

Soberanía en crisis: desterritorialización de la soberanía estatal después del tsunami Aceh 2004

Sovereignty in Crisis: Deterritorialization Of State Sovereignty After Tsunami Aceh 2004

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Resumen: El objetivo principal de este estudio fue analizar cómo el concepto de soberanía estatal está atravesando una crisis por un gran desastre natural. Utilizando la ilustración del terremoto y tsunami de Aceh de 2004, se ha explorado el concepto de soberanía estatal en la situación anormal que surgió del desastre, ya que el estado no pudo llevar a cabo sus funciones y autoridades adecuadamente. Este artículo utilizó un enfoque cualitativo para explorar las relaciones dinámicas o la red entre la agencia (material o no material, como estado, ONG, organización internacional, medios de comunicación, normas, equipo militar, ejército, recursos naturales, etc.); que construyen ensamblaje de soberanía. La territorialización y desterritorialización de la soberanía se investiga a partir de las cuatro dimensiones propuestas por Baker y McGuirk. Este artículo demuestra que la soberanía es muy dinámica, y su definición se construye y continuamente a través de mecanismos que involucran a múltiples actores y procesos específicos. Esta investigación encontró

Abstract: The main purpose of this study was to analyze how the concept of state sovereignty is experiencing a crisis due to a major natural disaster. By using the illustration of the 2004 Aceh earthquake and tsunami, the concept of state sovereignty has been explored in the abnormal situation arising from the disaster as the state was unable to carry out its functions and authorities properly. This article used qualitative approach to explore the dynamic relations or network between agency (material or non-material, such as state, NGO, International organization, media, norms, military equipment, army, natural resources etc); which construct sovereignty assemblage. The territorialization and deterritorialization of sovereignty is investigated by seeing four dimensions proposed by Baker and McGuirk. This article demonstrates that sovereignty is very dynamic, and its definition is constructed and continuously through mechanisms engaging multiple actors and specific processes. This research found that the state conception of sovereignty before and after the disaster has been so dynamic, constructed

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que la concepción estatal de la soberanía antes y después del desastre ha sido tan dinámica, construida y reconstruida con el tiempo, que está influenciada por la dimensión de multiplicidad, procesualismo, trabajo e incertidumbre.

Palabras Clave: Soberanía, Desastre, Enfoque de ensamblaje, Aceh

and reconstructed overtime, which is influenced by the dimension of multiplicity, processualism, labor, and uncertainty.

Keywords: Sovereignty; Disaster; Assemblage approach; Aceh.

1. INTRODUCTION

Studies of the state, sovereignty, and territory have become debatable topics particularly since globalization turned to be a phenomenon bringing many changes in international politics. First, skeptics believe that the globalization has illustrated the end of nation state - including sovereignty and territorial practices which have been a state monopoly - as a result of openness of global economy, power of MNCs and massive capital expansion (Held, 1989; R. H. Jackson, 1995; R. H. Jackson & Sørensen, 2007; Ohmae, 1996; Strange, 1994); emergence of transnational actors having power, orientation, identity, and networks (Chaudhary, 2005): Humanitarian Law and Cosmopolitan Law (Held & McGrew, 1998); and non-state actors threatening military and state security such as terrorism, international criminal organizations, and others (Kahler, 2004). Second, a group of people views a state, sovereignty, and territory do not diverge, but need reconfiguration to control alteration in global politics. The people deem that a state has enormous roles in global development. Weiss revealed that integration and openness of the state in global economy are the state's political decision to respond to external changes and dynamics (Weiss & Taylor, 2016). For instance, Jacques mentioned that the People's Republic of China played the state roles in enhancing corporate competition in global levels (Jacques, 2009). The state interaction with another power in the globalization era presents that the state is not isolated from the multi-actor and multipolar international world and makes agreements to confront common challenges (Goksel, 2004). From the debate, the discussion core lies on how the state interprets and applies a concept of sovereignty in changing situations. As social construction, the state sovereignty cannot be sufficiently explained by only noticing its formats, roles, and functions. The sovereignty may be defined differently by diverse actors so that it is necessary to explore various actors, objects, practices, and representation contributing to its reproduction process.

This article specifically seeks to expand the aspects using the 2004 Aceh tsunami as a trigger to discuss the state sovereignty. The earthquake and tsunami striking Aceh on December 26th, 2004 are the greatest disaster in Indonesia after the eruption of Mount Krakatau in 1883. The catastrophic disaster caused many deaths and missing victims, destruction of public facilities. The earthquake and tsunami brought huge impacts on people's life, psychology, and environment in the affected area. Indonesian government's awareness of their limited power to undertake disaster management rendered them to immediately determine and announce the Aceh tsunami was a national disaster.¹ The status provided many parties, including foreign parties, vast opportunities to get engaged in the disaster management. The circumstance, then, generated an abnormal situation in the practice of state sovereignty. Thus, the state decision to open up its sovereign territory to foreigners is appealing to explore.

