

Update Briefing

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Indonesia: Tensions Over Aceh's Flag

I. Overview

The decision of the Aceh provincial government to adopt the banner of the former rebel Free Aceh Movement (Gerakan Aceh Merdeka, GAM) as its official provincial flag is testing the limits of autonomy, irritating Jakarta, heightening ethnic and political tensions, reviving a campaign for the division of Aceh and raising fears of violence as a national election approaches in 2014.

On 25 March 2013, the provincial legislature adopted a regulation (*qanun*) making the GAM's old banner the provincial flag. It was immediately signed by Governor Zaini Abdullah. The governor and deputy governor are members of Partai Aceh, the political party set up by former rebel leaders in 2008 that also controls the legislature.

The central government, seeing the flag as a separatist symbol and thus in violation of national law, immediately raised objections and asked for changes. Partai Aceh leaders, seeing the flag as a potent tool for mass mobilisation in 2014, have refused, arguing that it cannot be a separatist symbol if GAM explicitly recognised Indonesian sovereignty as part of the Helsinki peace agreement in 2005 that ended a nearly 30-year insurgency. Partai Aceh believes that if it remains firm, Jakarta will eventually concede, as it did in 2012 over an election dispute.

Indonesian President Yudhoyono's government is torn. On the one hand, it does not want a fight with the GAM leaders; the 2005 peace agreement is the most important achievement of a president who, in his final term, is very much concerned about his legacy. It also is unwilling to provoke GAM too far, fearful that it will return to conflict, a fear many in Aceh discount as unwarranted but one that Partai Aceh has exploited with relish. On the other hand, it does not want to be branded as anti-nationalist as the 2014 election looms, especially as some in the security forces remain convinced that GAM has not given up the goal of independence and is using democratic means to pursue it. The president and his advisers also know that if they allow the GAM flag to fly, it will have repercussions in Papua, where dozens of pro-independence activists remain jailed for flying the "Morning Star" flag of the independence movement.

GAM leaders see little to lose by standing their ground. The flag is a hugely emotive symbol, and defying Jakarta is generally a winning stance locally. Some individual members of parliament see it as a way of regaining waning popularity for failing to deliver anything substantive to their constituencies. Also, Partai Aceh took a controversial decision to partner with Gerindra, the party of former army General Prabowo Subianto, for the 2014 election. Leaders like Muzakir Manaf, deputy governor and former commander of GAM's armed wing, may want to use the flag issue to show

they have not compromised their principles by allying with a man whose human rights record is often questioned.

Within Aceh, adoption of the GAM flag has sparked protests from non-Acehnese ethnic groups in the central highlands and south west. The GAM heartland has always been along the east coast; to highlanders like the Gayo, the flag thus represents the domination of the coastal Acehnese at their expense. The issue has revived a dormant campaign for the division of Aceh into three by the creation of two new provinces, Aceh Leuser Antara (ALA) for the central highlands and Aceh Barat Selatan (ABAS) for the south west. If GAM does not back down on the flag, support for that campaign by the intelligence services is likely to rise, and with it, the probability of increased ethnic tensions.

The options for breaking the stalemate seem to be as follows: the government concedes; GAM concedes, making slight changes to the flag by adding or removing an element; GAM agrees to limits on how or where the flag can be displayed; or the dispute is taken to the Supreme Court, thereby delaying any resolution.

In the meantime, the power of the GAM machinery in Aceh continues to grow.

II. The Dispute

The dispute over the flag is the first major public tussle between Aceh and the central government since Partai Aceh's team won the governorship in April 2012.¹ It began when after months of debate, Qanun No.3/2013 on the Flag and Symbol of Aceh was adopted by acclamation in a legislature controlled by Partai Aceh.²

Partai Aceh is run by a small GAM elite led by Malek Mahmud, a Singaporean-born Acehnese who for years was "prime minister" in GAM's Sweden-based government-in-exile. He headed the GAM delegation to the Helsinki talks. Since November 2012, he has held the position of Wali Nanggroe (literally "guardian of the state"), a post created in Helsinki for the late GAM founder Hasan di Tiro that GAM leaders see as the successor to the old Aceh sultanate.³ Zaini Abdullah, GAM's former "foreign minister", was elected governor by a landslide in April 2012 on a ticket with Muzakir Manaf, GAM's former military commander – who also serves as general chairman of the party.⁴ The party now controls the executive and legislative branches of the provincial government and many of its most populous districts.⁵

