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Article:

Price, M. orcid.org/0000-0002-0445-0549 (2022) The long way round: how the war on terror influenced the politics of international legitimacy and Indonesia's military action in Aceh. Critical Studies on Terrorism, 15 (4). pp. 846-866. ISSN 1753-9161

https://doi.org/10.1080/17539153.2022.2089398

This is an Accepted Manuscript of an article published by Taylor & Francis in Critical Studies on Terrorism on 26 Jun 2022, available online: http://www.tandfonline.com/10.1080/17539153.2022.2089398.

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The long way round: how the war on terror influenced the politics of international legitimacy and Indonesia's military action in Aceh

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This paper explores how the war on terror influenced the politics of international legitimacy and domestic military action in the case of Indonesia's armed conflict with separatist group Gerakan Aceh Merdeka (GAM, 2003-05). It does so by examining how the Indonesian government justified their military operation to Australian and US audiences. I offer two findings on the role of the war on terror in the politics of international legitimacy. First, context mediated how Indonesian leaders used the language of terror to legitimise their conflict to foreign audiences. Indonesian leaders were not able to hail GAM into the role of "terrorist", but they were able to invoke the spectre of terrorist hotspots by portraying GAM as a threat to regional stability. Second, Indonesia's justifications show that they perceived an obligation to other rules and norms. While the war on terror was influential, it did not monopolise the politics of international legitimacy. The paper adopts a constructivist approach to legitimacy to provide a theoretically informed account of these dynamics.

Key words: terrorism, legitimacy, civil war, Indonesia, justification, insecurity

Word count with reference list: 10980

Word count without reference list: 8852

Introduction

Since the Bush administration first moved to ascribe meaning to the attacks on the World Trade Center, the political and military project of the "war on terror" has exerted considerable influence over contemporary international politics (Holland 2012, 75). There was a widely held concern that as the US and its allies sought to justify a series of controversial counterterror practices, they changed the parameters of debate about what constitutes legitimate conduct (Burke 2008, 207–33; Jackson 2018; Pokalova 2010). Consequently, wherever states can link their violence to the imperative of countering terrorism, the international system has been more inclined to countenance their action.

These purported changes would be welcomed by regimes seeking violent solutions to complex domestic problems. As it stands, the doctrine of sovereignty does not completely shield such regimes from international scrutiny. Norms like sovereignty as responsibility give states an obligation to explain why they engage in measures such as domestic military action (Bellamy 2015, 175; 2009, 28). Knowing this, many insurgent groups develop their own human rights themed public relations strategies for international consumption (Aspinall 2007; Kleinfeld 2005). The resulting legitimacy contests can be costly for states. Scrutiny can result in action like sanctions and military intervention. In the case of Indonesia and East Timor, the international community might start to forcefully question the very legitimacy of the territorial unit itself (Wheeler 2000, 805). By legitimising their military action, states are more likely to avoid external interference in their conflict. They may even garner international assistance.[1]

Following on from Ian Clark's work, this paper takes international legitimacy to mean the set of base level social principles "about who is entitled to participate in international relations, and also about appropriate forms in their conduct" (Clark 2007, 3). The *politics* of legitimacy refers to the practices (including justification) by which actors establish the legitimacy of a particular policy or measure. To explore the politics of international legitimacy in this case, the paper examines how Indonesian foreign policy leaders justified the government's domestic military action to international audiences. The focus of this analysis is narrowed to justifications because this language is a window into how actors *perceive* their normative surrounds (Wheeler 2000, 80). By looking at justifications, we can see whether and how the Indonesian government utilised the terror discourse to legitimise its actions. In turn, this tells us whether and how Indonesia perceived that the war on terror shifted the terms by which it could engage with the politics of international legitimacy.

Indonesia's operation against separatist group Gerakan Aceh Merdeka lasted three years. It was notable for its considerable scale. With 30 000 Tentara Nasional Indonesia (TNI) personnel and 12 000 police, the deployment was the largest in the state's history (Crouch 2010, xii). The operation can also be characterised by the numerous credible allegations of military abuses such as forced disappearances, arbitrary killings, and looting (Amnesty International 2004; International Crisis Group 2003; U.S. Department of State 2004). Indonesia's military action in Aceh presents a good opportunity to study the effects of the terror discourse because it occurs at a time when the war on terror had a particularly salient presence in international politics. A matter of weeks before Indonesia launched its military campaign in Aceh, the Coalition of the Willing had invaded Baghdad. Indonesia's military - the Tentara Nasional Indonesia (TNI) - had even elected to style the opening sequence of their campaign on the Coalition of the Willing's "shock and awe" strategy for capturing Iraq's capital (Schulze 2007, 84). **The TNI, at least, perceived that the invasion of Iraq had made military action more socially permissible.** If there was ever a time when the language of terror might be deployed by a *government* looking for a violent solution to a complex domestic problem, this was it.

Yet the Indonesian justifications illustrate two things about the effects of the war on terror in the politics of international legitimacy. First, context mediates the way actors choose to engage with the language of terror to legitimise their violence. Indonesia's separatist adversary Gerakan Aceh Merdeka (GAM) was not able to garner significant international support for its independence claim, but nor were they typically associated with Islamic extremism (Aspinall 2007, 254; Kingsbury 2007, 100; Smith 2003, 465). Indonesia made failed attempts to affix the terror label to the rebels, but they also cast their conflict as an effort to prevent the fragmentation of the archipelago and the associated rise of transnational threats *such as* terrorism (Commonwealth of Australia 2003, 277; Natalegawa 2003; Yudhoyono 2003). Indonesian officials might have perceived that the war on terror was an asset in the politics of international legitimacy, but that did not mean they were able to successfully cast GAM as terrorists.

Second, even at a time when international politics appeared saturated with the language of terror, Indonesia did not perceive that the war on terror had completely displaced other prominent international rules or norms. The terror discourse did not come to form the totality of Indonesia's justification for their military action. Within Indonesia's justificatory strategy we can also discern deference to the principle of force as a last resort (Kementerian Luar

Negeri Republik Indonesia 2003; Natalegawa 2003; Yudhoyono 2003) as well as humanitarianism (Natalegawa 2003).