In a normal situation, state sovereign in the study of International Relations is described as a state's ability to control its territory and people, supply basic needs for the people, and be free from intervention of other countries. In this context, the sovereignty is conceptualized in terms of state territory and authority in certain areas, and is grasped as a rigid administrative reality (Agnew, 1994; Barkin & Cronin, 1994; Bottos, 2015; Sohn, 2015). It originated from the Treaty of Westphalia in 1648 engendering a nation-state system (Held & McGrew, 1998) which placed a state as a sole actor having rights to act free from other pressures of others, sovereignty to govern, and freedom from intervention (R. Jackson, 2012). Political foundation of the treaty situated state sovereignty to be main axis of international relations.

Realism and neorealism as dominant perspectives in international relations view that sovereignty is constant because it denotes a fundamental assumption for a realist and neorealist thought about arranged anarchy (conceived as absence of formal authority in an international system) (Barkin & Cronin, 1994). On a book entitled *Man, State and War*, Waltz mentioned three factors prompting anarchy potential to trigger a war, namely human nature, domestic problems of a

¹ Law No. 24/2007 on Disaster Management explains five indicators used to determine a disaster to be a National Disaster, namely the number of victims, loss of property, damage of infrastructure and facilities, wide areas affected by the disaster, and social impacts. Under this status, all responsibilities of the local government were taken over by the central government.

state, and an international system (Waltz, 1979). He emphasized that the foremost factor threatens a state is the international system which is a structure of relations among states presenting characteristics that each state administers similar functions and equivalences, but has a different distribution of resources and capacities (Agnew, 1994). He disregarded internal characteristics of a state in his study of international relations. From the notion, he offered balance of power as a mechanism to manage anarchy and order changes in the system affected by the nature and number of its great powers (Waltz, 1979)). This, threats to the state is no longer from human nature to rule other people as a view of Morgenthau (Morgenthau, 1967) yet from the state's concern about being governed by other states (Shimko, 1992). The idea affirmed a territorial character dominating the study of international relations since anarchy occurs out of the state's control so that a study of foreign affairs is in a realm of the international system. It confirms a realist and neorealist view situating a state as a sole actor in international politics whose natural characters are determined by interaction with other states. In this study, intervention of foreigners in sovereignty and territory of a state as humanitarian intervention in disaster and humanitarian issues, which allows the mobilization of citizens, organizations, and even foreign countries into the territory of the state, denotes a threat to the state sovereignty.

The focus leads the study of international relations to confront an issue, called by Agnew a territorial trap, ensnared in three huge assumptions, namely constant reification of the state's territory, a rigid distinction between domestic and foreign, and the state's territory which becomes a container for domestic actors (Agnew, 1994). The obsession with territoriality happening to the realism and neorealism as an exclusive spatial *modus operandi*² of the world politics neglects significance of other special modalities as networks, flows, and place making in understanding their organization (Agnew, 2015). It also negates spatial units beside the state's territory such as domestic units (cities, districts, or provinces) and global units because the world is dangerous so that, unpreparedness of a state to compete can end as a disaster. The study of international relations is defined as a notion about

² Agnew defined spatial as a space represented to have effects. Meanwhile, a space refers to effects of a special location and setting that social scientists grasp it in two means, namely territorial which refers to boundaries of a state and structural which refers to a geographical entity possessing special effects received from interaction or relations with other parties.

the world divided into territorial countries which are exclusive for one another. The territorial division becomes a part of the study of international relations, called state relations, while domestic politics is the focus of another study. In accordance with Rob Walker (1993), the study of international relations “has been one of the most spatially oriented sites of modern social and political thought” (Walker, 1993). In fact, politics does not work in state- or place-based territorial containers. It can work in networks across national or regional borders. A network among agents is not necessarily to adjust to the state’s territorial boundaries (Agnew, 2015).