¹ For earlier analysis of Aceh, see Crisis Group Asia Briefings N°135, *Indonesia: Averting Election Violence in Aceh*, 29 February 2012; N°123, *Indonesia: GAM vs GAM in the Aceh Elections*, 15 June 2011; N°90, *Indonesia: Deep Distrust in Aceh as Elections Approach*, 23 March 2009; N°81, *Indonesia: Pre-Election Anxieties in Aceh*, 9 September 2008; N°61, *Indonesia: How GAM Won in Aceh*, 22 March 2007; N°57, *Aceh's Local Elections: The Role of the Free Aceh Movement (GAM)*, 29 November 2006; N°48, *Aceh: Now for the Hard Part*, 29 March 2006; N°44, *Aceh: So Far, So Good*, 13 December 2005; and N°40, *Aceh: A New Chance for Peace*, 15 August 2005; and Crisis Group Asia Report N°139, *Aceh: Post-Conflict Complications*, 4 October 2007.

² Partai Aceh controls 42 of the 69 seats. It has 33 seats itself, and its faction includes the National Mandate Party (PAN) with five seats and four smaller parties that have one seat each. The Democrat Party has ten seats; Golkar, eight; and Prosperous Justice Party (PKS) and United Development Party (PPP), four each.

³ See Section IV.B below.

⁴ They received nearly 56 per cent of the vote; their strongest rival, former Governor Irwandi Yusuf received 29.2 per cent.

⁵ These include Pidie, Lhokseumawe, Aceh Utara, Kota Sabang, Aceh Jaya, Aceh Besar, Langsa and Aceh Barat Daya.

The flag specified in the *qanun* had been used by GAM throughout its struggle for independence: red background, black and white horizontal stripes at the top and bottom, with a crescent moon and star in the middle. Instantly recognisable throughout Aceh, a modified version was adopted as the Partai Aceh flag in 2008 – after the government had rejected the original.⁶

Detractors of Partai Aceh, including ethnic Gayo groups in the central highlands, supporters of former Governor Irwandi Yusuf (himself a former GAM member) and some non-GAM politicians, see the GAM flag more as a symbol of the party than of the Acehnese people. Nevertheless, the fact that the *qanun* was adopted unanimously by a democratically-elected legislature underscored the strength of its political support.

The provincial symbol, featuring a lion and the *buraq* – the winged creature that carried the Prophet Mohammed from earth to heaven and back – had been used for years by the Aceh-Sumatra National Liberation Front, the official name of GAM.⁷ Its more complicated iconography and relatively rare usage mean it does not have the same emotive power as the flag, although it is also controversial.⁸

After Qanun No. 3 was enacted, the central government immediately suggested that some “clarification” was needed.⁹ Gamawan Fauzi, the home affairs minister, said it was in violation of Government Regulation 77/2007 on Regional Symbols, which bans any flag “that bears similarity to the logo or flag of banned organisations or separatist movements, associations, institutions or organisations”.¹⁰ On 4 April, he went to Aceh for talks with government and party leaders and presented a request that thirteen parts of the *qanun* be changed, almost all of them because they clashed with this regulation.¹¹

⁶ The party flag replaces the crescent and star with the word ACEH, but the colours and stripes are the same. In 2007, GAM leaders trying to register a local party under the terms of the 2005 Helsinki memorandum of understanding and the 2006 Law on the Governing of Aceh proposed the name “Partai GAM”, with the original GAM flag as its symbol. The law and human rights ministry, responsible for registering local parties, formally rejected the proposal, after other senior officials argued that using the name and symbol of GAM violated the spirit of the Helsinki agreement. This led party leaders to adopt the name “Partai Aceh” and the modified flag in May 2008. See “Partai GAM Bakal Jadi Partai Aceh”, *Kompas*, 1 May 2008.

⁷ The independence movement always used the spelling “Acheh” or “Atjeh” rather than the modern Indonesian “Aceh”.

⁸ According to the *qanun*, the lion is the symbol of former sultans; the *buraq* represents Islamic law; a crescent and five-pointed star above them represent faith and the five pillars of Islam respectively; two crossed traditional swords (*rencong*) that the lion and *buraq* are leaning on represent regulations (law) of the old sultanate. A motto in Acehnese written in Arabic script at the bottom means roughly “May the Acehnese people live in harmony” (*hudep beusare mate beu sajan*). The central government and some critics in Aceh said the symbol was offensive to Islam because it depicted a lion, whereas orthodox interpretations of Islamic law prohibit the depiction of living creatures, and the representation of the *buraq*, as a female centaur, was not in accordance with anything in the Quran or traditions of the Prophet (*hadith*), the two main sources of Islamic law.

