiktif Bertebaran,” *Kontras* 272, December 21–25, 2003.
33. An excellent summary of the process can be found in “AKU Kalahkan Qanun Pilsung,” *Kontras* 227, January 29–February 4, 2003.
34. Ibid.
35. *Koran Tempo*, February 26, 2003, p. 8.
36. See Tippe (2000, 2001). See also comments by the head of the North Aceh Military Command who publicly supported a greater effort for implementing Islamic law; *Serambi Indonesia*, May 4, 2004.
37. Interview, Banda Aceh, April 12, 2003.
38. This was the clear view, for instance, of a senior official from the Ministry of Home Affairs who the author interviewed in Jakarta, October 3, 2003.
39. See *Kompas*, March 6, 2003, p. 7 in which Muhammadiyah Chairman Syafi’i Ma’arif, UIN Jakarta Rector Azyumardi Azra, and Aceh leader Imam Sudja’ all played down expectations that Islamic law would solve the conflict.
40. See, for instance, “Polres Razia Jilbab, 200 Kerudung Gratis,” *Serambi*, January 24, 2003.
41. Interview, Banda Aceh, April 10, 2003.
42. Interview, Banda Aceh, April 10, 2003.
43. Interview with Acehnese Muslim intellectuals, in Banda Aceh, April 12, 2003 and Jakarta, July 28, 2004.
44. The rationale was that any action over human rights should be endorsed by the central government because human rights prosecutions and reconciliation efforts required political will at the national level to be successful.
45. By the end of 2003, the provincial DPRD had begun appointing a committee to select commissioners for the new chapter. Work on the other two regulations, namely human rights tribunals and a reconciliation commission aimed at historical clarification, had yet to begin.
46. Interview with Drs. Andi Baso, Jayapura, May 9, 2003.
47. Interview with Provincial Police Chief Drs. Made P. Pastika, Jayapura, August 15, 2002.
48. Interview with Governor Drs. Jaap Solossa, Jayapura, December 2, 2002.
49. Interview with Vice-Governor Constan Karma, Jayapura, June 6, 2002.

50. These criticisms are clinically presented in a budget analysis by Agus Sumule, one of the key architects of special autonomy, reproduced in the local weekly tabloid *Jubi*; see Sumule (2002).
51. This was the figure according to a preliminary analysis by a local economist, Julius Ary Mollet; interview, Jayapura, August 16, 2002.
52. An Uncen assessment concluded: “The implementation of special autonomy provoked primordial sentiments and regional affiliations within the regional government bureaucracy and the community.” See Democratic Center, Cendrawasih University (2003).
53. For an excellent account of the development of the Presidium see ICG (2001).
54. *Media Indonesia*, July 4, 2002.
55. By way of qualification, it is necessary to point out that efforts within the US administration to lift the congressional restrictions on support to the TNI were complicated by the latter’s continued poor human rights record and the impunity it still enjoyed. Congress continued to oppose military cooperation on the basis that the trials over East Timor had exonerated all but a few officers and that the killing of Theys Eluay was carried out by special forces troops. Pressures intensified on Congress to maintain its restrictions with the killing of two Americans in August 2002 near an American-owned gold and copper mine in Tembagapura, Papua. The killings immediately provoked outrage in the United States with suspicions of TNI involvement. One of the survivors of the attack, whose husband was killed, became a tireless campaigner against resumption of US cooperation with the Indonesian military until the case was resolved. Eventually the FBI announced the results of its investigations in July 2004, which implicated rogue elements of the OPM.
56. This legacy included a strong emotional attachment to the integration of Papua into the state—a crucial element in Sukarno’s unifying nationalist campaign against “neocolonialists” and his adventurist foreign policy.
57. See “President Endorses Civilian ‘Guards,’” *Jakarta Post*, July 2, 2003; “Megawati Calls for Civilian Militias to Curb Rebels,” *Straits Times*, July 2, 2003.
58. In the conventional TNI account of the war against the Dutch, it was military action, not civilian diplomacy, that was decisive in achieving independence. According to this same account, when the nation was plagued by internal divisions in the 1950s it was the military that defeated various regional rebellions. Similarly, in the mid-1960s when Indonesia looked like turning communist, the military claimed once again that it saved the nation. See Honna (2003).
59. Interview with HDC representative, Jakarta, July 15, 2003.
60. TNI regional commander for Aceh, Gen. Djali Yusuf, quoted in *Kompas*, May 6, 2003.
61. Interview with one of their negotiators, Banda Aceh, April 10, 2003.
62. Interview with HDC representative, Jakarta, July 15, 2003.
63. Confidential interviews with JSC monitoring teams in three locations throughout Aceh. The TNI’s approach created some curious tensions in Jakarta’s policies, as the TNI’s own appointees on the JSC monitoring teams became the victims of violent attacks by military-backed protesters demonstrating against the JSC.