Therefore, this article proposes a different approach as an alternative to discussing state sovereignty using an assemblage approach. This study tries to leave rigid institutional territorial issues and to provide a perspective discerning sovereignty as a phenomenon which is dynamic and inter-rational, is continuously constructed and contested, and does not put a state as a sole and dominant actor. State sovereignty is positioned as assemblage defined by Deleuze and Guattari as “the product of multiple determinations that are not reducible to a single logic. The temporality of assemblage is emergent. It does not always involve new forms, but forms that are shifting, information, or at stake”(Buchanan, 2015; G Deleuze & Guattari, 1987; Ong & Collier, 2008). In this case, sovereignty is assemblage undergoing what Deleuze and Guattari named territorialization and deterritorialization (Gilles Deleuze & Guattari, 1987). Territorialization refers to the process that assemblage stabilizes and strengthens its identity, while deterritorialization is related to intervention causing changes to the assemblage. When deterritorialization occurs, although the process interferes the existing relations and challenges existence of the assemblage, deterritorialization also provides an opportunity reterritorialization of assemblage to happen. In the case of Indonesian sovereignty in the Aceh disaster situation, sovereignty as assemblage was represented as dynamics of how the state created its construction and concept of sovereignty by embodying, controlling and defending its sovereignty over Aceh as a part of the sovereignty of the Republic of Indonesia (NKRI). Then, the sovereignty underwent deterritorialization when the Aceh earthquake and tsunami disaster occurred in 2004 as a result of the state’s limited capacity in coping with disaster impacts and international public pressure to allow Aceh to receive foreign assistance as an effort of disaster management.

2. MATERIAL AND METHODS

This article used qualitative approach to explore the dynamic relations or network between agency (material or non-material, such as state, NGO, International organization, media, norms, military equipment, army, natural resources etc); which construct sovereignty assemblage. The territorialization and deterritorialization of sovereignty is investigated by seeing four dimensions proposed by Baker and McGuirk. First, it is multiplicity that the phenomenon of sovereignty is seen as a product of various terminations that cannot be reduced to a single logic. This dimension offers a mean to reveal an ensemble interactions –which are sometimes contradictory- of various projects, actors, and materials which make policy (Murray Li, 2007). The assumption of multiplicity situates structures in diverse and dynamic contexts that they take shape and give shape. The multiplicity is necessarily to grasp the polyvalent, adaptive, and politically alloyed quality of policy-making and implementation (Baker & McGuirk, 2017). Second, it is processuality which highlights the process of arranging, organizing, and fitting together to be central to the sovereignty phenomena under investigation. Interaction changes and arrangements of various elements will be discussed, particularly to understand in what situation networks and interaction are shaped to be assemblage.

Third, it is labour because the way of thinking of the assemblage seeks to expose procedures which obtain and maintain coherence by identifying sustainable efforts of actors and often unexpected effects of various materials and techniques through formal and informal activities in the policy apparatus (Prince, 2014). Assemblage does not occur inadvertently, but consciously or unconsciously each part of the assemblage is associated and does not operate in isolation (Baker & McGuirk, 2017). Fourth, it is uncertainty which refers to developing a sensitivity that assemblage is open, flexible, and potentially fragile or damaged (McCann & Ward, 2012). Assemblage emphasizes its nature as knowledge and constant knowledge production in the process of being created and reproduced. (Anderson & McFarlane, 2011). Data were gathered through library research, i.e. books, journal articles, news, and some qualified online sources, and were analyzed by using a descriptive analysis to answer the research question.

3. RESULTS AND DISCUSSION

As a social construction, state sovereignty over Aceh cannot be sufficiently explained by noticing its form, role or function. Sovereignty may have different meanings for different actors so that it is necessary to explore various actors, objects, practices and representations that contribute to reproduction of the concept of state sovereignty. The construction of sovereignty in Aceh involved many actors acting as agencies to take shape and give shape of Aceh's sovereignty. Each actor possessed a specific goal to construct sovereignty in Aceh, worked to gather actors and other resources with common interests, mitigated conflicts that emerged by negotiating differences of interests with other actors, and sought to agree on a concept which enabled them to attain sovereignty which they want. This process represented territorialization and deterritorialization tracked before and after the 2004 Aceh earthquake and tsunami.

3.1. Territorialization of State Sovereignty in Aceh before the 2004 Earthquake and Tsunami

The territorialization of state sovereignty in Aceh can be traced from the early days of the establishment of Indonesia to a number of conflicts as conflicts between the central government and Darul Islam Indonesia (DI/TII) led by Daud Beureueh in 1953-1962 and GAM led by Hasan Tiro in 1976- 2005 (Zainal, 2016). DI/TII under Daud Beureueh fought for getting autonomy to apply Islamic law in Aceh in fields of religion, law, customs and education (Zainal, 2016). Islam is an essential discourse to construct perceptions of the identity of Acehnese people. According to Peter Riddell, in constructing their self-perception, the Acehnese preferred to see their area as the "Veranda of Mecca" which is closely related to Islam shaping their identity (Reid, 2006). The conflicts with both external and internal parties faced by the Acehnese people became a catalyst to mold their identity. This identity formation also played a role in raising awareness of the Acehnese people, who are sensitive and vulnerable, to any attempts of external parties to eliminate their identity, and led to opposition of the Acehnese people (Ali, 2008). However, Islamic identity of Aceh was utilized by not only Aceh's political elites to build collective sentiment of the people when confronting other groups but also the central government as a concession for Aceh in making policies and state sovereignty (Djumala, 2013). The two main actors, both the state and the Acehnese leaders, used Islam as a discourse to attract other groups to join.