⁹ All legislation passed at the provincial level remains subject to the review of the home affairs ministry, which checks regulations passed by the provincial legislatures and governments to ensure they are not in contravention of national laws. The first step for regulations deemed problematic is the issuance of a *surat klarifikasi* (clarifying letter) by the ministry; if changes to the regulations are not forthcoming or satisfactory, the ministry can suggest it be cancelled by means of a Presidential Instruction.

¹⁰ Peraturan Pemerintah Republik Indonesia Nomor 77 Tahun 2007 tentang Lambang Daerah, Article 6(4), 10 December 2007, www.hukumonline.com/pusatdata/detail/lt4a657a858ae64/nprt/911/pp-no-77-tahun-2007-lambang-daerah.

¹¹ Much to the irritation of GAM leaders, the thirteen points included a request that the memorandum of understanding not be mentioned in the preamble, because it has been incorporated in the

Members of the provincial parliament argued that under both the Helsinki memorandum of understanding and the 2006 Law on the Governing of Aceh, which enshrined most of its key principles, the government of Aceh had the right to create its own flag.¹² Moreover, they said, it could not be seen as a separatist symbol, because after the Helsinki agreement, GAM was no longer a separatist organisation. Its leaders accepted Indonesian sovereignty and made it clear in the *qanun* that the provincial flag in no way took the place of the national one.¹³

On 13 April, Malek Mahmud and Zaini led a delegation to discuss the flag issue with home affairs officials in Jakarta. They accepted two of the ministry's thirteen points, but they were minor ones. On the flag itself, they did not budge.¹⁴ That evening, they met former Vice President Jusuf Kalla, who initiated the process that led to the Helsinki agreement. Afterwards Kalla issued a statement that basically accepted GAM's position: it was no longer in rebellion against the government, so its flag could not be considered a symbol of separatism.¹⁵

But the government was not ready to concede. On 15 April, the coordinating minister for political, security and legal affairs, Djoko Suyanto, announced that both sides had agreed to a "cooling off" period, and each was going to form teams to come up with ideas.¹⁶ On 17 April, Malek and Zaini had a closed meeting with President Yudhoyono at the presidential palace. The atmosphere was apparently cordial, but little progress was made on the flag issue, and the GAM leaders used the opportunity to note that several other aspects of the 2005 agreement remained unimplemented.¹⁷

III. Reactions and Calculations

The flag regulation immediately generated strong reactions in Jakarta and Aceh, with all sides making political calculations about how to respond.

A. Partai Aceh

By all accounts, Partai Aceh leaders are convinced that if they wait long enough, Jakarta will capitulate. After all, this is what happened in 2012, when they threatened to boycott the election for governor unless it was delayed until the incumbent's term had expired. Deputy Governor Muzakir Manaf explicitly referred to this as a prece-

2006 Law on the Governing of Aceh. "Malik: Mendagri akan Telaah", *Serambi Indonesia*, 5 April 2013. This proved to be one of the few points the Partai Aceh team was willing to concede, however, because it did not directly relate to the use of the flag.

¹² The relevant articles in UU 11/2006 (Law on the Governing of Aceh, LOGA) are 246-247.

¹³ On 9 April, a spokesperson for the provincial parliament also argued that Regulation 77 had violated a key clause of the Law on Governing Aceh, stating that there must be prior consultation with the governor of Aceh on administrative policies related directly to the province. Regulation 77 has many articles specifically relating to Aceh, but there was no consultation. "DPR Aceh Tak Surut", *Kompas*, 10 April 2013. The clause in the 2006 Law on Governing Aceh relating to consultation on administrative policies is Article 8(3).

¹⁴ They agreed to drop a preambular reference in the *qanun* to the Helsinki memorandum of understanding (the central government wanted it removed because it did not have the force of law and had been replaced by the 2006 law). They also agreed not to use the call to prayer when raising the flag.

¹⁵ "Berikut hasil pertemuan JK dan Gubernur Aceh", *Republika*, 13 April 2013.

¹⁶ "Pemprov Aceh Tetap Ngotot Pertahankan Lambang GAM", *Rakyat Merdeka*, 20 April 2013.