64. Ibid.
65. GAM had been open about instituting the state tax at least since 2002, claiming it as a legitimate tax that GAM officials recorded to prevent abuses in the system; interview with GAM negotiator, Banda Aceh, July 5, 2002.
66. "Pergantian Camat Dari TNI Akan Berjalan Baik," *Waspada*, July 8, 2003; see also *Waspada*, July 14, 2003.
67. There was little evidence, however, that replacing village heads with soldiers lacking the necessary background or skills in public administration resulted in an overall improvement in local government under martial law. Furthermore, the image of the military filling civilian posts reminded many of the bygone days when Suharto had imposed oppressive political control down to the village level.
68. For a report on the prosecutions and a listing of GAM members brought to trial see *Kontras* 266, November 13–19, 2003.
69. For the separate militias that emerged throughout the province see the following: for Central Aceh, "Civilian Resistance Movements Take up Arms Against GAM," *Jakarta Post*, June 22, 2003; for Aceh Besar, "Ribuan Warga Hadiri Deklarasi GPMP, Enam Orang Dapat Modal Usaha," Banda Aceh, *Serambi Indonesia*, January 18, 2004; for West Aceh, "Mantan Gubernur GAM Bakar Poster Hasan Tiro," *Analisa*, December 30, 2003.
70. See, for instance, "Wartawan Diminta Bersikap Nasionalis," *Serambi Indonesia*, May 21, 2003.
71. In November the popular Jakarta-based rock band Dewa played before an enthusiastic crowd in North Aceh with its lead singer proudly wearing combat fatigues and playing against the backdrop of a military banner reading "We like peace, but we prefer the NKRI" (*senang damai, tapi lebih senang NKRI*). This military slogan, which had appeared throughout the province, sent a thinly veiled message that efforts at finding a peaceful solution were seen as contradicting the TNI's defense of the state, which was paramount.
72. See Nani Farida, "Joint Monitoring Team to Start Work in Aceh," *Jakarta Post*, March 11, 2004.
73. They claimed that Jakarta did not have the authority to replace the governor except in the case of proven criminality; "Usul Pencopotan Gubernur NAD Tak Relevan," *Suara Karya*, April 27, 2003.
74. Nani Farida, "Joint Monitoring Team to Start Work in Aceh," *Jakarta Post*, March 11, 2004.
75. "Menkopolkam: Status Darurat Militer tidak akan diberlakukan di Papua," *Sinar Harapan*, July 10, 2003.
76. *Suara Pembaruan*, March 14, 2002.
77. Interview with chairman of the Papuan DPRD, John Ibo, Jayapura, February 21, 2003.
78. Interview with Papuan members of the delegation, Jayapura, February 21, 2003.
79. Interview with Papuan members of the delegation, Jayapura, February 20, 2003. These accounts of the meeting were consistent with media reporting at the time.
80. "Masyarakat tidak Perlu Tanggapi Pemekaran Provinsi Papua," *Republika*, September 30, 2002.

81. For a sample of opinions see *Suara Pembaruan*, February 8, 2002; *Cendrawasih Pos*, February 5, 2003; "Presidential Decree Weakens Papuans' Confidence in Government," *Jakarta Post*, February 10, 2003.
82. *Suara Pembaruan*, July 6, 2003.
83. Interview with PDP Secretary General Thaha Al Hamid, Jayapura, May 9, 2003.
84. A number of documents from the government were widely circulated in Jakarta and Papua. These documents were produced in 2000, 2002, and 2003 by the Home Affairs Ministry, the National Resilience Institute, and the National Resilience Council respectively. See also Chauvel (2001) and "Depdagri Tidak Pernah Miliki Konsep Operasi Khusus Hilangkan Orang," *Kompas*, November 27, 2001.
85. *Kompas*, September 25, 2003; "Foreigners Fanned Separatism: Megawati," *Jakarta Post*, September 24, 2003.
86. See, for instance, "Tudingan KSAD Asing 'Bermain-main' dalam Konflik Papua," *Media Indonesia*, November 28, 2003.
87. Head of public information division, TNI Headquarters, Col. DJ Nachrowi, "Papua juga rawan aksi Separatisme," *Kompas*, August 21, 2003.
88. The contents of the letter are discussed in ICG (2003c). Ijie's efforts appeared to be part of the time-honored tradition of Indonesian politics in which the military or intelligence agencies orchestrated "community" protests and demands through front organizations to justify their own agenda.
89. Interview with senior Home Affairs official, Jakarta, October 3, 2003.
90. "Pencairan Dana Otsus Terimin Tiga Tersendat di Pusat," *Papua Post*, October 29, 2003.
91. *Cendrawasih Pos*, April 30, 2003.
92. Interview with Maj. Gen. (ret.) Sembiring Meliala, Jakarta, July 20, 2003.
93. "Gubernur Solossa Tak Mau Berpolemik Pemekaran Provinsi Papua," *Suara Karya*, March 7, 2003.
94. *Jakarta Post*, February 10, 2003.
95. Press release, Institute for Civil Strengthening, "Inpres No. 1 2003 Sulit Diberlakukan karena Bertentangan dengan Prinsip Hukum dan Ketetapan MPR-RI No. III/MPR/2000," Jayapura, January 29, 2003. See also Anggota-Anggota DPR-RI Daerah Pemilihan se-Provinsi Papua (2003).
96. Interview with Thom Beanal and Willy Mendowen, Jakarta, May 24, 2003.
97. *Cendrawasih Pos*, February 7, 2003.
98. Interview, Jayapura, February 21, 2003.
99. *Cendrawasih Pos*, February 7, 2003.
100. One prominent youth leader, Gerzon Jitmau, chairman of KNPI in the region, characterized Atururi's self-appointment as a civil coup d'état; *Cendrawasih Pos*, February 7, 2003.
101. One of Atururi's key local supporters was the chairman of the Arfak youth group Ikatan Mahasiswa Arfak in Manokwari, Lazarus Indouw, who demanded that anyone rejecting Atururi as governor should leave Manokwari immediately; *Cendrawasih Pos*, February 4, 2003.

