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ACEH, INDONESIA: A SITUATIONAL ANALYSIS OF WOMEN'S PARTICIPATION IN PEACE PROCESSES

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SUMMARY

Women were excluded from the 2005 formal peace process between the Government of Indonesia (GoI) and the Free Aceh Movement (GAM) and gender issues were not addressed in the minimalist peace agreement. Although Aceh does now have a quota system for electoral candidates, this is having a slow and minimal impact in a densely patriarchal culture. Indeed, women's rights have deteriorated since the introduction of Shari'a Law which has brought with it patrolling of women's bodies, movement, and rights. Further, although the 2004 tsunami created opportunities for peace, the disaster caused structural discrimination in terms of access to humanitarian assistance and resources after the conflict, and the disaster also highlighted gender-based discrimination in areas of land, inheritance and child custody rights. The combination of the impact of tsunami and conflict have contributed to structural discrimination against women in areas including: land titling and ownership; inheritance rights; increase in domestic/family violence; and labour force participation. These will be explored in this situational analysis.

STRENGTH OF GENDER PROVISIONS

Agreement Reached by both Field Commanders of the RI and the GAM 2001

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women				✓		
Participation	✓					
General	✓					

Cessation of Hostilities Framework Agreement between the Government of the Republic of Indonesia and the Free Aceh Movement 2002

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation	✓					
General	✓					

Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement 2005

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation	✓					
General	✓					

WOMEN'S PARTICIPATION: KEY CONSTRAINTS AND ENABLERS

CONSTRAINTS

1. Introduction of Shari'a Law
2. Patriarchal political culture
3. Poor implementation of existing women's rights laws

ENABLERS

1. Long standing civil society movement
2. Introduction of electoral quotas



BACKGROUND TO THE CONFLICT

The conflict between the Gol and the GAM movement was a bid for independence by the latter from the central Indonesian Government in Jakarta that began in 1976 and ran with sporadic levels of intensity until the tsunami hit in 2004. While it is often described as an independence struggle, several factors were at play. These included economic and resource exploitation – particularly of the natural gas and oil reserves – Jakarta's repressive approach to dealing with Aceh, and the presence within the province of a strong regional and ethnic identity that was independent of Jakarta. Rizal Sukma sums it up as follows: 'at the risk of over simplifying, the sources of the problem can be grouped into four basic aspects: economic exploitation, centralism and uniformity, military repression, and the politics of impunity' (quoted in Human Rights Watch 2001: 23). Passing through three phases (mid to late 1970s; mid-1980s to late 1990s; late 1990s-mid 2000s), the conflict had periods of intense fighting and major human rights violations. The overall death toll of the conflict is contested. Aspinall (2009: 2) suggests it sits somewhere between 12,000 and 20,000 people while the Aceh Reintegration Agency suggest that around 33,000 Acehnese were killed, or around 0.75 per cent of the population.

The available research on gender-based experiences of the conflict is limited. While men were the primary combatants, it has been reported that 79 per cent of women experienced combat (IOM et al. 2007: 30). There are reports of widespread sexual violence against civilian women including accusations that the Indonesian military engaged in rape and sexual slavery (Siapno 2010: 172). Amnesty International (2004: 37) reported in 2004 that there had been 'a long-established pattern of rape and other sexual crimes against women in [Aceh]'. Gendered violence also included the illegal detention and imprisonment by Indonesian forces of women suspected of providing support to GAM members. Similarly, female relatives of GAM members were held hostage in attempts to lure male combatants out of hiding (Amnesty International 2004: 37-40). There have also been claims that GAM used

The fatality rate of women was disproportionate in comparison with men killed by the tsunami's initial impact.

Acehnese women as human shields during security sweeps by Indonesian forces, or abandoned them to face Indonesian interrogations (Siapno 2010: 187). Moreover, women were targeted for physical and sexual gender-based violence (GBV), abduction, torture, forced movement, had property confiscated and destroyed, and frequently witnessed violence against others (see IOM 2007). In the wake of the death of their husbands, women became solely responsible for families. Between 1989 and 1998 Amnesty International reported that 3,000 women were widowed. In addition to civilian experiences, a number of Acehnese women engaged in combat and performed combat-related functions. While there is little formal or published information, estimates suggest that there were about 3,000 female GAM fighters, known as Pasukan Inong Balee. Shadia Marhaban suggests that as part of these forces, women performed an important role as intelligence gatherers, arms and personnel smugglers, and logistics and networking agents in supporting GAM's struggle against the Indonesian state (Shadia 2010).