This article argues that to make sense of the relationship between the war on terror and the legitimacy of state violence in cases such as Indonesian's military operation in Aceh, we benefit from thinking of legitimacy as a *terrain*. This legitimacy terrain is comprised of other rules and norms that constrain opportunities and offer resources to actors constructing justificatory strategies (Reus-Smit 2013, 67). Instead of eclipsing this terrain, the war on terror has crowded it. When states such as Indonesia crafted their justifications, they were choosing from a more *diverse* terrain of ideational resources precisely because of the war on terror. Furthermore, their position in the legitimacy terrain affected their capacity to utilise resources such as the war on terror.

This article proceeds in five sections. The first section reviews existing literature on how actors have appealed to the war on terror to justify military action. The second section outlines the paper's methodology. The third section provides a constructivist conceptualisation of legitimacy and introduces the paper's key concept of the legitimacy terrain. The fourth section explores how the war on terror altered the politics of international legitimacy in the case at hand. Fifth and finally, the article details the implications of the preceding sections.

Discourses of terror and the politics of international legitimacy and domestic conflicts

A considerable volume of critical literature has already detailed how the Bush administration and its allies attempted to legitimise military action made in the name of the war on terror (Holland 2012; Gleeson 2014; Jackson 2018; McDonald and Merefield 2010; Shepherd 2006; Jarvis 2009; Krebs 2015). In this literature, counterterrorism approaches like that of the Bush administration are not treated as a natural or self-evident way of conceptualising the phenomena of terrorism. Instead, the language and practices of the "war on terror" form discourses of terror (Jackson 2016: 3). In this context, discourses can be understood as frameworks of meaning which "make intelligible some ways of being in, and acting towards, the world…while excluding other possible modes of identity and action" (Milliken 1999, 229). **In other words, the ontological content of terrorism is socially constructed, thereby enabling a particular counterterror approach.**

This initial research agenda has been followed by a proliferation of scholarship on the relationship between the war on terror and the media (Al-Lami, Hoskins, and O'Loughlin 2012; Al-Sumait, Lingle, and Domke 2009; 2009), security practitioners (Heath-Kelly 2012; Pratt 2019; Stampnitzky 2013; Zulaika 2012), and the public (Jackson and Hall 2016). There has also been a growing body of work on how political elites *outside* the Coalition of the Willing have deployed the language of terrorism (Baker-Beall 2009; Bogain 2017; Campana 2014; Chan 2018). Of particular relevance, Pokalova examines how the Turkish, Russian and Serbian governments used the terror discourse to frame their domestic conflicts. Here, Pokalova is primarily interested in why actors deploy these frames and how they affect the conflict dynamics themselves (Pokalova 2010, 429). In other words, Pokalova's work comes close to, but does not home in on the relationship between the war on terror and the process by which states collectively establish what it means to act legitimately - the *politics* of legitimacy.

Many critical analysists have stressed that the war on terror invited opportunities for political leaders to denigrate domestic sources of opposition (Burke 2008, 203–33; McDonald 2007; Jackson 2018, 13; Pokalova 2010, 429). For instance, Jackson provides a comprehensive account of the Bush administration's rhetoric and gives this discussion of its ramifications;

> Some countries have adopted the language of the "war on terrorism" to describe their own fight against international insurgents and dissidents, notably Russia, India, China, Zimbabwe, the Philippines, Colombia and Israel. Linking rebels and dissidents at home to the global "war on terrorism" gives these governments both the freedom to crack down on them without fear of international condemnation, and in some cases, direct military assistance from America (Jackson 2018, 13).

The Bush administration and its allies have provided governments all over the world with the language with which to legitimise violence. By this account, the war on terror can be understood as a major rupture in the normative environment of international politics.

There has been little scholarly attention to the question of whether the war on terror has been a "sea change" with respect to the status of domestic military action in international politics. This article accepts the proposition that the war on terror has given states new opportunities to legitimise their domestic military action, but it also places an emphasis on continuity and context.

Methodology

To examine how Indonesian officials justified their military action, this paper will draw upon methods developed within the field of discourse analysis. While there have been numerous versions of this analytical framework, common to discourse analysis is the notion that it should help reveal the role of the textual in the maintenance of the social world (Jørgensen and Phillips 2002). In the case of foreign policy, for instance, political leaders must ascribe meaning to the world in order to act (Hansen 2006, 5).

In employing the methodology of discourse analysis, this paper has two specific concerns: First, I am interested in the role of representation. In crafting justifications, actors make choices about how to represent subjects, objects, and the relationships between them. They can make them consciously or unconsciously but in either case, an actor's language can never merely reflect the world "out there" (Milliken 1999, 229; Jackson 2018, 23). In turn, the act of representing the world has political consequences (Jackson 2018, 23; Shepherd 2008, 24). Selectivity is an important related concept. For instance, in foregrounding GAM's illicit activities, the Indonesian government portrayed them as a threat to Indonesia's hard-won security. In revealing the role of selectivity, it is possible to identify the political implications of a given representational strategy.

The paper's second concern is with the intertextuality of speech acts. Intertextuality refers to the way that a text's meaning is produced by its relationship to other texts (Hansen 2006, 55; Shepherd 2008: 25). **To borrow an illustrative example from Shepherd (2008), this article directly refers to other texts. The previous texts help establish the meaning of this article and this article helps establish the meaning of the previous texts (Shepherd 2008: 25).** Because of intertextual chains, certain representational devices are also more likely to resonate with an audience. For instance, when Indonesian Ambassador Imron Cotan addressed a Parliamentary Committee in Australia, he explicitly drew on Australian security debates (Commonwealth of Australia 2003, 277). In directly borrowing from the pre-existing representational strategies of his audience, Imron was able to position GAM as a threat to Indonesia *and* Australia. Intertextuality helps audiences comprehend texts and make sense of their significance.