102. Pers. comm., director of the local NGO, LB3BH; June 1, 2003.
103. *Media Indonesia*, September 3, 2003. The DPR-RI had in fact sent two official letters to the president urging the government to continue implementing special autonomy by issuing the MRP regulation; *Cendrawasih Pos*, September 21, 2003.
104. *Cendrawasih Pos*, September 2, 2003.
105. *Papua Post*, September 4, 2003. They further urged the government to respect local identity based on the Melanesian race and to appreciate the origins of Papuan history as an asset for Indonesia.
106. *Jakarta Post*, August 28, 2003.
107. "Penyelesaian Masalah Papua Berdasarkan Otonomi," *Kompas*, September 10, 2003. Meanwhile, in rare public comments on Papua, President Megawati urged leaders of the provincial assembly to think carefully on that matter "if the people are mentally prepared for it." She noted that dividing a province was not easy and should be preceded by proof that the province has the requisite human resources, facilities, and infrastructure. Megawati's comments betrayed a lack of appreciation that it was her own policy which had set off the violence; *Jakarta Post* (online), September 2, 2003.
108. *Jakarta Post*, September 9, 2003.
109. Ibid.
110. The newly established court immediately sought to exercise its authority, drawing praise for the transparency and effectiveness it adjudicated on disputes over the 2004 legislative elections and its willingness to rebuke ministers publicly for not attending the court's sessions when called upon. The court's moves to establish its authority as the final arbiter on Indonesian law raised hopes that its ruling on the presidential instruction on Papua would entrench the special autonomy law against executive efforts to reverse it.
111. Interview with Frans Maniagasi, Jakarta, November 12, 2003.

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Appendix A

Main Elements of Law 18/1999 on Special Autonomy for Nanggroe Aceh Darussalam

Revenue Sharing

The law includes a dramatic increase in the provincial share of natural resource revenues including 70 percent of gas and oil revenues, and 80 percent of revenues from forestry, fisheries, and general mining. Increased oil and gas revenues, however, are reduced after 8 years. Moreover, the central government retains responsibility for the collection of revenues on natural resources. From the new natural resource revenues granted under the law, the provincial government is required to spend 30 percent on education.

Administrative Devolution

The law involves a far-reaching devolution of power, although there is no clear definition of new responsibilities with only vague mention of “authorities within the framework of Special Autonomy.” These authorities are to be defined in implementing regulations. Basic service delivery is to be implemented by local governments under the decentralization law. In addition to being accountable to the provincial legislative assembly, the Governor functions as a “representative of the central government.” Traditional village, subdistrict and district units of governance (Gampong, Mukim, etc.) are re-established under the law, with heads of these units to revert to traditional titles (Keuchik).

Political Institutions

Direct elections of Governors and Bupatis are provided for under the law. The elections are to be administered by an independent provincial election committee. Direct gubernatorial elections, however, are to be held no *sooner* than within 5 years of the law's enactment. Elections for the local legislatures are not provided for under the law but rather are regulated under national laws, with participation limited to parties with national presence. Candidates for office under direct elections must swear loyalty to the Unitary State of Indonesia and never have been charged with a criminal act nor ever been the citizen of a foreign country, ruling out future GAM participation in local direct elections.

Security

The provincial police are part of the national police force. Under the law, the provincial police chief is to "coordinate" with the governor on maintaining internal security. The maintenance of law and order in the province is to be regulated by *Qanun* with the provincial police accountable to the Governor in undertaking this function. Previous provisions on provincial control of the military have been omitted in the final law.

Islamic Law

The law provides for the establishment of special courts to implement Islamic law. The Islamic Courts are part of the national court system, with appeals to be heard by the Supreme Court of Indonesia. Islamic law is only to apply to Muslims. The Court's judges are appointed and can be dismissed by the President and proposed by the Minister of Justice after consideration from the Governor and Head of Indonesia's Supreme Court. Disputes over the Court's authorities are determined by Supreme Court "at the first and last levels."