WOMEN'S EXPERIENCE OF THE TSUNAMI

Aceh was the epicentre of the tsunami that hit countries bordering the Indian Ocean on 26 December 2004. It killed over 165,000 Acehnese, constituting a majority of the estimated 250,000 deaths in 18 countries. As a poor, developing, and conflict ridden area, it had little capacity to anticipate or resist the tsunami's sudden impact. The gendered consequences of the tsunami were immediately evident. The fatality rate of women was disproportionate in comparison with men killed by the tsunami's initial impact. Oxfam (2005) reported that in four villages surveyed in the Aceh Besar district, male survivors outnumbered women survivors by a ratio of almost 3:1. A number of explanations have been offered to account for this imbalance which reflects the gendered roles and responsibilities in Aceh: women were more vulnerable because they were not taught to swim; as primary caregivers they were attempting to save children and the elderly; their quick movement was restricted by their traditional clothing; they are at home on a Sunday morning, so they were unaware of public announcements; and many men in coastal areas were out at sea and did not experience the impact of the wave (True 2012: 168-172).

Women remained vulnerable in the period immediately following the tsunami. In 2005, the UNFPA reported that the most common problems facing women resulted from a lack of gender-sensitivity with regard to emergency relief arrangements. Women faced a lack of feminine

hygiene products, had limited access to maternal and reproductive health services, shortage of proper latrines and bathing facilities, paucity of clean water in the camps, and inadequate access to humanitarian aid. Added to this was the increased vulnerability to GBV during the emergency period. This included trafficking, sexual assault, domestic violence and harassment (UNFPA 2005; Felten-Biermann 2006: 82-3). Gender-based violence also included verbal and physical attacks by radical Islamic clerics who held Acehese women's 'impious' behaviour (such as a failure to wear head coverings) as the cause of the tsunami (Meo 2005).

The extent to which gendered needs were adequately addressed varied depending upon the interrelation of local political and cultural idiosyncrasies within the context of aid provision. Felten-Biermann (2006: 83-4) argues that 'the different needs of men and women during crisis intervention and reconstruction were not taken into account... by most of the foreign non-governmental organizations (NGOs) involved in the tsunami relief. Many times, women are not even mentioned as a target group.' While there is also evidence of good practice, there is sufficient evidence to suggest that gender awareness was inconsistent and poor. Furthermore, as there were 3,645 registered NGOs working on the ground in Aceh – many of which worked independently or in loose coalition with one another – there lacked a strong co-ordinated approach to emergency relief that could effectively mainstream gender in the overall approach. This is true not just during the emergency, but also in the longer term humanitarian operations.

As the emergency subsided, women became primary caregivers to children, the elderly and the injured in extended families. Women also took on greater responsibility for household work, now undertaken in cramped conditions (such as temporary camps that had been established by local and international agencies) and often without access to water and household facilities. Many women did not see the camps as safe for themselves and their families and this led to a higher rate of female headed households amongst those internally displaced within towns and villages (Mazurana et al. 2011: 18). As a result, women's workloads dramatically increased. Women had less time to engage in public sphere programs such as receiving aid, or providing representation in decision-making processes regarding the distribution of aid. Unless they were directly targeted for aid, women's access was limited and reliant upon re-distribution by male family members. A general (though not universal) failure to target a gender-specific aid program toward women in the early post-emergency period saw the social exclusion of Acehese women by limiting the physical capacity of women to participate in public sphere activities, such as attending meetings and creating a benchmark for post-tsunami activities.

There is virtually no inclusion of gender provisions in these peace agreements.

WOMEN'S PARTICIPATION IN THE PEACE PROCESS

During GAM's struggle against the Indonesian state, there was also a strong movement amongst Acehese women to pursue peace. Women were amongst the first groups to speak formally and collectively for an end to the conflict. In February 2000, 486 women participated in the first All Acehese Women Congress to discuss their wartime experiences and plan for peace (Suraiya 2008). This meeting was among several stop-start movements towards transitioning the conflict. In a more organised capacity, women also actively spoke out against the violence. Organisations such as Flower Aceh and the Acehese Democratic Women's Organisation negotiated their way through conflict to support women, provide basic necessities to communities, and demand peace. Women's groups engaged in a number of tactics such as peaceful campaigning, lobbying, information dissemination, distribution of emergency relief, negotiation between conflicting parties, and data collection for the purposes of documenting human rights abuses. Their activities were undertaken in extremely precarious circumstances. As noted above many of these women faced intimidation, terror, and physical and sexualised violence in order to carry out their programs.

The experiences and voices of women are neglected in the formal peace process (see table). The 2001 and 2002 agreements include "rape" as one of the list of violent activities to be stopped as part of the agreement. The 2003 and 2005 agreements have no gender provisions whatsoever. The most significant is the 2005 Memorandum of Understanding (MoU) which ends the conflict and sets up the framework for the Law on Governing Aceh (LoGA) Again, this agreement neglects gender issues.