During the Indonesian independence struggle, the Acehnese had confirmed their support to reach the independence and sovereignty of Indonesia through a statement signed by Daud Beureueh on October 15th, 1945. This statement was encouragement to the Acehnese people to fight against the Dutch to defend the Republic of Indonesia which was just proclaimed by Soekarno Hatta in Jakarta. In addition, the commitment of the Acehnese people was also shown through financial aids such as funds to buy Indonesia's first aircraft Seulawah, logistics such as medicine for the Guerrilla war under the command of General Sudirman, and politics such as the merging of Aceh fighters in the Indonesian National Army and conducting propaganda through radio for Indonesian diplomacy to international levels (Djumala, 2013). Indeed, in 1949 Kutaraja Aceh became the capital of the country after Soekarno and Hatta were arrested by the Dutch, and the Emergency Government of the Republic of Indonesia established in Bukit Tinggi was considered unsafe. Aceh was deemed to be the last stronghold of the state because Aceh was an independent territory that had never successfully governed by the Dutch (Ali, 2008; Ibrahimy, 2001). Due to the support of the Acehnese people, Soekarno named Aceh a "capital area" for the struggle to defend the independence (Djumala, 2013). For the central government, integration of the Acehnese nation in the sovereignty territory of Indonesia was a vital asset for a young government to survive and to convince the international community that the Republic of Indonesia still existed. It was strong enough to be leveraged to push the Netherlands at the international level. Because of the contribution of the Acehnese people, Soekarno pledged a right for Aceh to arrange their region according to Islamic law, and Daud Beureueh was appointed as Governor of Aceh (Santosa, 2006). However, this promise was broken that Aceh was merged with the Province of North Sumatra, and due to this merger policy assets of the Government of Aceh such as office equipment and cars gained independently by the Acehnese people were brought to Medan as the capital of North Sumatra. This condition was exacerbated by Soekarno's statement in his speech in Amuntai, South Kalimantan on January 27th, 1953 that it was impossible to use Islam as the state principle. This statement deprived a hope of the Acehnese people to implement Islamic law in Aceh. This prompted the Acehnese people's battle to the Central government under Soekarno by claiming to join the Islamic State of Indonesia/NII proclaimed by Kartosuwirjo on August 7th, 1949 (Djumala, 2013). The proclamation of the joining of Daud Beureueh with the NII Kartosuwiryo illustrated how the

assemblage of sovereignty of Indonesia in Aceh, which had been shaped by the statement of the joining of the Acehnese nation in the Republic of Indonesia, decayed and formed new assemblage by merging forces of the Acehnese nation with Kartosuwiryo in Java.

The central government undertook a military attempt to reduce the DI/TII opposition by enacting Aceh as a Military-assisted Area. Army mobilization was carried out to weaken the DI/TII battle. Besides, the Government persuaded and had dialogue with the DI/TII leader. A negotiation successfully appeasing the conflict between the government and Daud Beureueh was known as the Hardi Mission on May 25th, 1959, and resulted the Blang Padang Pledge on 22nd May, 1962 as a manifestation of the willingness of the Acehnese people to cease disunity, do reintegration and reconcile with the Indonesian government (Djumala, 2013). The Indonesian government agreed on the implementation of Islamic Sharia, and Aceh Province was legally designated as a Special Region through Law of the Republic of Indonesia No. 18/1965 (Ibrahimy, 2001). The success of the Hardi Mission was supported by the existence of local norms and values which underlay the pledge of unity and friendship with the Republic of Indonesia, namely *Nibak tje-bre, get meusaboh, tameudjroh-droh ngon sjeedara* (being united is better than being disunited. We make good friends); *Beuthat tameh surang sureng, asai puteng roh lam bara* (no matter how bent the house poles are, the important thing is that the end of the carving goes into the supporting wood hole); *Buet mupakat beu tadjungndjong, defender meukong kong ngon sjeedara* (we should uphold the agreement and may not fight against our brothers and sisters) (Zainal, 2016). The Blang Padang pledge turned the foundation for the establishment of sustainable peace in Aceh and the integration between DI/TII insurgents and public; indeed, some of them became members of the Indonesian Armed Forces (TNI) and the central government. It was estimated that 50% of members of the Aceh military command in the 1970s were former DI/TII fighters, and civil servants joining the revolt might return to governmental services (Zainal, 2016). Territorial sovereignty over Aceh was successfully established for several years.