Cultural Institutions and Symbols

Under the law, the province's name is changed to to Nanggroe Aceh Darrusalam. The law also recognizes the *Wali Nanggroe* and *Tuha Naggroe*, a titular head of Aceh and a traditional advisory council respectively. The role of these new symbolic institutions is intended to safeguard Acehnese customary law as the guardian of local custom and religion. Regional symbols can be displayed as a sign of the province's special status but these should not "represent a symbol of sovereignty."

Relation to Indonesian State

The elucidation of the law makes clear that special autonomy must be implemented in a manner that is consistent with the unitary state of Indonesia. Explicit mention is made of Nanggroe Aceh Darussalam as an inseparable part of the state, with the Governor and DPRD obliged to defend the unitary state. The law acknowledges unjust politics of the past due to policies that “stressed a centralistic system.”

Appendix B

Main Elements of Law 21/1999 on Special Autonomy for Papua

Revenue Sharing

The law includes a dramatic increase in the provincial share of natural resource revenues. Gas and oil revenues allocated to the province increase to 70 percent under the special autonomy law. 80 percent of revenues generated from forestry, fisheries, and mining is allocated to the province. Oil and gas revenues, however, are decreased to 50 percent after 25 years. Moreover, the central government continues to have responsibility for the collection of revenues from natural resources. Under the law, Papua also receives additional revenues through: priority in the special allocations fund, guaranteed funding through the General Allocation Fund amounting to 2 percent of the overall total and additional central government funds to develop the province's infrastructure.^a The law requires that 30 percent and 15 percent of the natural resource revenues allocated under the law be spent on education and health respectively.

Administrative Devolution

Clear definition of wide-ranging powers with the province regulating everything except foreign affairs, defense and security, monetary and fiscal, religion and the judiciary. Basic service delivery is to be implemented by local governments under the decentralization law. International agreements that relate to Papua can only be entered into after consulting the Governor.

International aid can be directly sourced by the provincial government but overseas loans must have approval of the national government. The Governor is accountable to the provincial legislative council but also acts as the central government's representative in Papua. The law includes a "general repressive" clause, Article 68 (2), that states that "the Central government has the authority to override (*pengawasan represif*) provincial government regulations or decrees in exceptional circumstances."

Political Institutions

The Papuan People's Assembly (MRP) is to be established representing a "cultural representation body of the Papuan people, which has certain authorities in the framework of protecting basic rights of indigenous people." These authorities include: the approval of Special Autonomy implementing regulations; the review and request for clarification of government policy to ensure that indigenous rights are upheld; the request for revision of provincial regulations that contravene indigenous rights; the approval of gubernatorial candidates, the approval of agreements between third parties and the Government that relate to the protection of indigenous rights; and the provision of advice to local political parties to ensure recruitment of indigenous Papuans. The MPR consists of indigenous representatives of traditional communities (*adat*); women and religious organizations in equal number to be selected by their respective constituencies. The MRP is obliged to defend the Unitary State and implement the 1945 Constitution and the state ideology *Pancasila*. Partition of the province must meet the approval of MRP and DPRP after taking into account "social-cultural units, preparedness of human resources, economic capacity."

Security

The provincial police are part of the national police force and the provincial police chief is appointed by the national police chief with the approval of the governor. The provincial police chief is required under the law to "coordinate" with the governor in handling law and order issues. Provisions in the draft for provincial control over the military have been omitted from the law.

Customary Law and Communal Land Rights

The provincial government is required to protect customary law and communal land rights guided by existing laws. Existing commercial contracts are to be honored. New investors must acknowledge customary rights and

negotiate with local communities. Provincial and local governments have a mediating role in disputes over land based on customary rights. Decisions over land usage within local communities are to be made through community consultations and consensus building (*musyawarah*). Local *adat* tribunals run in accordance with local custom and have the function to resolve disputes within local communities. These tribunals cannot sentence offenders to jail which remains the prerogative of the courts. Locals have the right to appeal sentences in the formal court system. The provincial government is required under the law to protect the environment and to protect biological and ecological diversity. The economy is to be managed according to principles of competition, efficiency but should also take into account indigenous rights, legal certainty for investors, sustainable development and environmental protection.

Cultural Symbols and Institutions

The new province has the right to use its own symbols including its own flag and anthem. These symbols are signs of Papua's "noble and grand identity," but they are "not a symbol of sovereignty."

Human Rights and Reconciliation

The law mandates the establishment of new human rights mechanisms for the province: namely a provincial office of the National Human Rights Commission; provincial Human Rights Courts, and a Truth and Reconciliation Commission. The role of the commission will be to "clarify Papuan history." The commission will be established through a Presidential Decree after receiving a proposal from the Governor. Under the law, the provincial government is obliged to protect religious freedom, and acknowledge the autonomy of religious institutions. Papuan communities have the right to quality education under the law which requires that the government pay special attention in terms of services and development to remote communities.