¹⁷ "Zaini-President SBY Pertemuan Tertutup", *Serambi*, 18 April 2013.

dent for the flag dispute and suggested that as long as communication channels were kept open, everything could be resolved – on Partai Aceh's terms.¹⁸

In Aceh, the push for the *qanun* seems to have come more from Partai Aceh's provincial legislative faction than from the party leadership, though it quickly came on board. One explanation is that a change in party rules gives local branches rather than party headquarters the power to nominate legislative candidates for 2014. Several prominent Partai Aceh legislators, including faction leader Adnan Beuransyah, were reportedly in trouble at home for having ignored their constituencies in less favoured areas while supporting projects in the GAM heartland. To get back into favour as 2014 approached, the argument went, they were out in front on the *qanun*.¹⁹

If Governor Zaini was initially less enthusiastic about taking on Jakarta, as some suggested, he too would likely have seen the potential for using the flag for mass mobilisation in 2014. Partai Aceh's base is rural; its supporters are not going to be swayed by policies but by belief that the people behind the flag produced peace and that failure to support them could mean a return to conflict. The message worked in the election for governor in 2012; Zaini and Muzakir Manaf ran their 2012 campaign on the slogan of "peace and struggle" (*perdamaian dan perjuangan*).²⁰ Party leaders have every reason to believe that they can use the flag to get an even bigger turnout in 2014.

Another possible calculation, suggested by Partai Aceh's detractors, was that the flag issue provides a useful unifier to paper over several internal fault lines, between the ex-military and ex-political wings of GAM and between the factions from Pidie and North Aceh districts respectively.²¹

B. Jakarta

Members of Yudhoyono's administration seem to be torn between a deep desire to change the flag and an equally deep desire not to antagonise their opposite numbers in the Helsinki peace process. The result is a concerted effort at persuasion that probably will not work.

President Yudhoyono called on Acehnese officials to change the flag, saying, "I already gave an amnesty to all GAM members, so now anything that can be interpreted as a continuation of the separatist movement must cease".²² He and other officials have made it clear that they believe the Helsinki agreement meant the end of GAM – but in GAM's view, the agreement only committed it to disband its armed forces, not GAM itself.

Partai Aceh leaders are convinced that it is only a matter of time until the president concedes. This is not only because the government gave in to Partai Aceh over

¹⁸ "Mualem: Semua masalah bisa diselesaikan asal mau komunikasi", *Atjeh Post*, 4 April 2013.

¹⁹ Crisis Group interviews, an independent analyst and a Partai Aceh member, Banda Aceh, 13 April 2013.

²⁰ The message worked in part because most of the former GAM commanders, whose military command structure has been largely replicated in the post-Helsinki organisation called the Aceh Transition Committee (Komite Peralihan Aceh, KPA), are members of Partai Aceh and can instil a sense of both pride and fear in the community. Crisis Group interviews, Langsa, Lhokseumawe, Bireueun, Banda Aceh, 5-9 April 2012.

²¹ Crisis Group interview, local analyst, Banda Aceh, 13 April 2013. In a recent party leadership reshuffle, members of the old political wing, represented by Yahya Muadz, lost out to the former military wing, represented by Muzakir Manaf.

²² "President RI SBY Undang Zaini Bahas Bendera", *Serambi Indonesia*, 6 April 2013.

the 2012 election dispute, but also because in the presidential election in 2009, Partai Aceh delivered over 92 per cent of the vote for Yudhoyono, so why would he now go against their wishes?²³

After the president's remarks, the administration mostly refrained from public comment, as officials went up to Aceh and delegations came down from Aceh to talk. Security forces seemed to be under orders to leave the flag alone for now, and Acehnese leaders tried to keep it from flying until the issue has been resolved. Where they have not been able to prevent enthusiastic displays, the police and military have generally refrained from taking action.²⁴ Even the defence minister softened his early line, saying he had talked to the regional military commander and was convinced that the flag issue was not linked to separatist sentiment.²⁵

A widely read article by Hamid Awaludin, leader of the government negotiating team in Helsinki, also urged Jakarta to move cautiously. He noted that it was unfair to call the *qanun* a GAM product, when it was enacted by a democratically elected, representative legislature, with support from representatives of national parties. He said if officials in Jakarta had such a visceral reaction to the *qanun*, they should have brought their influence to bear on the parties concerned while it was still being debated. He did not believe it should be seen as evidence of a continued desire for independence, since GAM leaders got what they wanted in Helsinki and were now in political control in Aceh. He warned Jakarta against "megaphone diplomacy" and urged government officials to sit down with the GAM leaders and negotiate a solution.²⁶

C. Gerindra

One party that is in a particularly difficult position is Gerindra, the party of presidential candidate and former army General Prabowo Subianto. In the same week that Qanun No. 3 was approved by the provincial parliament, Muzakir Manaf and a number of other leading Partai Aceh figures were appointed to Gerindra's provincial advisory council, and the party has placed some of its members on Gerindra's parliamentary list.²⁷ (Partai Aceh itself is a local party and cannot field candidates for the national parliament.)