Nevertheless, the special status for Aceh was not embodied as it should be, particularly during the New Order under Soeharto. Natural resources of Aceh were massively exploited without a fair distribution between the government and Aceh. The military was a tool to save the natural resource exploitation. Regional management autonomy as a form of Aceh's privileges was more symbolic than substantive (Djumala, 2013). The

government responded negatively to criticism from the Acehnese people (Pantji et al., 2004). As a result, it reoccurred in 1976 the Free Aceh Movement (GAM) led by Hasan Tiro. The GAM was triggered by the neglect and betrayal of the central government towards the identity of Aceh demanded by the DI/TII era as well as the control of natural resources of Aceh whose distribution was unfair for the people of Aceh (Djafar, 2008; Sulaiman, 2000). Therefore GAM aimed to attain the independence from the Republic of Indonesia (Zainal, 2016).

The GAM revolt ensued when the central government was focusing on economic development which required political stability and security so that the central government did not tolerate a region demanding autonomy, let alone disunited it (Aspinall & Crouch, 2003). Conflict resolutions between GAM and the Indonesian government in the New Order era were performed through various means, both military and non-military strategies, such as through economic prosperity. The military effort was carried out based on the Indonesian government's perception that the GAM was a movement disrupting security stability or was often called the Security Disturbing Movement (GPK), the Security Troublemaker Movement (GPLK) or the Hasan Tiro Troublemaker Movement (GPLHT) (Pantji et al., 2004; Zainal, 2016). The military approach done by the government yielded the designation of Aceh as a Military Operation Area (DOM), especially in GAM bases such as East Aceh, North Aceh and Pidie (Sulaiman, 2000). This operation was marked as the dirtiest war in Indonesia because of arbitrary executions, kidnappings, torture and disappearances, and burning of villages. Villages suspected of harboring the GAM members were burned, and family members of suspected militants were kidnapped and tortured (Amnesti International, 1993). It was estimated that more than 300 women and minors were raped, and about 9,000-12,000 people who were mostly civilians died in 1989 and 1998 during the TNI operation (Sukma, 2004). Even though they executed intensive military operations, the GAM could not be defeated and instead the movement was getting greater in terms of the number of members and the organizational structure. Many people highly supported the enforcement of human rights in Aceh, and considered that the security forces infringed human rights and committed crimes against humanity. Some Acehnese people reckoned that what the security forces did was ethnic cleansing (Zainal, 2016). The New Order Government undertook negotiation and non-violent efforts to entice the Acehnese people not to support the GAM (Zainal, 2016). In fact, the means were executed by giving

terrors and intimidating, and rendered antipathy from the Acehese people. Anti-government or anti-Jakarta or anti-military sentiments rose during Soeharto's era.

The mass movement in Aceh and outside Aceh urged the revocation of the Aceh's Military Operation Area status on August 7th, 1998 after the fall of the Soeharto regime. Despite several policy changes, the presence of military forces in Aceh did not alleviate and kept continuing. Various military operations such as Wibawa Operation (since January 2nd, 1999), Operation of Sadar Rencong I (May 1999-January 2000), Operation of Sadar Rencong II (February 2000-May 2000), Operation of Sadar Rencong III (June 2000-February 18 2001), Operation of Cinta Meunasah (June 2000-2001), and Operation of Cinta Damai (2001-2002) were carried out to create security stability in Aceh (Zainal, 2016). The use of the security approach by the central government and acts of violence by the military against the Acehese people were considered to be one of the causes of the prolonged conflict resolution in Aceh. Besides, it was assumed that the prolonged conflict was the TNI's strategy to perpetuate their power in Indonesia. Indeed, the International Crisis Group suspected that the TNI was unwilling to leave Aceh since it would reduce their income. The TNI was presumed that they obtained an economic advantage due to the perpetuation of the conflict in Aceh that they could provide protection services to private companies such as timber companies and oil and gas exploration, and could disburse funds from the government to maintain security stability in Aceh (Aspinall & Director, 2009) Peace in Aceh would cause the military group to lose their additional business.

The fall of the New Order regime led to a democratic political system and many domestic and international demands for the Aceh conflict resolution highlighted as human rights violations. The government's view of Aceh shifted from an enemy to a brother (Ali, 2008) and from a hard power to soft power approach (Djumala, 2013). In Habibie's era, the government revoked the status of the Military Operation Area and apologized for the violence by the security forces (Aspinall & Crouch, 2003). Habibie also applied a welfare approach by providing financial aids for conflict victims, amnesty, and opportunities for GAM children to be civil servants. Additionally, the Habibie's government legitimized Law No. 44/1999 on Implementation of the Privileges of the Aceh Special Region which allows special autonomy and authority to the fields of education, religion, customs, and roles of ulema, excluding the privilege of managing the regional economy (Djumala, 2013). These changes affected the political attitudes of

members of the House of Representatives of the Republic of Indonesia. They established a special committee on the Aceh issues and urged the government to conduct intensive dialogues with all components of Acehnese society to reach an agreement on steps to resolve the entire Aceh problems (Ali, 2008).