Data

I used three criteria to guide the process of locating texts: the choice of language; the position (official and unofficial) of the speaker; and the location of the speech act. First, I examined

English texts. In comparison to texts in Bahasa Indonesia, it is more likely that English texts were intended for international audiences. Second, I focused on the representational strategies of high-level Indonesian foreign policy officials – Presidents Megawati Soekarnoputri and Susilo Bambang Yudhoyono, Foreign Affairs Minister Hassan Wirajuda, Foreign Affairs spokesperson Marty Natalegawa, and the Ambassador to Australia Imron Cotan. Guided by Barnett and Finnemore's (2004, 25) work, I singled out these officials because they were *in authority.* Unlike a retired politician, local politician, or political opponent, they were the socially recognised representatives of their state. Third, I selected texts based on their location. As Mitzen (2015, 77) has argued in her work on international forums, settings influence the way actors construct claims. The verbal communication in this study includes speeches given in Australia or the US, and interviews with Australian or US media. The selected texts take verbal and written forms. **Six texts were chosen in total across a three-year time span beginning after the hostilities commenced.** The written communication includes press releases on embassy websites. **The common element is that in each instance, it is likely the text was constructed with Australian or US audiences in mind and it was articulated by officials in authority to provide foreign policy statements.**

The legitimacy terrain and the war on terror

To provide an account of how the language of terror influenced the politics of legitimacy in the Aceh conflict, it is necessary to conceptualise legitimacy itself. This section presents two claims about how the politics of legitimacy functions. Legitimacy in any given context is socially constructed (1), but always within certain argumentative parameters (2). These parameters set up what I call the *terrain* of legitimacy.

The first premise of this analysis is that actors socially construct the meaning of legitimacy. In any given context, what it means to act legitimately is a matter of political contestation. For actors who are interested in avoiding social or material reprobation, this opens the door for strategies of justification (Clark 2007, 12). However, this point requires a caveat, bringing me to the second claim of the section.

Second, to say that legitimacy is socially constructed is not to suggest that actors can justify anything. Actors contest the meaning of legitimacy in a *structured* setting which I call the *legitimacy terrain*. The actors inhabiting the legitimacy terrain perceive that they are constrained to certain argumentative parameters. Necessarily, this means that some action will appear to fall outside the bounds of acceptability. Ordinarily, these are the measures that

transgress the international order. They are revolutionary in nature and to justify them, actors need to successfully appeal to rationales that come from a different universe of rules and norms (Reus-Smit 2013, 12). By definition, such forms of legitimation are ambitious. Most justificatory strategies including those offered for the war on terror take a less ambitious form than that of revolution. Typically, and especially when the objective is to achieve change, actors tailor their claims so that they do *not* fundamentally contradict the terms of the existing order or legitimacy terrain (Skinner 2002, 156).

The concept of a legitimacy terrain is not entirely new in international relations scholarship. We can find similar versions of it in constructivist accounts of how political leaders garner domestic support for their foreign policies (Goddard and Krebs 2015, 26–30; Kornprobst 2007, 460; Krebs 2015, 14; Legro 2005, 6). For instance, Kornprobst's (2007, 460) work features a discussion of the *reference repertoire*. The reference repertoire is the web of taken for granted ideas providing the resources for justification. If the ideas of the reference repertoire are stable, political actors cannot pursue their favoured policies without partially deferring to those ideas in their justifications (Kornprobst 2007, 460–63). In his account of US foreign policy narratives, Krebs stresses the importance of core ideas about identity such as American exceptionalism. These ideas form the base materials for US foreign policy makers to construct narratives like the post September 11 war on terror but importantly, those narratives cannot challenge the premise of the core identity (Krebs 2015, 14).[2] Political leaders are incentivised to avoid head-on challenges with taken-for granted ideas. Of course, these accounts differ from my analysis in that they are concerned with how leaders garner support from their *domestic* constituents.

If we move from constructivist work on domestic audiences to work on the role of ideas in international politics, we can also see variations on the concept of the legitimacy terrain. In constructivist literature, Frost (1996, 78) conceptualises the international system as comprised of *settled rules* such as sovereignty, human rights, and self-determination. The settled rules make it possible to then debate the legitimacy of conduct such as military action (Frost 1996, 78).[3] English School theorists have been concerned with the role of historically evolving shared ideas. As Hurrell (2007: 19-20) explains, some ideas (eg rules on human rights, slavery, or conquest) become accepted to the extent that they influence the way actors routinely decide on which policy choices they can pursue without incurring consequences.

Like this paper's concept of the legitimacy terrain, the preceding literature shares a Skinnerian understanding of legitimation. A political leader's capacity to legitimise their policies is shaped by their normative surrounds:

> [T]he range of terms that innovating ideologists can hope to apply to legitimise their behaviour can never be set by themselves. The availability of such terms is a question about the prevailing morality of their society (Skinner 2002: 156).

When actors want their behaviour to be regarded as legitimate, they are compelled to draw on the system's primary norms in their justifications. Furthermore, if they cannot find a way to plausibly link their desired course of action to the rules and norms of the legitimacy terrain, they will perceive an incentive to choose another course of action (Skinner 2002: 156).

While my work shares much with the preceding literature, I suggest there are two analytical payoffs for adopting the term "terrain" to unpack the politics of legitimacy. First, the term captures the way that ideas possess different levels of standing in international politics - terrains can be variegated. The US and its allies used the rhetoric of the war on terror to stretch the meaning of rules like the doctrine of self-defence and the laws of armed combat (Gray 2018, 250; Ralph 2013, 2). Yet as other accounts have discussed, these revisionist ideas generated international controversy (Buzan 2008, 45; Byers 2005, 51; Ikenberry 2003, 452). The contestation around them suggests that the war on terror did not become wholly entrenched in the legitimacy terrain. Second, the term terrain captures the way that political actors inhabit different places in the politics of legitimacy. Their capacity to utilise the resources of the legitimacy terrain is not uniform. Indonesia stood to gain from drawing on the language of terror to characterise their military action, but they could not do so simply by hailing GAM into the role of terrorist. They faced constraints emanating from their domestic political context. Moreover, by indirectly linking the conflict to the war on terror, they could arguably better exploit their relationship to Australian and US audiences. Having sketched out my conceptualisation of the relationship between legitimacy and the war on terror, this paper turns to the political implications of the terror label.