Ethnicity and Immigration

The law identifies "indigenous" Papuans (*orang Papua asli*) as natives to the province who are accorded special rights. The provincial government is required to restrict population growth and to control the spread of diseases endangering the people's survival. According to the law, placement of migrants in the national transmigration program must have the governor's approval. The provincial government is obliged to develop and protect local Papuan culture, including the "preservation of regional languages to

maintain and unify the identity of the Papuan people.” Affirmative action policies are mandated under the law, with special reference to the justice sector institutions. The law dictates that only indigenous Papuans can become Governor.

Relation to Indonesian State

Special Autonomy is to be exercised in the “overall framework of the unitary state of Indonesia.” The law acknowledges that past policies have resulted in injustice and human rights violations that demand redress. It also recognizes that the “utilization of resources has been less than optimal” resulting in a social gap between Papua and the rest of Indonesia. Special policies are therefore required to address this gap. The law requires that national integration be maintained “through respecting Papuan social and cultural diversity” and notes that “Papuans are from a group from the Melanesian race that are part of the ethnic groups of Indonesia that has its own culture, languages...”

^aThese funds are the main mechanisms used by the central government to redistribute revenue to local and provincial governments. It makes routine allocations through the general allocations fund and finances special projects through the special allocations fund.

Background of the Aceh Conflict

Aceh is the site of one of Asia's longest-running internal conflicts. Since 1976, Indonesian sovereignty over the territory has been contested by an armed insurgency led by the Free Aceh Movement (GAM). A range of local grievances—especially those concerning allocation of natural resource revenues and human rights abuses—have contributed to the conflict.

Aceh, with an estimated population of about 4.2 million, is Indonesia's westernmost province. Almost all Acehnese are Muslims, and they have a reputation for Islamic piety. Most of the population is employed in agriculture, though Aceh is also rich in natural resources, especially natural gas and oil. ExxonMobil Indonesia, which operates in the Arun gas fields, is a major contributor to national revenues.

Unlike East Timor, which had been a Portuguese colony, but like other parts of Indonesia, Aceh was part of the Dutch East Indies prior to World War II. It came into the Dutch colonial empire relatively late, however. For centuries, the Acehnese sultanate had been a powerful Islamic state, reaching its apogee during the seventeenth century. The Dutch launched an assault in 1873, but only managed to subdue the territory (arguably never completely) after three decades of bitter warfare.

Aceh's leaders, many of who were *ulama* (religious scholars), mostly supported the struggle for Indonesian independence in 1945–49. Many, however, soon became disillusioned with the central government. In 1953, they launched a revolt as part of the Darul Islam (Abode of Islam) movement, which joined several regional Islamic rebellions in a struggle to form an Indonesian Islamic state. The rebellion in Aceh was eventually resolved by negotiations leading to the province's nominal recognition as a "special territory."

The current separatist conflict began in 1976 when Hasan di Tiro, a supporter of Darul Islam living in the United States, returned to Aceh to form GAM and make a "redeclaration" of Acehnese independence. Initially the movement was small and Indonesian security forces soon defeated it. In 1989, a more serious outbreak of rebellion by GAM resulted in a brutal counterinsurgency operation claiming several thousand civilian lives.

In late 1998, following the resignation of President Suharto and the collapse of his authoritarian regime, conflict erupted on an even greater

scale. A large student-led protest movement called for a referendum on independence similar to that granted in 1999 for East Timor. The GAM insurgency reemerged—greatly expanding the range of its operations and attacking security forces and other targets. By mid-1999, large parts of the territory were under the movement’s control.

The Indonesian government responded with a mix of concessions and military action. Negotiations between the government and GAM produced two cease-fires, in June 2000 and December 2002, although neither held. In 2001, the national parliament passed a Special Autonomy Law giving Aceh considerable authority to manage its own affairs and greater share of its natural resource revenues. Security operations continued, however, and the death toll in fighting and among civilians was considerable. Eventually, in May 2003, the peace process broke down, a “military emergency” was declared, and security forces launched a large-scale offensive.



Map of Aceh, Indonesia



● Provincial Capital

● Other Towns

⚡ District Boundaries

Note: Simeulue, Sabang, Lhokseumawe, and Langsa all have district status.