While Prabowo himself has not commented on the flag, deputy party chair Fadli Zon has defended the symbol, while stressing the need for dialogue with Jakarta.²⁸ It was not Partai Aceh's first odd alliance with the military: in February 2012, the party brought Major General Sunarko, a controversial former regional military commander, onto its campaign team for local elections, even though he was widely blamed in

²³ Crisis Group interview, Partai Aceh supporter, Banda Aceh, 12 April 2013.

²⁴ An exception was in North Aceh, where a local subdistrict military commander took down the flag just as the commanders above him were being changed; he may not have received the message of restraint. Crisis Group interview, local analyst, Banda Aceh, 13 April 2013. See also "Tentara dan polisi turunkan bendera Aceh di Lhoksukon", *Serambi*, 25 March 2013.

²⁵ "Soal bendera Aceh, Menhan: tak ada indikasi separatisme", *Detik.com*, 5 April 2013.

²⁶ Hamid Awaludin, "Bendera Aceh", op-ed column, *Kompas*, 9 April 2013. After the fact, representatives from the PAN and PPP parties in Jakarta sought to distance themselves from the flag, questioning its constitutionality.

²⁷ "Kader PA Masuk Caleg Gerindra ke DPR RI", *Serambi*, 21 April 2013.

²⁸ "Fadli Zon: Bendera GAM Jadi Bendera Aceh Harus Dihargai", *Metro TV*, 8 April 2013.

2009 for pre-election violence against GAM members.²⁹ In March 2012, he reportedly joined the Gerindra national advisory council.³⁰

Partai Aceh has almost certainly aligned itself with Gerindra as the 2014 polls approach because it wants a winner – the same reason they allied themselves with Yudhoyono in 2009 – and in hope of securing funds for its 2014 campaign.³¹ It is less clear what Prabowo has to gain from the alliance. Aceh's thirteen legislative votes are not enough to make a major difference in a national election with 560 seats at stake, although in a close race, every seat counts. Both supporters and opponents of Partai Aceh suggested that the real attraction for Prabowo was symbolic. "If you want to be seen as a national candidate, you need Aceh and Papua", said a Partai Aceh observer.³² Others suggested that support from Aceh would help Prabowo clean up his image as someone with an alleged dubious human rights record.³³

D. *Opposition in Aceh*

The flag is particularly problematic for many members of the non-Acehnese ethnic groups in the central highlands and along the south-west coast. These were never GAM strongholds during the conflict, and the influence of Partai Aceh is far weaker there. Expressions of opposition to the flag were strongest in these areas, such as in Takengon, Aceh Tengah district, where, on 4 April, protesters organised motorbike convoys to circle the city singing nationalist songs before gathering in the town centre to burn the GAM flag.³⁴ Local leaders such as Tagore Abubakar, the former district head (*bupati*) of Aceh Tengah, proclaimed their readiness to do "anything" to defend the Indonesian unitary republic and claimed they were reactivating old pro-Jakarta militia groups to quell support for the flag. Other "red-and-white convoys" – using the colours of the national flag – were organised in Meulaboh, West Aceh, as well as in Banda Aceh.

These reactions have brought back to the fore the issue, dormant for the last several years, of dividing Aceh into three through the addition of two new provinces, largely along ethnic lines. At the Takengon protest, Tagore read an open letter to President Yudhoyono calling for establishment of the long-discussed Aceh Leuser Antara (ALA) province. ALA, he said, would bring peace to Aceh by uniting the ethnic Gayo of the central highlands with the Alas ethnic group in the south east in a new province that would also be home to much of Aceh's forestry wealth and the Gunung Leuser national park.³⁵ There have also been renewed calls for creation of a South

²⁹ See Crisis Group Briefing, *Indonesia: Deep Distrust in Aceh as Elections Approach*, op. cit. He later told *Tempo* magazine: "Now I understand that they were rebelling because they wanted Aceh to progress". "Para Penyokong Kursi Darussalam", *Tempo*, 18 April 2012.

³⁰ "Pengurus Baru Gerindra: 314 Pengurus, Puluhan Jenderal dan Aktivistis", *Beritasatu.com*, 12 July 2012.

³¹ Almost all polls show Prabowo among the top three candidates in 2014, although he is increasingly losing ground to the popular governor of Jakarta, Jokowi. See, for example, "Megawati, Ical dan Prabowo Kandidat Kuat Capres 2014 versi LSI", *Kompas*, 17 March 2013. Prabowo supported Partai Aceh candidates in the 2012 local elections and was one of the few national figures to attend the inauguration of Governor Zaini.

³² Crisis Group interview, Partai Aceh activist, Banda Aceh, 13 April 2013.

³³ Crisis Group interview, local analyst, Banda Aceh, 13 April 2013.