The terror label and the politics of international legitimacy

As the Bush administration and allies like Australia justified a series of controversial practices in the name of counterterrorism, they sought to define the phenomena of terrorism itself. It is useful to identify the key features of this definition because we can then

understand the implications of invoking the terror label before Australian and US audiences. In this section, I sketch out three commonly reoccurring Australian and US claims about the nature of terrorists: First, that terrorism in the post-September 11 era was more dangerous than ever (Jackson 2018, 97). Second, that terrorists were attacking the US and Australia because of their "freedoms" and "shared values" (Burke, 2007, p. 121). Third, that terrorists had waged a "global war" on societies such as Australia and the US (Holland and Aaronson 2014, 8). The Bush administration and Australia deployed these representational strategies as a means of justifying practices such as military intervention in Afghanistan and Iraq, extrajudicial killings, torture, extraordinary rendition, increased surveillance, and decreased transparency (Clark et al. 2018, 334; Jackson 2018, 12). Notably, these representational strategies all generate a state-centric bias. By the terms of these claims, states are the victims and never the perpetrators except when "harbouring" terrorism (Krebs and Lobasz 2007, 422; Jackson 2016, 3). I will briefly elaborate on the nature of these representational strategies.

First, US and Australian political leaders claimed that terrorism in the 21st century was an unprecedented threat (Jackson 2018, 97). As Australian Prime Minister John Howard (2004) explained while giving an address at the Australian Strategic Policy Institute;

> In the war against terror, we face an enemy that is elusive; that has global reach; that is bound by neither rules nor morals…The same forces that create opportunities for wealth creation and progress – the international flow of goods, money, people and ideas – also sustain potentially lethal security threats.

Terrorist organisations were more global, interconnected, and therefore more deadly than in any other era. For leaders in the West, this claim was relatively easy to sell to domestic audiences because of the scale of the September 11 spectacle. Political leaders could readily frame the event as a major rupture in history to mark the beginning of new a dangerous era (Jackson 2018, 96). These claims about the capabilities of contemporary terrorist groups were offered in conjunction with sweeping assertions about their political objectives.

Second, in US and Australian accounts, terrorists do not possess rational political objectives but seek to undermine "freedom". US Attorney General John Ashcroft promoted this reading of terrorists' intentions during his testimony at the House Committee on Judiciary:

> **On one side of this line are freedom's enemies, murderers of innocents in the name of a barbarous cause. On the other side are friends of freedom; citizens of**

> every race and ethnicity, bound together in quiet resolve to defend our way of life (Ashcroft 2001).

While the Howard government also drew on the theme of freedom, it placed a more consistent emphasis on what it called "shared values" (Burke 2007, 121; Gleeson 2014 14; Holland 2013, 57; McDonald & Merefield 2010, 196). Australia and US were portrayed as culturally similar and bound by an enduring security partnership. These ties and similarities made Australia and the US a collective target (Burke 2007, 121). Notwithstanding the differences in emphasis, there was a common thread in US and Australian rhetoric - terrorists sought to harm Australia and the US because of who they were and not what they had done (Holland 2013, 57). This portrayal of motives invites audiences to favour violent counterterror practices by ruling out the possibility terrorists could possess genuine grievances.

Third, counterterrorism was conceived as a "global war". This feature of the terror discourse was relatively novel. While the Clinton administration had repeatedly clashed with Al Qaeda, in prosecuting Al Qaeda operatives in the federal court system they appeared to apply a criminal framing to the issue (Ralph 2013, 2). However, within days of September 11, the Bush administration began describing the events as acts of war (Holland & Aaronson 2014, 8). This representational strategy became a ubiquitous feature of US rhetoric (Jackson 2018, 38). Moreover, where many European governments avoided linking the issue of terrorism to the language of warfare, Australian political leaders explicitly promulgated the connection (Gleeson 2014, 25). As Kath Gleeson puts it, "John Howard offered near unqualified support for a US led War on Terrorism" (Gleeson, 2014, 25). Importantly, when it came to justifying domestic military action to Australian and US audiences, if governments could successfully portray their adversaries as terrorists, they could also portray their military action as a contribution to the global war on terror.

Having set out a conceptualisation of the relationship between legitimacy and the war on terror and detailed the political implications of the terror label in the post-September 11 world, it is possible to explore how the war on terror influenced the politics of international legitimacy in the Aceh case. This discussion proceeds in two parts. First, I provide a brief account of the background to the conflict. Second, I outline the prominent features of the justifications themselves.

The Aceh Civil War, Indonesia (2003-06)

Background

In May 2003, a matter of weeks after the Coalition of the Willing invaded Iraq, Indonesia launched a massive military offensive of its own against the armed separatist group Gerakan Aceh Merdeka (GAM) in the Province of Aceh. The operation was part of the third iteration of full-scale hostilities between GAM and the government.[4] GAM itself was a small and lightly armed organisation. Consisting of around 5000 insurgents, they had difficulty meeting their own armament and munitions requirements (Human Rights Watch 2003; Kingsbury 2007, 100).

The US and Australia loomed as potentially important players with respect to the Aceh conflict. In Indonesian politics, Australia was closely associated with East Timor's successful bid for independence (Reeve 2006, 72).[5] For its part, the US had recently pushed Indonesia and GAM into negotiations with the Henry Dunant Centre. There was also the matter of military cooperation. The US had severed military-to-military ties with Indonesia after the TNI had killed protestors in East Timor in 1992. The prospect of renewing these ties was linked to progress on investigations into the murder of US citizens in West Papua *and* military reform (Smith 2003, 458).[6] Megawati visited several European countries to secure arms but publicly indicated that the US was Indonesia's first preference supplier (Smith 2003, 458). It is therefore unsurprising that Indonesia supplied Australian and US audiences with a justification for their military action in Aceh.

When presented with the task of justifying their military action, Indonesian officials were not in a good position to frame GAM as a terror threat. GAM were not widely known for employing terrorist tactics (Aspinall 2007, 254; Kingsbury 2007, 100; Smith 2003, 458). Their leadership avoided the rhetoric of radical Islamic organisations, and they constructed secular legal arguments to support their independence demands.[7] If Indonesian officials wanted to link their conflict to the global war on terror, GAM's existing reputation was something of a hurdle.