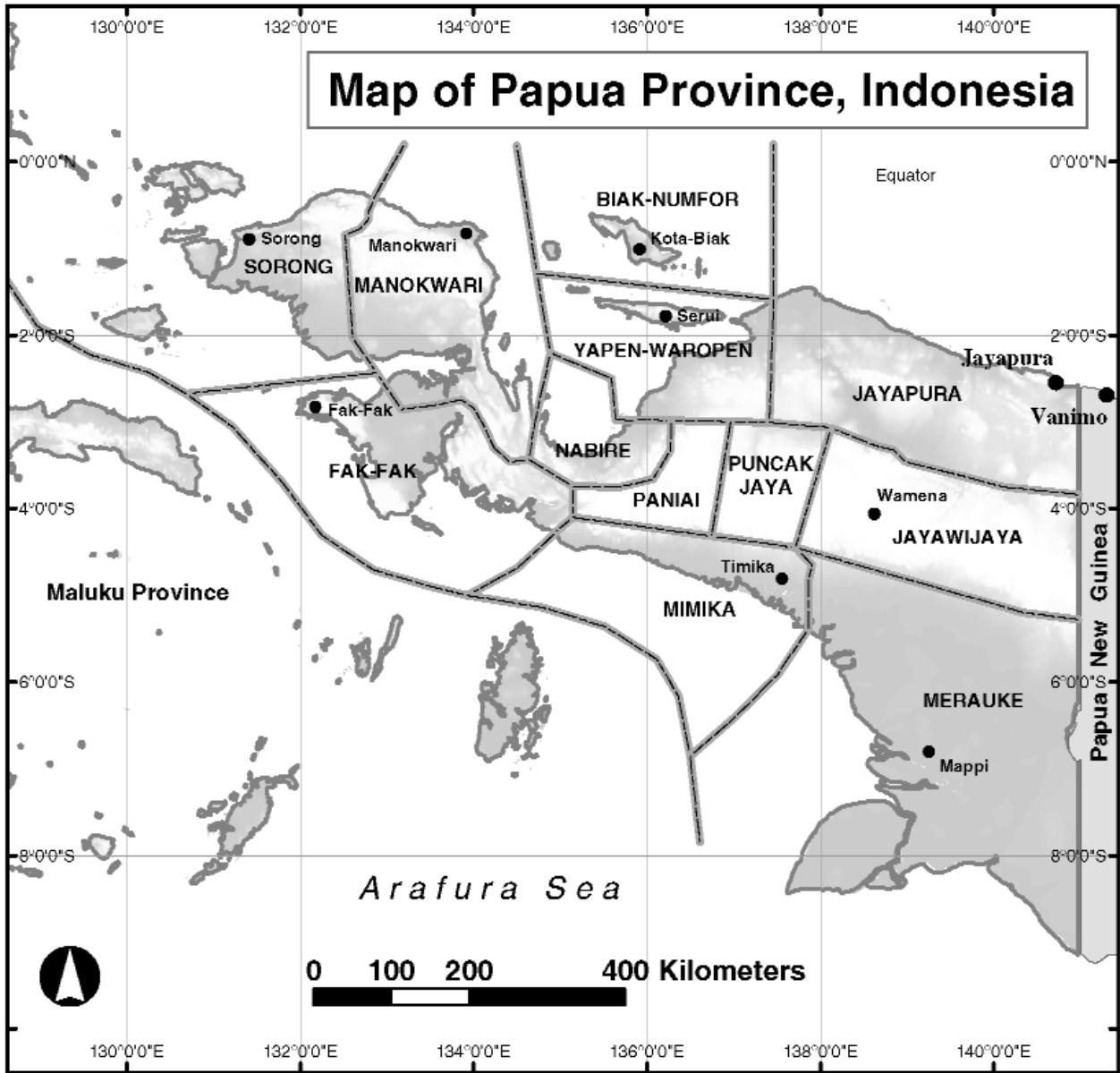
Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

Background of the Papua Conflict

The Indonesian province of Papua (formerly Irian Jaya) is a territory whose political status has long been subject to debate. Western New Guinea first appeared as part of the Netherlands Indies in official documents issued in 1828 and 1848; yet neither the Dutch, nor the Tidoran sultans, whose rule over the “Papuan Islands” provided the basis for the Netherlands’ claims, exercised effective control in the territory. It wasn’t until 1898 that the Indies government established the first permanent post. This situation changed following World War II, when the Dutch retained western New Guinea after the rest of the Indies gained independence as the Republic of Indonesia. In the Round Table Agreement of 1949, a clause stipulated that the territory’s fate would be decided within a year. When bilateral talks broke down, Indonesia lobbied for the recovery of the territory, which it called West Irian, first through diplomacy then by threatening war. The Netherlands initially responded by accelerating the colony’s passage towards self-rule. Dutch officials oversaw elections for a New Guinea Council, which inaugurated a flag and regalia for a future West Papuan state on December 1, 1961. Eventually, the Netherlands yielded to American pressure and agreed to a settlement with Indonesia. The New York Agreement of 1962 called for western New Guinea’s transfer to the United Nations, then Indonesia, which was to hold an Act of Free Choice in which the territory’s inhabitants would choose between independence and integration into the republic. On May 1, 1963, Indonesia took control of the territory, and in 1969, 1022 carefully supervised (some say intimidated) individuals voted unanimously in favor of integration. An armed separatist movement waxed and waned over the first three decades of Indonesian rule, accompanied by military reprisals and widespread reports of human rights violations. After the resignation of Indonesia’s President Suharto on May 21, 1998, the independence movement took on a more inclusive, nonviolent form. At a February 26, 1999 meeting in Jakarta, a Team of 100 provincial leaders presented then President Habibie with a demand for West Papua’s independence. Back in the province, pro-independence activists convened talks that coalesced in the Papuan National Congress of May 21-June 4, 2000. The Congress resulted in a resolution confirming the leadership of the Papuan Presidium Council and directing this executive body to pursue