In the era of President Abdurrahman Wahid (Gus Dur) was the first time that the Aceh issues were resolved through dialogue and negotiation with the GAM facilitated by the Henry Dunant Center, an NGO from Geneva, Switzerland in 1999. This negotiation resulted Joint Understanding on Humanitarian Pause for Aceh. The agreement was about ending violence in Aceh. However, this Humanitarian Pause did not succeed as expected because violence remained to occur until January 2001 as a result of the conflict between the GAM and the TNI. The GAM thought that the Humanitarian Pause brought political advantages because it had strategic values in the context of insurgency to the Indonesian government. The movement had been considered a security disturbance, but the agreement raised higher bargaining power of the GAM because they could have an occasion to discuss with the government. The circumstance affected the image of the GAM at the international level and expand their influence over the local people.

In the era of Megawati, the TNI became the dominant force again in attempts to resolve the Aceh conflicts, particularly a perspective on the Aceh conflict as a threat to the integrity of the Republic of Indonesia. It rendered the mobilization of military power as a conflict resolution to strengthen again. Moreover, the TNI noticed that the GAM had a wider influence on the government's bureaucracy in Aceh. In 2001, 80% of the entire Aceh areas or 3500 out of 5000 village heads were under control of the GAM. However, Megawati also provided wider autonomy to the Aceh people through Law No. 18/2001 which included the provision of 70% of revenue from Aceh's oil and gas, the establishment of Wali Nanggroe and Tuha Nanggroe as symbols of preserving the implementation of traditional life, culture and the unifier of Aceh, the establishment of an Islamic Sharia Court and the application of Islamic sharia (Djumala, 2013). Unfortunately, this policy did not stop GAM's revolt and violence by the security forces to cease the rebellion. The combination of the hard power and soft power policies in Megawati's era urged the GAM to renegotiate. Mediated by the Henry Dunant Center and facilitated by 3 (three) former friendly state officials such as General Anthony Zinni from the United States, the former Thai foreign

minister Surin Pitsuwan, and former Yugoslavian ambassador to Indonesia Budimir Loncar on December 9th, 2002, the negotiation to resolve the Aceh conflict reached Cessation of Hostile Agreement/COHA which regulated the demilitarization of both parties, the provision of humanitarian aids and repair of facilities damaged by war (Djumala, 2013). The COHA was not an agreement to resolve all problems between the GAM and the Republic of Indonesia, but it was expected as an initial path to build trust, eliminate suspicion, and achieve peace in Aceh by involving all elements of Acehnese people. Points of the COHA turned out different interpretations between the GAM and the Republic of Indonesia. For instance, a point of Law No. 18/2001 is a starting point for all COHA contents. It refers that agreeing on the COHA means the GAM agrees on special autonomy. Meanwhile, in the GAM's interpretation, the point could not be separated from the further explanation in the COHA that the COHA is a part of the process of changing or reviewing the contents of Law No.18/2001 so that their demand for independence might still be achieved. The dissimilar interpretation led to difficulties in the implementation and could easily trigger both parties to do violence. The government considered that the GAM did not positively responded to the peace attempt and they massively recruited members by creating international networks to campaign the independence of Aceh. The government, then, invited them to renegotiate in Tokyo, May 17th 2003 with tougher demands that the GAM must recognize the Republic of Indonesia, achieve special autonomy arranged by the government, and put down their weapons (Sukma, 2004). However, the GAM tended to reject the offers so that the government revoked the negotiation on May 19th, 2003 and declared Aceh as a military emergency zone. This status endured until the leadership change by Susilo Bambang Yudoyono and Jusuf Kalla (SBY-JK).

3.2. Earthquake and Tsunami on 26 December 2004 and the Impacts

When the conflicts between the GAM and the government had not been resolved yet, Aceh was struck by an earthquake and tsunami on December 26th, 2004. The tsunami hit Aceh and other cities forty-five minutes after the earthquake. It engulfed 800 kilometers as deep as 5 kilometers of coastline from Langsa to Singkil. In total, 28,485 hectares of areas of Nanggroe Aceh Darussalam or nearly 40 percent of the area of DKI Jakarta were flatten. Most of the areas were settlements and areas of economic activities such as markets and shops.