Of course, none of the preceding discussion should be taken to mean that GAM was necessarily morally upstanding. When GAM and the Indonesian government recommenced negotiations near the close of the conflict, Kirsten Schulze handed GAM this assessment:

> It is not an organization that adheres to rules of engagement or to the Geneva Conventions. It is not an organization that respects the rights of non-combatants. It

> has shown little tolerance for dissenting views. Teachers have been shot for teaching the Indonesian curriculum instead of GAM-tailored history. Politicians have been shot because they saw merit in autonomy rather than independence. Village heads have been shot for raising the Indonesian flag (Schulze 2003, 7) p.

If anything, this account critiques those that would appraise armed groups solely using the terror label. However, for our purposes, this critique does not alter the fact that GAM was not widely considered to be a terrorist organisation.

Indonesian officials also had to contend with the status of the war on terror in their domestic political sphere. Here, the so-called "war on terror" was deeply controversial. The Indonesian public were sceptical of the West's sudden preoccupation with terrorism and saw the discourse as a means through which Western states could bully weaker actors in the Muslim world (Bubandt 2005: 287; Smith 2003, 461). The historical legacy of the terrorism label in Indonesia posed an additional risk. Suharto had utilised the terrorist label extensively in the 1970s and 1980s to justify the state's security apparatus and push Islamic organisations away from power (Lamchek 2018, 213). The terror label could be associated with the authoritarianism of the New Order. Finally, a terrorism framing was not consistent with how GAM had been understood in Indonesian politics. As Aspinall and Chauvel (2007, 91) discuss, Indonesian politicians, military officers, and journalists framed GAM as a threat to the "unity" of the Indonesian Republic (Aspinall and Chauvel 2007, 91). While Indonesian officials might portray GAM as terrorists to foreign audiences, this came with the risk of inviting domestic criticism. Partly because of these conditions, Indonesia engaged with the terror discourse in a less direct fashion than we might otherwise have anticipated.

Despite the military's numerical advantage on the ground, this conflict ultimately lurched to a stalemate. The TNI was able to substantially weaken GAM, but they found themselves unable to locate high-level GAM members (Kingsbury 2007, 102). Meanwhile, the TNI struggled to support its units and the government grew increasingly concerned by the cost of the operation (Morfit 2007, 125). Finally, Indonesian officials were cognisant there was little prospect that TNI units could indeed "win hearts and minds" and thereby undo GAM's influence in the province (Kingsbury 2007, 102). By late December 2004, both parties had agreed to return to the negotiating table (Crouch 2010, 232). Days later, the Boxing Day tsunami decimated the province, prompting heightened international interest in the talks (Billon and Waizenegger 2007, 420). The two sides ultimately signed the Memorandum of

Understanding (MOU) in Helsinki in August 2005 before reaching an agreement on a new special autonomy package months later.

Indonesia's justificatory strategy: terrorists and terror hotspots

This analysis of Indonesia's justifications proceeds in two parts. First, and in this section, I consider how Indonesia drew on the terror discourse to portray GAM. This section illustrates the significance of context. Context mediates the way actors engage with the legitimacy terrain. Second, I consider how they framed their conflict as a humanitarian exercise and a matter of last resort. This part of the analysis demonstrates how Indonesian foreign policy makers were constructing their claims by reference to a diverse legitimacy terrain and not one that had been eclipsed by the war on terror.

Indonesian officials had a varied and at times indirect strategy for utilizing the terror discourse. They did attempt to assert that GAM was a terrorist organisation. However, in addition, they also emphasised that their military operation was in service of Indonesia's territorial integrity. In this argument, officials appealed to US and Australian fears about the relationship between terror and state weakness (Wesley-Smith 2008, 39). In other words, Indonesian officials did not rely solely on deploying the terror label. They used an additional representational strategy which indirectly tied GAM into the war on terror.

When we examine Indonesia's justificatory strategy, it *is* possible to locate instances in which officials tried to portray GAM as terrorists. In an interview with an Australian reporter, Ministry of Foreign Affairs spokesperson Marty Natalegawa used this tactic when he accused GAM of producing disinformation to win over international support:

> These are well-known tactics, and we are dealing with them in a manner that we know how, which is basically trying to focus on the protection of civilians in a very stringent manner and to see, all of us want to see the GAM for what they are, that they are a bunch of terrorists (Natalegawa 2003).

Here, Natalegawa uses the terrorist label as a way of simply denigrating GAM. In his role as Coordinating Minister of Political and Security Affairs, Susilo Bambang Yudhoyono (2003) pursued a slightly different strategy to Natalegawa.[8] During a speech on security in Canberra, Yudhoyono inserted GAM into a discussion of his state's progress on counterterrorism:

> We are actively looking for Nurdin Mohamad Top, Dr. Azahari, Dulmatin and other dangerous terrorists who are still on the run. We have also been particularly concerned to see police reports regarding the involvement of GAM members in a number of terrorist bombings, such as at the Jakarta Stock Exchange, and most recently of the Mayor's office in Medan, the Jakarta airport, and of course in many attacks in Aceh, including the burning of hundreds of schools (Yudhoyono 2003).[9]

Here, Yudhoyono deployed the terror label by situating GAM among a list of Islamic extremists and by foregrounding alleged acts of violence towards civilians. Both Natalegawa and Yudhyono appeared to channel a prominent Indonesian criticism of the US-led war on terror. Namely, that the US only gave terror listings to groups that threatened American interests (Smith 2003, 466).

Indonesia also applied diplomatic pressure to Swedish authorities in a particularly robust public effort to portray GAM as terrorists. This initiative centred on GAM leaders Malik Mahmood, Hasan di Tiro, and Zaini Abdullah who had been residing in Stockholm as refugees since the 1980s (Bevanger 2003). Seeking their extradition, Indonesia sent a delegation of police and foreign affairs officials to Stockholm in June 2003. Headed by experienced diplomat Ali Alitas, the delegation argued that GAM's leadership had planned terrorist attacks in Indonesia (Galingging 2003, 6). Yudhoyono also issued a public warning to the Swedish government when he said if Indonesia received a "negative response" they would consider taking "drastic action that would affect bilateral relations" (The Jakarta Post 2003, 1). In this example, we can see a public and well-resourced attempt to assign GAM the terror label.