independence through peaceful dialogue. Following the Congress, the central government launched a crackdown involving the arrest of pro-independence leaders and the banning of the West Papuan flag. On November 11, 2001, Theys Eluay, the Presidium chairman, was found murdered; members of the Indonesian Special Forces (Kopassus) later were convicted of the crime. During the same month, the Indonesian legislature passed a bill based on a draft prepared by a group of Papuan intellectuals granting the province special autonomy and a new name. The fate of the 2001 special autonomy law (UU No. 21/2001), which provides the province with a greater share of the territory's vast natural resource earnings and calls for the founding of an indigenous upper house, came into question in January 2003, when President Megawati Sukarnoputri signed an instruction (Inpres No. 1/2003) ordering the immediate implementation of a 1999 law (UU No. 45/1999) dividing Irian Jaya into three new provinces. Between August 23 and September 7, 2003, rioting between pro-and anti-division groups in the mining town, Timika, cost five people their lives.

Map of Papua Province, Indonesia



- Provincial Capital
- Other Towns
- ~ District Boundaries (pending legislation)

Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

Project Information

The Dynamics and Management of Internal Conflicts in Asia

Project Rationale, Purpose and Outline

Project Director: Muthiah Alagappa
 Principal Researchers: Edward Aspinall (Aceh)
 Danilyn Rutherford (Papua)
 Christopher Collier (southern Philippines)
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 Elliot Sperling (Tibet)

Rationale

Internal conflicts have been a prominent feature of the Asian political landscape since 1945. Asia has witnessed numerous civil wars, armed insurgencies, coups d'état, regional rebellions, and revolutions. Many have been protracted; several have far reaching domestic and international consequences. The civil war in Pakistan led to the break up of that country in 1971; separatist struggles challenge the political and territorial integrity of China, India, Indonesia, Burma, the Philippines, Thailand, and Sri Lanka; political uprisings in Thailand (1973 and 1991), the Philippines (1986), South Korea (1986), Taiwan, Bangladesh (1991), and Indonesia (1998) resulted in dramatic political change in those countries; although the political uprisings in Burma (1988) and China (1989) were suppressed, the political systems in these countries as well as in Vietnam continue to confront problems of political legitimacy that could become acute; and radical Islam poses serious challenges to stability in Pakistan, Indonesia, Malaysia, and India. In all, millions of people have been killed in the internal conflicts, and tens of millions have been displaced. And the involvement of external powers in a competitive manner (especially during the Cold War) in several of these conflicts had negative consequences for domestic and regional security.

Internal conflicts in Asia (as elsewhere) can be traced to three issues—national identity, political legitimacy (the title to rule), and distributive justice—that are often interconnected. With the bankruptcy of the socialist model and the transitions to democracy in several countries, the number of internal conflicts over the legitimacy of political system has declined in Asia. However, political legitimacy of certain governments continues to be contested from time to time and the legitimacy of the remaining communist and authoritarian systems is likely to confront challenges in due course. The project deals with internal conflicts arising from the process of

constructing national identity with specific focus on conflicts rooted in the relationship of minority communities to the nation-state. Here too many Asian states have made considerable progress in constructing national communities but several states including some major ones still confront serious problems that have degenerated into violent conflict. By affecting the political and territorial integrity of the state as well as the physical, cultural, economic, and political security of individuals and groups, these conflicts have great potential to affect domestic and international stability.

Purpose

The project investigates the dynamics and management of five key internal conflicts in Asia—Aceh and Papua in Indonesia, the Moro conflict in the southern Philippines, and the conflicts pertaining to Tibet and Xinjiang in China. Specifically it investigates the following:

1. Why (on what basis), how (in what form), and when does group differentiation and political consciousness emerge?
2. What are the specific issues of contention in such conflicts? Are these of the instrumental or cognitive type? If both, what is the relationship between them? Have the issues of contention altered over time? Are the conflicts likely to undergo further redefinition?
3. When, why, and under what circumstances can such contentions lead to violent conflict? Under what circumstances have they not led to violent conflict?
4. How can the conflicts be managed, settled, and eventually resolved? What are policy choices? Do options such as national self-determination, autonomy, federalism, electoral design, and consociationalism exhaust the list of choices available to meet the aspirations of minority communities? Are there innovative ways of thinking about identity and sovereignty that can meet the aspirations of the minority communities without creating new sovereign nation-states?
5. What is the role of the regional and international communities in the protection of minority communities?
6. How and when does a policy choice become relevant?

Design

A study group has been organized for each of the five conflicts investigat-

ed in the study. With a principal researcher each, the study groups comprise practitioners and scholars from the respective Asian countries including the region or province that is the focus of the conflict, the United States, and Australia. For composition of study groups please see the participants list.

All five study-groups met jointly for the first time in Washington, D.C. from September 29 through October 3, 2002. Over a period of four days, participants engaged in intensive discussion of a wide range of issues pertaining to the five conflicts investigated in the project. In addition to identifying key issues for research and publication, the meeting facilitated the development of cross country perspectives and interaction among scholars who had not previously worked together. Based on discussion at the meeting five research monograph length studies (one per conflict) and twenty policy papers (four per conflict) were commissioned.