August 2005	MoU between Gol and GAM
February 2003	Agreement of Peace Zones
December 2002	Cessation of Hostilities Framework Agreement between the Gol and GAM
February 2001	Report on the Agreement between the Gol and the GAM
February 2001	Agreement Reached by both Field Commanders (Gol) and GAM

The tsunami provided the immediate catalyst for peace in Aceh though its origin can be traced to earlier negotiations. In 2005, the five rounds of talks in Helsinki concluded with the signing of the MoU on 15 August. The European Union, supported by ASEAN countries established the

Compensation... excluded victims of rape, torture and attempted murder.

Aceh Monitoring Mission who were mandated to disarm GAM fighters and destroy their weapons. In July 2006 Indonesia's national parliament passed the Law on the Governing of Aceh that translated many, but not all, of the MoU's resolutions into law. The early stages of the peace process were necessarily swift. The immediate post-tsunami context made this a necessity. The international community needed access to tsunami hit areas and assurances of safety for their workers, and the reality of the situation was that reconstruction could not take place, or be sustainable, within a conflict zone. Ahtisaari's view was that 'the agreement should be brief, and general in content, if it was too detailed, then they would never reach results'. The consequence of this was that talks focussed primarily on the major issues of power sharing between the two negotiating parties: the GAM and the Gol. The dissolution of three decades of complex conflict into a seven page peace agreement covering four broad issues demonstrates the narrow nature of the formal peace agenda. The issues were:

1. **Governance** (including the new semi-autonomous arrangements, political participation, and economy)
2. **Human Rights** (three short paragraphs covering the establishment of a Truth and Reconciliation process, and a Human Rights Court – neither of which have been established)
3. **Amnesty**
4. **Reintegration** (including security arrangements, the establishment of the Aceh Monitoring Mission, and dispute resolution mechanisms)

As noted above, there are no gender provisions and no women were invited to be part of the formal negotiating team, or performed formal roles as negotiators. (One woman was bought in for the GAM side very late in the talks). Women were similarly sidelined from the internationally sponsored **Aceh Monitoring Mission**. Acehese women's organisations noted that their invitation for input from women's groups into the mission arrived as the mission was departing.

In terms of **reintegration**, there was not a single woman listed among the 3,000 ex-GAM combatants eligible for re-integration as part of the MoU. One of the two Acehese women who served on the committee that drafted the LoGA stated: 'Ingong balee? GAM themselves do not recognise and value the contribution of these women in the armed struggle. They are not included in the peacebuilding processes, nor reconstruction, and rehabilitation. They do not have power in decision-making processes.' Similarly, women have been sidelined

in the **compensation** programs. Compensation has been restricted only to those who suffered permanent disabilities. This, therefore excluded victims of rape, torture, and attempted murder. The oscillation between payments to individual claimants, groups, and whole villages continually minimalised women's access to both the application procedures and the distribution of any money. There are two major explanations for women's exclusion from the peace process:

1. Both Indonesia and Aceh remain fiercely patriarchal societies dominated by patronage politics. Despite a visible contingent of female combatants, the upper echelons of GAM were male dominated, and much of women's association with it remained informal. GAM has been described by one human rights activist as a hyper-masculinist organisation 'who have only known pain, torture, and war, and whose ways of solving problems is primarily through militarised, masculinist, violent means – without consulting women'. Similarly, the Gol has demonstrated little support for ensuring the participation and representation of women in the peace process. Shabida has argued that 'those working to enhance political awareness amongst women are generally and deliberately neglected (by the Gol), unless they are part of a wing of male-dominated organisations;' and,
2. Women's social and political activism does not hold any formal grasp on power. Women's activist organisations work extra-ordinarily hard however this is usually done with limited formal connections to local governance mechanisms. In some cases this may provide greater freedom, however in other cases it acts as a barrier to the formal inclusion of gendered politics into the political agenda.

WOMEN'S CIVIL SOCIETY PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

A cornerstone achievement of post-conflict civil society activism was the release in November 2008 of the Charter of the Rights of Women in Aceh. Produced by the Women's Committee for the Revival of Aceh, the Charter's main themes reinforce the rights of women's equality in all aspects of political and social life. It also re-affirms women's rights over key issues pertaining to their lives: reproductive health; access to education; rights within the family; rights to own land; and the right of women to be treated with respect. The signatories to the Charter included the Governor of Aceh, the Chairman of the Regional Parliament, representatives of the government, judiciary and police, representatives of Islamic institutions, and NGOs. While the Charter has been contravened in numerous circumstances – not

least of all in the implementation of Shari'a Law discussed previously – its widespread rhetorical support has generated greater awareness of its principles.