In addition to the preceding strategies, Indonesia presented their conflict as a battle for the territorial integrity of their state. Indonesian Ambassador to Australia Imron Cotan was able to stoke long-held Australian security concerns by using this form of justification. Speaking to the Australian Joint Standing Committee on Foreign Affairs, Defence and Trade, Imron told his audience of parliamentarians that it was "absolutely in the vital interest of Australia to see Indonesia stable, for as such it may well function to cushion any threats emanating from Australia's northern flank" (Commonwealth of Australia 2003, 277). **He went on to draw a link between Australia's safety and the conflict in Aceh. Here, we find an explicit example of inter-textuality:**

> [A]s Patrick Walters, a leading journalist, rightly asserted, as follows: 'Canberra has very real concerns about the long-term stability of the Indonesian state should Aceh ever achieve independence. The ultimate nightmare for our security planners is a break-up of the unitary state involving the secession of Irian Jaya'(Commonwealth of Australia 2003, 277).

Imron was drawing directly on Australia's own foreign policy commentary to bolster the credibility of his claims about security and appeal to an Australian audience. In comparison to Indonesia's attempts to simply assign the terror label to GAM, this was arguably a more compelling approach.

In contrast to the terror label, Imron's message did not hail GAM into the role of terrorist. Instead, his emphasis on "stability" provided an intertextual link to prominent US and Australian accounts on the relationship between state fragility and terrorism. For instance, the U.S. State Department listed parts of Indonesia as potential safe havens for terrorism because the areas were difficult to govern (Patrick 2011, 80). Similarly, Imron's emphasis on "stability" evoked the then prominent Australian foreign policy metaphor of the "arc of instability" (Ayson 2007, 215). First coined by Australian strategists Paul Dibb, David Hale, and Peter Pince, the metaphor describes Australia's neighbours as "a balkanised Indonesia, a broken backed Papua New Guinea and a weak New Zealand" (1999, 18). During the Cold War, Indonesia's instability would make the region vulnerable to great power interference. In the context of the war on terror, instability was associated with the issue of transnational threats and terrorism in particular (Wesley-Smith 2008, 39). In the post-September 11 context, Imron Cotan's speech raised the spectre of multiple terrorist hotspots arising in Australia's immediate vicinity.

To make further sense of why Indonesia might have elected to frame their conflict in these terms, we could consider the fate of their efforts to pressure the Swedish government. To make further sense of why Indonesia might have elected to frame their conflict in these terms, we could consider the fate of their efforts to pressure the Swedish government. In this endeavour, Indonesia was unsuccessful. Swedish police investigated GAM's leadership for a year and did arrest Malik Mahmood and Zaini Abdullah (The Age 2004; Yudhoyono 2003). However, citing a lack of evidence, the Swedish district court ordered their release and soon after, Swedish authorities dropped their investigations altogether (The Jakarta Post 2004, 6). Despite the efforts of Ali Alitas' delegation, GAM were not about to become international

pariahs on the basis of a terror charge (Aspinall 2005, 10). When it came to drawing on the ideational resources of the international legitimacy terrain, the Indonesian government's advantage was the extent of its perceived value and vulnerability in the war on terror.

Though GAM was able to avoid the terror label, they struggled to evade the perception that their independence would undermine regional security. As Aspinall found in his account of GAM's diplomatic efforts:

> [T]he early optimism of the post-Cold War era gave way to a renewed emphasis on security in international affairs in which major powers were markedly less sympathetic to armed groups of all kinds (Aspinall 2009, 228).

More specifically, in the midst of the war on terror, the US and its allies were privileging a statist security discourse. GAM could not avoid being implicitly understood within the context of the war on terror.

Indonesia's justificatory strategy: force as a last resort

Thus far, this analysis of Indonesia's justificatory strategy has focused on their attempts to portray GAM as a threat. However, Indonesian officials also insisted that their military action was a matter of last resort. GAM was said to have rejected a reasonable special autonomy package and undermined the ceasefire agreement (Natalegawa 2003). Indonesia officials then drew attention to the failed Tokyo talks of May 2003. These talks were described as clinching evidence of GAM's intransigence (The Age 2004; Yudhoyono 2003). Indonesia's actions at the Tokyo talks provide interesting insights into the degree to which they saw value in casting their actions as a matter of last resort (Aspinall and Crouch 2003, 45; Sukma 2004, 21). While the war on terror was a useful political resource, other parts of the legitimacy terrain featured in Indonesia's justificatory strategy. In this instance, we can see deference to the principle that force should only be used as a last resort.

By the Indonesian government's account, GAM had an historical record of intransigence which could be contrasted with Indonesia's efforts to compromise on key issues. Marty Natalegawa was adamant about this point in his interview with an Australian journalist:

> Let us be clear on where we are coming from on this issue. It is the GAM which has chosen to neglect, which has chosen to ignore, the various overtures on the part of the Indonesian government to engage the GAM on dialogue (Natalegawa 2003).

Yudhoyono gave a similar account during his address in Canberra:

> [W]e had high hopes when we signed the Cessation of Hostilities Agreement (or COHA) with GAM in December 2002. Regrettably, it soon became apparent that GAM had no intention of honouring that hard-won agreement, as they conducted one material breach after another (Yudhoyono 2003).

Where the government had given GAM every opportunity to reach a settlement, GAM had wrecked negotiations and undermined the ceasefire agreement.