³⁴ "Massa Gayo Bakar Bendera", *Serambi*, 5 April 2013.

³⁵ ALA province would include the districts of Aceh Tenggara, Gayo Lues, Aceh Tengah and Bener Meriah

West Aceh province (Aceh Barat Selatan, ABAS).³⁶ On 20 April, a local committee in Meulaboh declared the establishment of ABAS, citing the flag as one of its primary points of difference with Banda Aceh.³⁷

If the flag issue is not resolved, there is a danger that as the elections draw closer, elements of Indonesian intelligence could mount covert operations in support of these campaigns in a divide-and-rule tactic used before.³⁸ While the likelihood the campaigns for new provinces would succeed is close to nil, since they would need the support of the governor and the provincial legislature, they could result in heightened tension with Partai Aceh members in the area.³⁹

IV. Possible Resolutions and Political Implications

Whether Partai Aceh wins or loses on the flag, it means headaches for Jakarta. If it wins, it will be an enormous political and psychological victory and likely embolden Malek and party leaders to push for more, with particular attention to the strengthening of the office of Wali Nanggroe. It would have follow-on effects in Aceh, with more resentment against Partai Aceh in the non-Acehnese ethnic areas as the 2014 election approaches, and in Papua, where more questions would be asked about why the Morning Star flag continues to be banned. A GAM victory on the flag issue could also spark increasing concerns in the security community – concerns always present but rarely voiced – that GAM is still determined to work for independence via democratic means. This in turn could lead to more covert intelligence support from Jakarta for the division of Aceh.

It would certainly make for an odd election next year, with much of Aceh a sea of GAM flags while pictures of Partai Aceh leaders and their partner, Prabowo, adorn campaign posters.

A. Will Partai Aceh Back Down?

If Partai Aceh is forced to back down, it will probably not have to retreat very far. The most likely compromise would be a flag that looks very much like GAM's but with one or two altered symbols; one suggestion is to put a traditional Acehnese sword below the star and crescent. Others have suggested taking another flag from Aceh's history, but given the minimal changes made to the Partai Aceh flag in 2008, it is unlikely that the final product would stray very far from the original.

Nevertheless, Partai Aceh is not likely to make even this concession without pushing things to the brink, because experience has shown that Jakarta always caves. Instead, it would needle Jakarta with other initiatives. On 17 April, for example, the provincial legislature held a hearing on a proposed *qanun* to establish a Truth and

³⁶ "Calon Provinsi ABAS Minta Pusat Percepat Pemekaran", *Tempo*, 21 April 2013.

³⁷ "Provinsi ABAS Dideklarasikan", *Serambi*, 21 April 2013.

³⁸ Indonesian intelligence reportedly drove the decision in 2003 to divide Papua into three provinces; eventually only two were created, but the division created lasting resentment toward the central government among Papuans. See Crisis Group Asia Briefing N°24, *Dividing Papua: How Not to Do It*, 9 April 2003. For information on the early moves to create ALA and ABAS, see Crisis Group Briefing, *Aceh: So Far, So Good*, op. cit.

³⁹ Even though Partai Aceh is weaker here than in other areas, it still has a significant presence. For example, in the 2012 elections, its ticket secured 36 per cent of the vote in Bener Meriah, 25 per cent in Aceh Tengah, 68 per cent in Gayo Lues, 39 per cent in Aceh Tenggara and 23 per cent in Aceh Singkil. See election results on the KIP website, www.kip-acehprov.go.id.

Reconciliation Commission (TRC) in Aceh to address past human rights abuses. Even though provision for such a commission was included in both the Helsinki agreement and the 2006 law, it was always as subordinate to or part of a National TRC – which does not yet exist.⁴⁰ Partai Aceh's decision to move forward on its own is another test of how much authority the province actually has, but it is also a jab at the central government, reminding it both that the Helsinki agreement has not been fully implemented and that the conflict has not been forgotten. President Yudhoyono's remarks on the flag are telling in this respect – in effect, we gave you amnesty, now focus on the future. Keeping an eye on the past is certain to annoy Jakarta.⁴¹

Party leaders will push the flag issue as far as they can, because they can also get political mileage from defying Jakarta, up to a point. They are being careful to keep the flag off public buildings as long as discussions are ongoing, even though hundreds of thousands have been produced, and the provincial budget contains a Rp.40 billion (\$4 million) allocation for the “dissemination of the flag and symbol”. One word from Malek or the governor, and those flags will be raised across Aceh, which would certainly happen if Jakarta concedes.

Partai Aceh has said it will take the case to the Supreme Court if home affairs threatens to revoke the *qanun*. That would certainly delay resolution further but still beg the question of what happens if the court rejects the flag.