The Charter was supported by pre-existing stipulations on women's rights by the Gol. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was signed by the Gol on 29 July 1980 and ratified on 13 September 1984. Similarly, in October 2000, Indonesia, as already noted, adopted UNSCR1325, acknowledging the importance of the role of women in preventing and resolving conflicts. Presidential Decree 18/2014 on "National Action Plans for the Protection and Empowerment of Women and Children during Social Conflicts" has more recently reinforced this. In addition, the Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development obliges all heads of national and sub-national government institutions to implement gender mainstreaming strategies in all of their activities. In Aceh the Reconstruction and Rehabilitation Agency for Aceh and Nias (BRR) launched, in September 2006, its own strategy paper on gender mainstreaming entitled Promoting Gender Equality in the Rehabilitation and Reconstruction Process of Aceh and Nias. This provided its own commitment to the 'full engagement of women and men as equal partners in social, cultural and economic development of Aceh and Nias.'

WOMEN'S POLITICAL PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Since 2005 there has been numerous initiatives to increase the number of women in political roles including the introduction of a quota, training programs and support for women to contest elections, though NGO intervention in this regard is often seen as haphazard (see CMI 2012 and Affiat 2012). In terms of political representation, Article 75 of the Law on Governing Aceh requires local political parties to have 30 per cent of its candidates be women. This has contributed to the slow, but determined, improvement in the number of women that have been elected to Aceh's legislative body – the Dewan Perwakilan Rakyat Aceh (DPRA) – since its creation in 2005. In the most recent 2014 legislative elections, 14.8 per cent of seats were filled by women, which marked a significant increase from 7.25 per cent in 2009. Yet, as Affiat (2012) notes, one of the key impediments to women's greater participation remains socio-cultural views of women's and men's roles in society. Yet these gains in political representation have been won within the limits of a patriarchal system and not despite them. Moreover, their capacity to be politically transformative remains constrained.

Religion plays an important role in Aceh which is reflected in the adoption of Shari'a Law in 1999. However, it was after the peace process that Shari'a

law began to have a more significant impact upon the region. Since then, it has become an important aspect of Aceh's post-disaster identity, facilitated by the establishment of semi-autonomous arrangements which allowed local authorities greater capacities to make and enforce local laws. However, the resurgence of this form of identity-making is also seen as a reaction to the international presence in the region and as a purposeful contrast to the often secular and Christian agendas of international NGOs (Grossman 2012: 104). The introduction of Shari'a Law is a site of contestation over gender equality and women's rights. These debates coalesce around interpretations of religious texts, and the introduction of regulations that discriminate against women.

The local government has the power to create Qanun (provincial regulations) that govern everyday activities in accordance with Islam. These occur in areas of faith and worship, dress and behaviour, and religious education. There are a number of Qanun that have raised the concerns of women's rights advocates in Aceh. Perhaps the most controversial of these is Qanun14/2003 which governs close proximity. 'Close proximity' is described as 'any activity carried out by two or more individuals of opposite sex who are not bound as a family nor legally bound under marriage' (quoted in Afrianty 2011: 40). It makes it difficult for women to report rape, allows intrusive monitoring of their associations, actions and movements, and increases their vulnerability to predatory or violent men, particularly in familial relationships. Specifically, it has been used to patrol women's behaviour and movement and in some parts of Aceh has led to a style of mob or vigilante justice (see Grossman 2012: 103-5 and Afrianty 2015: 72-6). The Shari'a Criminal Code (introduced in 2015) has led to violent punishments. Human Rights Watch note that in 2016, 37 women experienced public canings for crimes against Shari'a. Women's rights groups have struggled to critique and reform these laws. The uneven targeting of laws and subsequent (in)justice has meant that women must tread very carefully when voicing concerns. Critiques must be carefully managed for fear of accusations of blasphemy (Grossman 2012: 105). Much of this challenging, however, is done within the Shari'a framework.

While international frameworks obviously support women's rights, for Acehnese women the complaint must come from within the Islamic tradition itself. Women's rights activists have therefore focused their activism on submitting requests for the re-drafting of Qanun based on alternative readings of Islamic texts. They have also sought the introduction of new Qanun to provide greater protection for women. This has met with limited success (see Grossman 2012: 105-6). However, while these Qanun have sought to address issues such as rape and crimes against children, they do not challenge the original regulations, they do not bar the inclusion of provisions that criminalise homosexuality and impose the death penalty by stoning for convicted adultery (Grossman 2016: 87).

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