In Indonesia's justification for military action, the failed talks of May 2003 were cited as the last straw. In early May 2003, political momentum in Jakarta was building in favour of a hard-line response to the issue of separatism. In Aceh, the ceasefire was also coming under pressure (Morfit 2007, 120; Sukma 2004, vii). Sensing an imminent return to hostilities, the US called on the Indonesian government to salvage the agreement and Yudhoyono set up last minute talks in Tokyo (Crouch 2010, 291). When these failed, the outcome was presented as evidence that the government had exhausted their avenues for a peaceful resolution. The Ministry of Foreign Affairs advanced this narrative in its response to the 2003 Human Rights Watch Report:

> First and foremost, the decision to launch the Combined Operation was taken after the Government's efforts to settle the problem of Aceh through peaceful means failed. The three and a half year dialogue process, initiated by the Government, came to a disappointing conclusion after the separatist group (GAM) made it clear during the last dialogue in Tokyo on 18 May 2003 that it refused to accept the special autonomy as the final solution (Kementerian Luar Negeri Republik Indonesia 2003).

In this narrative, Indonesia had gone to the length of organising the talks and it could therefore be considered the reluctant party in hostilities.

By briefly examining the events of the Tokyo talks, we can see the role of selectivity in Indonesia's account. Indonesia had commenced negotiations by presenting GAM with an ultimatum. GAM could avoid another large-scale military confrontation, but only if they abandoned their armed struggle and accepted the *existing* special autonomy arrangements (Aspinall and Crouch 2003, 44). As analysts of the negotiation process note, this request was unusually inflexible (Aspinall and Crouch 2003, 45). Aspinall and Crouch give this explanation for Indonesia's ultimatum:

> Apparently Yudhoyono and other senior policymakers now viewed the Tokyo talks primarily as a means to demonstrate to domestic and international audiences that they had exhausted all attempts at negotiation. This explains why the government's ultimatum to GAM was much tougher than any previously presented (Aspinall and Crouch 2003, 45).

Sukma reaches a similar conclusion, describing the Tokyo talks as a "calculated act meant to suggest that a military solution was indeed the last resort" (Sukma 2004, 21). **In foregrounding GAM's refusal to accept the Indonesian proposal, Indonesia drew attention away from its own role in contributing to the failure of the talks. This act of selectivity enabled them to claim that military action was unavoidable.**

Indonesia's portrayal of the Tokyo talks tells us something about how its political leaders understood the legitimacy terrain. While they had appealed the logic of the war on terror, Indonesian officials also perceived an obligation to the principle of force as a last resort. This evidence illustrates the limits of the war on terror in the politics of international legitimacy in that Indonesia was appealing to an altogether different part of the legitimacy terrain.

Indonesia's justificatory Strategy: the "combined operation"

Indonesian officials also appealed to humanitarian rationales. Nowhere was this more apparent than in Indonesia's characterisation of the operation itself. The TNI's record of human rights abuses posed a considerable potential obstacle to legitimising the 2003 operation against GAM. In addition to the events of the East Timor referendum, the TNI had engaged in a particularly brutal crackdown in Aceh between 1989 and 1998 (Ziegenhain 2010, 124). In a strategy they termed "shock therapy", they sought to create an environment of fear, compelling civilians to withdraw their support from GAM (Sukma 2004, 10). In 1998, Commander of the Indonesian National Armed Forces, General Wiranto took the unusual step of apologising for his soldiers' excesses in Aceh (Drexler 2007, 965). For the 2003 operation, Indonesian officials would distance their action from this kind of legacy. For our purposes, these claims further demonstrate the limited reach of the war on terror in the politics of international legitimacy and military action. Indonesian officials still appealed to other rules and norms from the legitimacy terrain.

At the outset of the 2003 hostilities, Indonesian foreign policy officials described their action as a "combined" or "integrated" operation (Soekarnoputri 2003; Yudhoyono 2003). This

operation would consist of an array of activities designed to "win hearts and minds" (Sukma 2004, ix). As Megawati explained in New York at the American-Indonesian Chamber of Commerce:

> The declaration of a status of military emergency in Aceh last May is intended to facilitate the implementation of combined operations involving humanitarian activities, law enforcement, restoration of local administration, and defense of the integrity of the Republic with a view to bringing an end to the protracted dialogue as well as the intensified security disturbances by the separatist Free Aceh Movement (Soekarnoputri 2003).

With this characterisation of the operation, Megawati downplayed the use of force in the operation. Indeed, while speaking in Canberra, Yudhoyono also implied that military action would recede in prominence as the operation unfolded:

> [W]hen the situation has returned to relative normalcy, we will adjust our security posture in Aceh accordingly, and we will proceed with a comprehensive strategy that will stress on political, economic, and social-cultural measures (Yudhoyono 2003).

By Yudhoyono and Megawati's account, the Indonesian government would only make very limited use of military action to quell its separatist adversary.

Indonesian officials also foregrounded their state's progress on democratic reform. Foreign Minister Hassan Wirajuda used this line of argument in his interview with an Australian journalist when he was asked to guarantee that special forces group Kopassus would not engage in human rights abuses:

> I know often references in the past were made, in connection with East Timor and other cases of human rights abuse, but here you are dealing with a new Indonesia, democratic Indonesia and like any democracies, we do have also internal control mechanisms. And for that matter, under new environment of democracy and reform, the military, too, they have their strong interest that they will not repeat the kind of abuses that they had in the past (Wirajuda 2003).

The military might have had a dark history, but now they were required to adhere to a high standard of conduct. In his interview with an Australian reporter, Marty Natalegawa was also asked about the nature of the TNI's conduct. He gave this response:

> We have done everything that we could in initiating this combined operation in Aceh to ensure that there is a civilian control over it or a check and balance and that the media is also there to see the conduct of the military is at the best standard that we can expect (Natalegawa 2003).

In both statements, Indonesian officials engaged in selectivity by focusing on Indonesia's democratic reforms. In Hassan's case especially, the message was that the Indonesian government was cognisant of the TNI's history and were making them accountable to widely accepted humanitarian standards.