The worst case scenario is that as elections draw closer with no resolution in sight, someone in Partai Aceh gives the word to fly the flag anyway, and the army and police are given instructions to take it down. That would be a recipe for violence, but it is unlikely to come to that. Partai Aceh wants to further consolidate its political hold on Aceh in 2014 and would like Prabowo's money to aid the cause. Going too far could put that alliance in jeopardy, so a negative Supreme Court ruling might possibly bring about a minor modification in the flag's design.

B. *What if the Government Concedes?*

If the government allows the flag, Partai Aceh is likely to take an equally intransigent line in the battles to follow, most immediately over the Wali Nanggroe *qanun* and the provincial budget. Both raise several questions: what are Partai Aceh's long-term goals, how much more power can it accumulate, and can it be unseated? In 2009, its opponents were optimistic that if it failed to perform, it would be thrown out by disgruntled voters. Its political machine has become so strong, however, that losing at the polls is unlikely, even if it fails to deliver.

The Wali Nanggroe *qanun* gives an idea of why. This regulation, which is said to be under review by the home affairs ministry, would set up a huge new bureaucracy, funded by the provincial budget, which in turn is drafted by the GAM-controlled executive and approved by the GAM-controlled legislature. It would provide jobs and income for Partai Aceh loyalists who are not already provided for through other means. The selection process for the Wali is designed so that the party retains control

⁴⁰ For a history of the proposals for a Truth and Reconciliation Commission for the country and for Aceh, see “Time to Face the Past”, Amnesty International, 18 April 2013.

⁴¹ Central government officials have made it clear in various ways that they do not see the establishment of a commission in Aceh as being helpful to reconciliation, particularly when the army is likely to be the target of most accusations. A member of the government negotiating team in Aceh went so far as to suggest that if a commission went ahead, there would be pressure on the government to revoke the amnesty for GAM members.

over the candidates, and the Wali in turn selects the hundreds of personnel required for the bureaucracy.

The *qanun* is controversial within Aceh for many reasons: it is tailored to Malek Machmud, who had already informally been given the post after Hasan di Tiro's death, and in Article 132, mentions him by name as Wali Nanggroe IX; it stresses Acehese ethnic identity at the expense of other groups in Aceh; and most problematically, it would set up what some see as a shadow government with the equivalent of ministries.⁴² But there is not a political force in Aceh that can challenge it, and it remains to be seen how strongly Jakarta will object. Beyond articles that give the Wali immunity from prosecution and the ability to cooperate with international parties, it is not clear that the new structure would violate any laws.

The main tasks of the Wali, as outlined in the *qanun*, are to unify the Acehese people; guide religion, prosperity, justice and peace; serve as the symbol of political authority, tradition and history; and oversee the government of Aceh.⁴³ He or she would also officiate at all ceremonies, give advice and guidance to the government and the provincial legislature; offer suggestions to the central government; protect "the wealth of Aceh inside and outside the province"; and cooperate with various parties both domestically and internationally.⁴⁴

In other words, the Wali is seen very much as a modern-day equivalent of the old Acehese sultan, complete with the requirement that he or she be addressed as Paduka Yang Mulia – translated in English as Your Excellency but in Indonesian suggesting royalty.⁴⁵ The Wali would preside over a large institutional structure including a deputy; a supreme council consisting of three advisory councils; a *de facto* cabinet, that includes the council of Islamic scholars, the Aceh customary (*adat*) council; and councils for education, economy, security (*bentara*), treasury, forestry, natural resources, mines and energy; health and social affairs, and women; and the equivalent of a state secretariat to manage administration.⁴⁶

The security element is explained in the *qanun* as a force to protect the Wali and his or her deputy and to maintain security and order around the Wali's palace and undertake protocol duties – as well as doing any other task assigned by the Wali.⁴⁷ This would in effect create a uniformed unit for many under-employed former commanders.

All this comes at great expense – a proposed Rp.40 billion (\$4 billion) per year, according to the provincial budget that has already been sent back to Aceh by the home affairs ministry for revisions.

The budget also contains large allocations for the Komite Peralihan Aceh (KPA), the structure set up by former commanders that in some areas of Aceh has become a powerful economic and security force closely tied to the Partai Aceh governing structure but without any accountability.

⁴² See the weekly newspaper *Modus Aceh*, 5-11 November 2012, for a discussion of these issues. Hasan di Tiro, GAM's founder, claimed he was the eighth generation of traditional Acehese leaders, so Malek becomes the ninth. One way of tailoring the position to Malek was to ensure that the ability to recite the Quran was not made a condition for the job, although it is for the governor, deputy governor and other senior posts. Malek was brought up in Singapore and never learned this skill. The post requires fluency in the Acehese language, in effect discriminating against non-Acehese groups like the Gayo.