The magnitude of the earthquake and tsunami left 132,000 people dead and 37,000 missing as well as destroyed 139,000 houses, 2,224

schools, 693 health centers, 3,000 km of roads, 17 units of 14 damaged sea port units, and others (Mangkusubroto, 2011). Approximately 24% of Aceh's population was reduced due to the disaster. The damage encompassed that 73,869 lands lost their productivity and 13,828 fishing boats disappeared along with 27,593 hectares of brackish water ponds and 104,500 small and medium enterprises. Basic needs for the Acehnese people such as electricity, clean water, food supplies, and health facilities were not available. In the public sector, at least 669 units of government buildings, 517 health centers, and hundreds of educational facilities were destroyed or stopped their operation. In addition, in the environmental sub-sector, 16,775 hectares of coastal and mangrove forests and 29,175 hectares of coral reefs were damaged. The MDF's tsunami recovery waste management project calculated that the tsunami waste could cover about 45 soccer fields with dimensions of 88,000 m² each so that the total volume of tsunami waste reached about 400,000 m³ coastwise (BRR, 2009). Based on data from the Regional Secretariat of the Province of NAD, on February 28th, 2005 Aceh Province also suffered severe damage to important institutions playing vital roles in long-term recovery. The Aceh government and several other local administrative governments were destroyed and lost potential officials and infrastructure experts. In February 2005 it was announced that 2,992 of the 77,530 registered civil servants in Aceh were victims of the tsunami, and 2,274 people missed. Aceh seemed a dead city.

3.3. Deterritorialization of State Sovereignty Due to the Disaster

Ravaged conditions of Aceh that infrastructures were severely damaged and government officials in Aceh could not perform their function demanded the government to immediately take quick emergency responses and disaster management. President Susilo Bambang Yudhoyono announced the Aceh earthquake and tsunami disaster and commanded ministries to mobilize resources to respond to the emergency situation and support the recovery. He also appointed Vice President Jusuf Kalla to lead mechanisms of the disaster management and a governmental body, namely the National Coordinating Board for Disaster Management and Refugees (Bakornas PBP).

The Bakornas PBP was assigned to provide immediate aids by searching for and rescuing survivors of the disaster as well as providing them food, shelter, and medical aids. On December 26th, 2004, the GAM declared a ceasefire and joined the government in responding to the

emergency. About 15,000 of 20,000 TNI members in Aceh were assigned to perform humanitarian operations, and 12,000 members were sent to Aceh on January 14th, 2005 to bury the bodies and clean up rubble (Tempo, 2005). The military personnel and GAM members in Aceh replaced their weapons with body bags, shovels, bulldozers and other tools to cope with the emergency response period when they agree on working together to search for and bury bodies, as well as to provide aids for survivors of the disaster. Thousands of volunteers from central and provincial government, humanitarian organizations, and other communities across Indonesian also assisted the emergency response. Several days after the disaster, Aceh remained closed for comers as the period when the status of military and civil emergency was proclaimed. On the other hand, outside assistance was immensely needed in Aceh. The destroyed infrastructure and roads covered by bodies hampered access to Aceh. To execute a fast emergency response, a possible means was through an airway. However, the government's capacity to provide air fleets was limited. It was stated by TNI Commander Endiartono Sutarto when interviewed by Tempo Magazine as follows:

“We only have six Hercules which can fly. Indeed, the flight hours are almost running out. The number of TNI helicopters is also limited. There is not any way to save survivors of the disaster. We have to ask military help from friendly countries.”(Tempo, 2005b)

That was reported to the President as a consideration for determining the disaster status in Aceh which remained closed from foreign assistance. First, before the disaster Nanggroe Aceh Darussalam Province was a Military Operation Area due to conflicts between the Indonesian Government and GAM. Nanggroe Aceh Darussalam was declared as a civil emergency until 2004. The government was concerned that certain parties infiltrated in the advent of foreign militaries to Nanggroe Aceh Darussalam and helped the GAM to reach their goal to disunite themselves from the Republic of Indonesia. Second, it was dealing with the sovereignty of Indonesia. Indonesia is an independent country, its rights are recognized, and foreign militaries and parties cannot get into or interfere domestic issues. Opening access to foreign assistance, especially military assistance, would contravene Law No. 3/2002 on National Defense, Law No. 9/1992 on Immigration and the 1945 Constitution.

Meanwhile, governments of foreign countries and the international community such as NGOs, communities, donor agencies,

and even individuals urged the Indonesian government to immediately open up access to international humanitarian aids for Aceh. The insistence of the international community was based on the international norm of responsibility to protect what becomes a global discourse on the significance of humanitarian intervention. The state is obliged to accept humanitarian intervention if it is deemed incapable of performing responsibilities or has limited state capacity in disaster management (Heath, 2011; Jansen-Wilhelm, 2015; Kuijt, 2015; Puspita, 2015). It was based on humanitarian considerations of the individual needs and interests of the affected population. A country affected by a disaster has the first and foremost sovereignty to overcome it (Puspita, 2015), but if the country is unable or unwilling to cope with it, the country is expected not to refuse the offered international humanitarian assistance. This refers to the state's primary responsibility principle on the UN Resolution 46/182.

