



**Building Peace and Upholding Justice:  
Lessons from Indonesia, Timor-Leste, and Nepal**

**Expert Meeting  
Denpasar, Indonesia, December 2-3, 2008**

*Facilitated by:  
International Center for Transitional Justice<sup>1</sup>  
Indonesia Office,  
and Peace and Justice Program*

ICTJ hosted a meeting, “Peace and Justice in Asia,” with a particular focus on Indonesia, Timor-Leste, and Nepal, on December 2-3, 2008. In advance, a one-day workshop was held with the primary authors of the case studies now being concluded on Nepal and Indonesia (Aceh and Maluku).

The two-day conference brought together senior experts, officials, and community leaders from three distinct areas that have suffered conflict in Indonesia: Aceh, Papua, and Maluku. In addition, experts traveled from Timor-Leste and Nepal to speak of the challenges and lessons emerging in those post-conflict contexts. The twenty participants included:

- the deputy chair of the National Human Rights Commission of Indonesia
- a retired general in the Indonesian military who served as a member of the Truth and Friendship Commission (established jointly by Indonesia and Timor-Leste)
- a former governor of Aceh
- a member of the Indigenous People’s Council of Papua, an oversight body established under the Papuan Special Autonomy law
- secretary of the Papuan Traditional Council, a civil society-led initiative
- Deputy Director of Human Rights for the Ombudsman Office of Timor-Leste
- representatives of women’s organizations in Timor-Leste and Papua

---

<sup>1</sup> ICTJ would like to thank the following donors for the financial support for this meeting and for the in-depth research that provided a foundation for the meeting: HIVOS, the Government of Norway, the Open Society Institute, the European Commission (Initiative for Peace project), the Rockefeller Financial Advisors, and the US Institute of Peace. In addition, ICTJ would like to express appreciation for the contribution of ELSAM, an Indonesian partner NGO, and consultant Scott Cunliffe, who together led the research on Maluku and Aceh; and for the collaboration on this research project of the International Peace Institute in New York. The ICTJ Nepal team, led by Warisha Farasat, provided critical research and input on the Nepal case. Patrick Burgess, ICTJ’s Asia Director, provided comparative examples from other Asian conflicts and a synthesis of lessons learned from the region.

- civil society and religious leaders from Papua, Maluku, and Timor

The meeting was chaired by ICTJ's Indonesia Office Director Galuh Wandita and Peace and Justice Program Director Priscilla Hayner.

The meeting resulted in intensive discussions exploring the linkages between peace processes, of many various types, and the challenges in obtaining justice for serious crimes that took place in the course of the conflict. The five conflict situations represented in the meeting varied significantly:

- Two of the contexts, Aceh and Nepal, represented situations where a civil war was formally resolved through peace negotiations and a peace agreement. While the talks in Aceh were led by an international mediator, Nepal included very little role for internationals in the talks, and only at the advisory level. In both contexts, civil society continued to press for the implementation of justice measures, and important societal factors that led to conflict have not yet been fully addressed.
- Another situation of violent conflict considered in the meeting, that of the Indonesian region of Maluku, also was officially brokered through talks and a signed agreement mediated by a representative of the national government. A parallel civil society peacemaking effort also took place. However, root causes still have not been seriously addressed and inter-communal misunderstandings, along with increased religious segregation of communities, mean that the potential for further conflict remains a threat.
- Two other situations represent simmering, recent, or potential future conflict. There has been some political change in these contexts – and in the case of Timor-Leste, full independence – but the conflicts have been addressed in forms other than through formal peace talks or peace agreements. In Papua, sporadic violence, repressive policies from the national government, and a lack of justice continue despite a special autonomy law in 2001. In Timor-Leste, major initiatives after independence to address past human rights crimes were followed unexpectedly by further violence and lack of follow-through on implementing recommended reforms.

Despite the differences among these contexts, there were strong similarities in perceptions of peace and justice. Participants saw a natural and unavoidable link between the possibility of establishing long-term and sustainable peace with the necessity to establish some serious measure of justice. Justice was understood in all contexts to extend far beyond criminal accountability. In fact, the primary call in most of these contexts – in particular Maluku, Papua, and to some degree Nepal – was for a greater understanding of the root causes of conflict, a means to address these factors, and an acknowledgement on the part of authorities of repressive practices or human rights abuses that have been committed.

In Nepal, the primary issue of justice currently under discussion is investigating the disappearances of the war. Local justice advocates are pressing for a commission to establish the truth, which would then lead to judicial accountability for crimes. However,

the peace process has led to a political dispensation with the former rebels leading the government and the national army resisting any suggestion of accountability. This limits the possibility of justice. Could more commitments to justice have been incorporated into the peace deal? If so, would implementation have been more likely?

There was a strong call from participants for a process of dialogue in Papua which naturally inferred a process to address ongoing abuses. The attempt to resolve demands for political independence through granting a formal autonomy arrangement, while failing to change ongoing practices that put at risk the very survival of the indigenous Papuan community, was seen as shortsighted and duplicitous. Sustainable peace in Papua may not be possible unless founded on policies of justice: acknowledgement of abuses, truth, fair application of the rule of law, the restoration of the right to freedom of expression, and addressing the damage done through community reparations programs.

In several contexts, participants described the exclusion of women in formal peace processes, and lamented the limited political role of women in transitional contexts despite their strong contribution and often leadership roles in fighting for rights and prevention of violence during the years of conflict. The lack of transitional justice measures to crimes suffered by women was also contentious in some contexts; for example, a compensation program excluded victims of rape, based on the reasoning that the act of rape could not be later proven.

After presentation and discussion on each of the contexts, the group considered general trends and lessons emerging from these experiences. Questions – and suggestions of lessons – that emerged included the following:

- What should the role of civil society be in a peace process? How can independent voices be heard during peace talks if they are not formal delegates to the talks? Several positive examples were considered - such as in Guatemala where the media covered civil society's detailed review of the peace accord, and where Liberian women literally encircled the negotiating hall until the men inside produced a viable peace accord - compared with the limited role in Aceh and Nepal, for example.
- How does the role of civil society change over time – such as when key NGO or resistance leaders join government, and may soften their position on justice, while their departure also leaves civil society weakened? Can civil society better predict and prepare for such changes?
- What are the potential contributions – as well as the potential dangers – of international involvement in advancing peace and justice? In what contexts would a stronger international role be appropriate or welcomed? What are the risks in relying on international 'models' of justice?
- In what ways might justice be seen to be in the 'national interest' by a national government that may not prioritize victims' interests? For example, international legitimacy, as well as a situation of stable peace, will be affected by perceptions of fair, just, and rule of law-based governance at the national level.

- How do broader economic interests and corporate responsibility impact on the struggle for peace and for justice? Several contexts were explored, especially natural resource extraction relevant to some of the Indonesian cases.

The meeting concluded with recognition and analysis of a range of internal as well as external factors that can push a situation of transition towards either greater tension, impunity, and ultimately violence, or a strengthened and deepened peace and justice. There was interest in follow-up workshops to evaluate more closely each of the factors that played a role in either worsening or improving situations of ceasefire. Such a review would have the ultimate aim of identifying potential new factors that could be employed to have a positive effect, or identify those factors that currently have a negative impact so they might be neutralized or changed for the positive. (These might include the role of international donors, local religious leaders, foreign NGOs, national ministers of peace or justice, the national media, etc.)

ICTJ hopes to host further expert meetings in Asia and other regions that allow a close consideration of the relationship among efforts to establish both long-term peace and justice. It greatly appreciates the expertise brought to this meeting from the five conflict situations considered, and looks forward to continuing a relationship with this group of experts.