Of course, senior TNI officials did not necessarily see the conflict in the terms outlined above. In May 2003, TNI chief Ryamizard Ryacudu informed a TIME reporter that "[o]ur job is to destroy GAM's military capability. Issues of justice, religion, autonomy, social welfare, education — those are not the Indonesian military's problems" (TIME International South Pacific Edition 2004). If we consider the TNI chief's statement in conjunction with the size of the military presence (nearly 30 000 TNI personnel), the state of emergency appears decidedly militaristic. From almost the moment the conflict reignited, Indonesian Human Rights Commission Komnas HAM (Sukma 2004, 27) and then Human Rights Watch (2003) produced credible reports of TNI abuses. These reports destabilised the idea that the military's reforms had significantly altered their practices on the ground.

There was a clear and obvious disjuncture between the way Indonesian foreign policy officials described the operation and alternate reports of the conflict. For our purposes, it is significant that Indonesia sought to associate their military action with humanitarian themes. It is true that the war on terror provided them with an opportunity to frame their separatist opponents as a regional security threat. However, Indonesian officials would draw on other features of the legitimacy terrain. They perceived an obligation to abide by the principle of force as a last resort and adhere to humanitarian constraints.

Conclusion

A range of literature has detailed how the war on terror engaged the constitutive rules and norms of the international order (Burke 2008; Clark et al 2018, Gray 2018, Ralph 2013). For many, the US's approach could be defined as largely revisionist. In its justifications for war in Iraq, the US stretched the meaning of self-defence to accommodate instances of pre-emptive military action (Gray 2018, 250). They also promoted a revised definition of the combatant to exclude Al Qaeda operatives from

protections afforded under the Geneva Conventions (Clark et al 2018, 334; Ralph 2013, 2). In light of these developments, IR theorists were right to wonder if the war on terror had also fundamentally changed the politics of international legitimacy in relation to issues like the domestic use of force (Burke 2008, 203–33; McDonald 2007; Jackson 2018, 13; Pokalova 2010, 429).

This paper examined the effects of the war on terror in the politics of international legitimacy in the case of Indonesia's domestic armed action in Aceh (2003-2005). The Indonesian justificatory strategy illustrates two things about the influence of the post-September 11 terror discourse. First, Indonesia did not perceive that they were engaging a legitimacy terrain that had been eclipsed by the terror discourse. We know this because the war on terror did not come to fully encapsulate the way Indonesian political leaders justified their action. For instance, Indonesia clearly perceived an obligation to frame their military action as a matter of last resort (Kementerian Luar Negeri Republik Indonesia 2003; Natalegawa 2003; Yudhoyono 2003) and to pay lip service to humanitarian principles (Soekarnoputri 2003; Yudhoyono 2003). In these examples, they were drawing on principles that we would not typically associate with the terror discourse.

If we think back to how the US and its closest allies contested features of the legitimacy terrain, this finding is perhaps unsurprising. While the war on terror was controversial, it was not necessarily a wholesale challenge to the legitimacy terrain. In the case of pre-emptive military action and the notion of "irregular combatants", the US did not *invent* a new set of rules or norms to underpin the legitimacy terrain but reinterpreted the terms of an existing one. It is possible this contestation delivered a more diverse legitimacy terrain. When we examine Indonesia's justifications for the use of force, we can see this very diversity in their appeals to the logic of terror but also norms like humanitarianism and force as a last resort.

Second, this case study has underscored the role of context in mediating the way actors draw on the resources of the legitimacy terrain. In their effort to justify military action in Aceh, Indonesian officials such as Imron Cotan felt compelled to link GAM to the war on terror through a relatively indirect line of argument. By Imron's account, the Aceh conflict was a battle for Indonesia's ability to govern the archipelago and thus prevent the rise of transnational threats (Commonwealth of Australia 2003, 277). When

we consider the preferences of players like the US and Australia, this was still a persuasive way to draw on the terror discourse (Aspinall 2009, 229; Ayson 2007, 220). Moreover, this approach allowed Indonesian officials to align their justifications for international audiences with the way the conflict was understood in Indonesia itself. By contrast, had they persisted with applying the terror label to GAM, they would have cut against the predominant separatist framing. Indonesia perceived that the discourse of the war on terror was a useful tool for making their conflict appear legitimate. However, the story of how Indonesia used the terror discourse was more complicated than we might otherwise have suspected.

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[1] For instance, Lunstead (2011) details how Sri Lanka was able to draw on US assistance while it fought separatist group the Liberation Tigers of Tamil Eelam (LTTE). The US viewed the LTTE through the terror lens, explaining their willingness to provide such support.

[2] See also Legro (2005, 6) on *collective intersubjective ideas* and Goddard and Krebs (2015, 26–30) on *common rhetorical formulations*

[3] See also Reus-Smit (2009, 34) on *fundamental institutions* and Ikenberry (2019) on the Liberal International Order.

[4] Between 1976-79, the relatively small and poorly armed GAM forces were all but crushed. In the second phase of military action (1989-1998) the movement resurrected itself and launched new attacks. The third phase

encompassed fighting in the post-Suharto era starting in 1998 and ending with the 2005 Memorandum of Understanding (Aspinall 2009, 2).
[5] In 1999, Australian Prime Minister John Howard wrote a letter to President Habibie encouraging his counterpart to gradually pursue a path to granting East Timor independence. Habibie surprised even John Howard by announcing an immediate ballot on independence. After the military instigated violence of the referendum result, Australia deployed troops to East Timor to lead International Force East Timor (INTERFET) (Reeve 2006, 72).
[6] In 2002, two American teachers and their Indonesian colleague were killed when their bus was ambushed near the Freeport-McMoRan mine in West Papua. Special forces group Kopassus were long-suspected and the FBI later accused the TNI of fabricating evidence (Smith 2003, 458).
[7] GAM argued that the sultanate of Aceh had never been legally incorporated into the Dutch East Indies and was therefore never legally part of Indonesia either. No other state ever recognised this argument (Aspinall 2009, 255).
[8] Yudhoyono stepped down from this role in President Megawati's cabinet shortly before defeating her at the April 2004 presidential elections (Crouch 2010, 248).
[9] In September 2000 a bomb blast killed ten people at the Jakarta stock exchange. GAM rejected allegations they were involved and Aspinall (2009, 171) describes the incident as a "murky and still poorly understood affair". In 2001, two members of Indonesian special forces unit Kopassus were convicted of the attacks (Kingsbury 2004).