State sovereignty in disaster management should be interpreted as the responsibility of the state to protect the people or known as the Responsibility to Protect (R2P) (Jansen-Wilhelm, 2015). The state sovereignty is not a shield against humanitarian assistance, but it is utilized as a basis for guaranteeing the fulfillment of human rights of natural disaster victims by providing humanitarian assistance from external parties when the state is no longer able to overcome it. The R2P idea affirmed the flexibility of the state in prioritizing conventional sovereignty when confronting a disaster beyond its capacity to cope with it. Kofi Annan in his Annual Report to The UN General Assembly 1999 stated that sovereignty means responsibility; the responsibility to protect its citizens and if the government of a country fails to perform this obligation, the international community will take over that obligation, which means to intervene. According to Annan, sovereignty should be grasped as something conditional (not absolute) as long as the government respects the human rights of its citizens.

After receiving information about the post-disaster Aceh situation, several friendly countries such as Australia, Singapore, Malaysia, etc., made a phone call with TNI Commander Endiartono Sutarto to urge the government to convey the needs they could provide for the disaster emergency response (Tempo, 2005b). Indeed, some ambassadors from friendly countries such as the Japanese Ambassador insisted to come with the Vice President Jusuf Kallas's entourage to

ensure the post-disaster conditions of Aceh the day after (Effendi, 2015). The Australian ambassador even reached Alwi Shihab, who was the Coordinating Minister for People's Welfare, to tell that their assistance had moved from Medan but could not get into Aceh (Tempo, 2005a). Foreign Minister Hasan Wirayuda also received many messages of sympathy and enforcement to accept foreign assistance to tackle the disasters, including Prime Minister of Singapore Lee Hsien Loong who suggested conducting an international conference to discuss the tsunami and earthquake in Asian countries. The consideration was that the ASEAN regions affected by the disaster had to take an immediate response to follow up the disaster that had occurred. Meanwhile, in Geneva, Switzerland, the UN office held a flash appeal in the Ministerial-level Meeting on Humanitarian Assistance to Tsunami-Affected Communities, and it generated a pledge to provide assistance of USD 6.3 billion for all areas affected by the tsunami and to raise aids for the tsunami-affected countries.

National and international mass media also urged the government to give wider access in disaster-affected areas. At the beginning of the disaster, only MetroTV could broadcast the Aceh situation because the crew accompanied Vice President Jusuf Kalla to come to Aceh, while other mass media relied on the news and information presented by MetroTV. Some foreign journalists such as CNN could not get news and come to Aceh (Effendi, 2015). They were faced broadcasting procedure issues for foreign journalists who wished to make a report of Indonesian territory. Meanwhile, the national media stayed in reporting the Aceh situation by presenting touching sorrowful narratives and images that drove local and international community and pushed the government to take strategic actions immediately. The massive broadcast displaying the Aceh disaster could be seen on the headline of two greatest Indonesian newspapers, Kompas and Jawa Pos, for a month after the disaster. The number of headlines about the tsunami on *Harian Kompas* and *Jawa Pos* from December 27th, 2004 to January 26th, 2005 were 25 and 27, respectively (Yoanita, 2006). In fact, MetroTV broadcast *Breaking News* and *Program Indonesia Menangis* for 40 days to inform updates in Aceh after the disaster (Effendi, 2015). Other national TV channels presented various aid programs for Aceh appeared such as *Pundi Amal SCTV*, *RCTI Peduli*, and *Kompas Group with Dompot Kemanusiaan Kompas*. Other mass media groups as *Jawa Pos*, *Pikiran Rakyat*, *Suara Merdeka*, *Republika* etc. simultaneously opened donation from their readers.

The government's limited capacity to execute effective emergency response to save Aceh and the insistence from national and international community prompted President SBY to declare the Aceh disaster as national disasters on December 26th, 2004 through Presidential Decree No. 112/2004 on the Designation of Earthquake and Tsunami in Aceh Darussalam Province and North Sumatra Province as National Disasters and National Mourning Day. This decision became legal for the opening of the Aceh territorial area to the advent of international assistance including humanitarian assistance in the forms of logistics, funds, and military assistance to assist the emergency response. That proved how the concept of state sovereignty is deterritorialized from firstly rejecting foreign intervention in its territorial areas to being redefined by considering the safety and security of the Acehese people.

4. CONCLUSION

Sovereignty as one of the central discussions about the state undergoes dynamics driven by various changes in both national and international levels. Disasters are one of the factors prompting how a state defines the concept of sovereignty. Using an assemblage approach, this article demonstrates that sovereignty is very dynamic, and its definition is constructed and continuously through mechanisms engaging multiple actors and specific processes.

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