⁴³ Qanun No. 8/2013, Article 2.

⁴⁴ *Ibid.*, Article 29.

⁴⁵ *Ibid.*, Article 17(3).

⁴⁶ *Ibid.*, Articles 29-67.

⁴⁷ *Ibid.*, Article 49.

One other structure appears to have recently come under party control – the seven-member, supposedly independent local election commission (Komisi Independen Pemilihan, KIP). On 1 April, commission candidates for the period 2013-2018 were interviewed by a panel, including the seven serving commissioners. Of those seven, the only one who passed was the one known to be close to Partai Aceh. His name and those of twenty other candidates were sent to the parliament, where Partai Aceh's influence in selecting the new batch was evident.

A former commissioner said he believed the removal of the other six serving commissioners might have been due in part to disputed population data.⁴⁸ If Aceh's population exceeds 5,000,000, it is entitled to expand the parliament to 81 seats; below that, it stays at 69 seats. In December, KIP said its data showed the population was 4,999,698, whereas the data submitted by the governor showed a population of 5,012,234.⁴⁹ Expanding the parliament may be another way of strengthening the party's control.

Aceh has already taken on some of the trappings of a one-party state, and it is not at all clear that Partai Aceh would be easily dislodged even if discontent in the electorate grows. With all its attention to power, authority, symbolism and money, at the expense of social programs, it is not surprising that more concerns about the party's long-term intentions are being voiced.

C. *What are the Implications for Papua?*

If the flag is an emotive issue for Aceh, it is even more so for Papua, where the "Morning Star" flag is the iconic symbol of the independence movement. Human rights organisations say that peaceful flag-raising should be treated as an exercise of freedom of expression and not a crime, but at least seven people are in prison for raising that banner, considered an act of rebellion (*makar*) under the criminal code, and many more have served time in the past.

GAM leaders say that because they no longer seek independence, the situations are not comparable. But allowing the GAM flag in Aceh could strengthen calls for a revision of policy on the use of flags in Papua and possibly Maluku, where some pro-independence activists are also in prison with heavy sentences.

It could also have negative repercussions, leading the government to take a harder line against any policy revision. In July 2000, then-President Abdurrahman Wahid allowed the Morning Star to fly as a cultural symbol, as long as it was smaller and flew below the national "red-and-white". He was forced under pressure from security forces to reverse the policy a few months later and, in October, said publicly that the flag was a separatist symbol and Papuans should find something else to represent their culture.⁵⁰

V. **Conclusion**

The dispute over the flag is about much more than whether it constitutes a separatist symbol. It is about the 2014 legislative elections and what they could mean for the strengthening of Partai Aceh's power. It is also about where Aceh is headed and what its relations with Jakarta will be. There is little chance of a resumption of deadly con-

⁴⁸ Crisis Group interview, election commissioner, Banda Aceh, 12 April 2013.

⁴⁹ "KIP: Penduduk Aceh 4,9 Juta", *Serambi*, 13 December 2012.

⁵⁰ "Violence and Political Impasse in Papua", Human Rights Watch, July 2001, p. 22.

flict, although localised outbreaks of violence are possible, and little basis for Jakarta's fears that standing up to Partai Aceh would seriously jeopardise the peace. As Hamid Awaludin points out, its leaders now have much of the political control they sought.

If Jakarta accepts the flag, it would certainly be welcomed in many parts of Aceh, and the Yudhoyono government might win praise abroad for taking a difficult decision in support of freedom of expression. But it could reinforce Partai Aceh's view that obstinacy produces results, anger non-Acehnese ethnic groups, strengthen Papuan calls for the review of Regulation 77 and be seized on by Yudhoyono opponents as an example of an anti-nationalist stance.

If it rejects the flag, it could worsen relations with Partai Aceh, allow the party to spin the decision as another example of central government perfidy, lead to a search for new ways to challenge Jakarta's authority and boost the party's support in the lead-up to the election. It also raises the question of what autonomy means, if Aceh's elected legislature is not even allowed to adopt its own flag.

Either way, the question of what Partai Aceh does with its power will probably be deferred until after the 2014 elections. Sooner or later, however, there will have to be a reckoning: does the party, with its extensive institutional control, have the will and capacity to use its power in the interests of improved social services and poverty alleviation? If yes, the battles over symbols might be worth it. If not, Aceh will look more and more like a one-party state without redeeming features.

Jakarta/Brussels, 7 May 2013

Appendix A: Map of Indonesia