Study groups met separately for the second meeting. The Aceh and Papua study group meetings were held in Bali on June 16–17, the southern Philippines study group met in Manila on June 23, and the Tibet and Xinjiang study groups were held in Honolulu on August 20–22, 2003. The third meeting of all study groups was held in Washington, D.C. from February 28 to March 2, 2004. These meetings reviewed recent developments relating to the conflicts, critically reviewed the first drafts of the policy papers prepared for the project, reviewed the book proposals by the principal researchers, and identified new topics for research.

Publications

The project will result in five research monographs (book length studies) and about twenty policy papers.

Research Monographs. To be authored by the principal researchers, these monographs present a book-length study of the key issues pertaining to each of the five conflicts. Subject to satisfactory peer review, the monographs will appear in the East-West Center Washington series *Asian Security*, and the East-West Center series *Contemporary Issues in the Asia Pacific*, both published by the Stanford University Press.

Policy Papers. The policy papers provide a detailed study of particular aspects of each conflict. Subject to satisfactory peer review, these 10,000- to 25,000-word essays will be published in the East-West Center Washington *Policy Studies* series, and be circulated widely to key personnel and institu-

tions in the policy and intellectual communities and the media in the respective Asian countries, United States, and other relevant countries.

Public Forums

To engage the informed public and to disseminate the findings of the project to a wide audience, public forums have been organized in conjunction with study group meetings.

Two public forums were organized in Washington, D.C. in conjunction with the first study group meeting. The first forum, cosponsored by the United States-Indonesia Society, discussed the Aceh and Papua conflicts. The second forum, cosponsored by the United States Institute of Peace, the Asia Program of the Woodrow Wilson International Center, and the Sigur Center of the George Washington University, discussed the Tibet and Xinjiang conflicts.

Public forums were also organized in Jakarta and Manila in conjunction with the second study group meetings. The Jakarta public forum on Aceh and Papua, cosponsored by the Center for Strategic and International Studies in Jakarta, and the southern Philippines public forum cosponsored by the Policy Center of the Asian Institute of Management attracted key persons from government, media, think tanks, activist groups, diplomatic community, and the public.

In conjunction with the third study group meetings, also held in Washington, D.C., three public forums were offered. The first forum, cosponsored by the United States-Indonesia Society, addressed the conflicts in Aceh and Papua. The second forum, cosponsored by the Sigur Center of The George Washington University, discussed the conflicts in Tibet and Xinjiang. A third forum was held to discuss the conflict in the southern Philippines. This forum was cosponsored by the United States Institute of Peace.

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Previous Publications

Policy Studies 1

The Aceh Peace Process:
Why it Failed

Dr. Edward Aspinall, University of
Sydney
Dr. Harold Crouch, Australian National
University

Policy Studies 2

The Free Aceh Movement (GAM):
Anatomy of a Separatist Organization

Dr. Kirsten E. Schulze, London School
of Economics

Policy Studies 3

Security Operations in Aceh:
Goals, Consequences, and Lessons

Dr. Rizal Sukma, Centre for Strategic
and International Studies, Jakarta

Policy Studies 4

Beijing's Tibet Policy:
Securing Sovereignty and Legitimacy

Dr. Allen Carlson, Cornell University

Policy Studies 5

The Papua Conflict:
Jakarta's Perceptions and Policies

Dr. Richard Chauvel, Victoria
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Dr. Ikrar Nusa Bhakti, Indonesian
Institute of Sciences, Jakarta

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Violent Separatism in Xinjiang:
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The Tibet-China Conflict:
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Mr. Eric Guitierrez, WaterAid, U.K.
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Policy Studies 9

The HDC in Aceh:
The Promises and Pitfalls of NGO
Mediation and Implementation

Mr. Konrad Huber, Council on Foreign
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About this Issue

This study investigates if special autonomy can resolve the secessionist challenges in Aceh and Papua. The analysis covers the background of the decision to grant special autonomy and the shifting dynamics that resulted in Jakarta ultimately backsliding on both laws. As the government closed down the political space for independence movements, the imperatives that had driven the decision to grant special autonomy were removed. As a result, the government adopted more coercive measures to respond to separatist demands that essentially eclipsed special autonomy. This coercive approach, however, has not addressed the underlying causes of injustice fuelling the conflicts. It is not inconceivable, therefore, that the government may once again turn to special autonomy as a means to address separatism. The laws remain in place and revenues from autonomy continue to be allocated. But even if Jakarta does strike a more committed posture toward special autonomy, the government will need to move beyond the ad hoc policy response of the past. At a bare minimum, a link must be established between, on the one hand, the unilateral concessions offered under the laws and, on the other, a systematic bargaining process between Jakarta and the regions to build support for resolving the conflicts. Without linking concessions to dialogue, Aceh and Papua are likely to represent a continuing source of conflict and secessionism for the Indonesian state.

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Dr. Gardner Bovington, Indiana University,
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