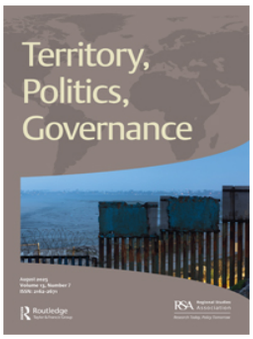

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Dynamic legitimacy in territorial conflicts

Lesley-Ann Daniels [a,b] and Marc Sanjaume-Calvet [c]

ABSTRACT

Legitimacy plays a critical role in secessionist conflicts, which are *per se* a struggle about the territorial status of the people and its government alongside the degree of international recognition. This article examines how legitimacy is claimed by political actors during and after conflict, using the case study of Aceh secessionism. Taking a relational interpretation of legitimacy, we argue that rebels create it using different legitimacy resources and dependent on the audience and the context. During conflict, rebels use parallel narrow legitimation strategies that do not overlap. In the post-conflict period, rebels need to appeal to a broader audience but there is more competition for legitimacy. When rebels prioritise a restricted audience, this strategy requires trade-offs and carries substantial costs, and so stores up illegitimacy for the future. Our findings build on the previous literature on the dynamic nature of legitimacy changes in conflicts and suggest that legitimacy is more malleable and fluid than previously recognised. These findings have implications for international support for post-conflict groups in clashes on territorial status.

KEYWORDS

Legitimacy; secession; conflict; multi-level governance; national identity; territorial politics

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D74; D91; Q34

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1. INTRODUCTION

In the literature on secessionist claims, the role of legitimacy is of paramount importance. These kinds of conflicts are *per se* a struggle about the legitimacy of the territorial status of the people and its government (Wimmer, 1997), but also about the degree of international recognition and effectiveness on the territory (Coggins, 2014; Griffiths, 2017). In the context of secessionist conflicts, legitimacy can be analysed both as part of a during-conflict strategic game of secessionist and counter-secessionist actors (Griffiths & Muro, 2020) and as a goal of post-conflict reconstruction (Kumar, 1998). This legitimacy is relational and dependent on the relationships with the different audiences and the power politics that shape and enable its success. These audiences

CONTACT Lesley-Ann Daniels ldaniels@ibei.org
[a] Institut Barcelona d'Estudis Internacionals, Barcelona, Spain
[b] Department of Political Science, University of Oslo, Oslo, Norway
[c] Department of Political Science, Universitat Pompeu Fabra, Barcelona, Spain

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drive which resources are the most appropriate sources of legitimacy. Therefore, from the rebels' perspective the negotiation of available multiple legitimacies affects both the conflict and post-conflict situation on the necessity of at least two aspects: (a) obtaining legitimacy in the context of the strategic game (Podder, 2017; Schlichte & Schneckener, 2015; Terpstra & Frerks, 2017) and (b) the legitimacy-building efforts common to every territorial conflict (McWeeney & Cunningham, 2019; Schoon, 2017).

This article uses the case study of Aceh secessionism to examine how legitimacy is claimed by political actors during and after conflict. Aceh is a rich case because it includes a 30-year secessionist armed conflict and a peace settlement that came when Indonesia had recently democratised and political structures were in flux. The peace agreement allowed for the region to have political parties exclusively for Aceh, which was a unique provision within Indonesia. During and after conflict there was a range of possible sources of legitimacy to choose from (Barter, 2021; Fujikawa, 2021; Sindre, 2018), including a separate history and sense of nationalism; separate ethnicity composed of ethnic, language, cultural and religious-intensity differences; governance; grievances due to the structural oppression by the Javanese majority; and private/public goods provision. We focus on how the rebels negotiate different audiences and relationships, along with the multiple sources of legitimacy available during and post conflict, different strategies for claiming authority and the costs associated with these strategies.

The article finds that the choice of legitimacy changes through the conflict stages. During conflict, the rebels pursue varied strategies with different audiences, and we look at how they used trade-offs and avoided clashing costs. We introduce experimental evidence to examine whether these claims still resonate and show that civil war claims do not remain valid into the post-conflict period. We then examine how in the post-conflict period rebels pursue a different strategy for obtaining legitimacy, whereby certain audiences are prioritised. This strategy requires trade-offs and carries substantial costs in the loss of support from excluded audiences. In the case of Aceh, we find that such a strategy is only possible in the context of large resources and is time-limited, while storing up illegitimacy for the future.

The article makes a number of relevant contributions. We develop a theoretical framework for thinking about legitimacy as something that is created and reconstituted in different forms for different audiences. Furthermore, the resources that create legitimacy are made salient or modified in reaction to interests and priorities. Thus, legitimacy is more malleable and fluid than previously recognised. These findings build on the trends described in the literature on ethnic conflicts and legitimacy (Cunningham & Loyle, 2021; Duyvesteyn, 2017; Schoon, 2022) and have implications for international support for post-conflict groups.

Compared to previous literature on the Aceh case (Aspinall, 2011; Fujikawa, 2021; Robinson, 1998; Schulze, 2003; Sulistiyanto, 2001), our contribution allows for a greater understanding of the consequences of trying to solve conflicts over identity. We offer guidance on the mechanisms through which this has positive or negative effects on post-conflict situations. Moreover, the study provides new insights on the evolution and transformations of the strategic playing field of secessionist movements that can be useful to frame these kinds of conflicts around the globe.

The article is structured as follows. First, we provide a literature review on the role of legitimacy in conflicts, focusing on relational legitimacy and its strategic dimension before and after armed conflict appears. Second, we offer an analysis of the Aceh case where we consider how different audience and power politics affect the advantages and trade-offs from different sources used to create legitimacy. We show that the rebels' tactics for building legitimacy change overtime. Finally, we discuss the potential contributions of our research and their implications for future research on the topic.

2. LITERATURE AND THEORETICAL FRAMEWORK

Legitimacy is the normative connection between a people and their governing regime. Essentially, legitimacy is that quality that makes people accept an authority that commands them (Peter, 2017). The role of legitimacy in secessionist conflicts is of paramount importance. It can be considered 'foundational', since it refers to the Hobbesian necessity of defining and affirming who is the sovereign of a certain piece of land. These kinds of conflicts are *per se* a struggle about the legitimacy of the territorial status of the people and its government (Wimmer, 1997), but also about the degree of international recognition and effectiveness on the territory (Coggins, 2014; Griffiths, 2017).

In examining these struggles, we use the lens of legitimacy as a relational concept (Podder, 2017; von Billerbeck & Gippert, 2017). When a regime has legitimacy, it motivates 'a given population's sense of obligation or willingness to accept their authority' (Risse & Stollenwerk, 2018, p. 404). Thus, relations between the regime and the audience are fundamental to legitimacy. We adopt Podder's analytical view on legitimacy since 'It encourages a shift away from the ontology of entities and their attributes, to focus instead on practices and relations constituting how legitimacy is constructed during conflict' (2017, p. 687).

As secessionist demands are formulated, crucial tactical decisions are taken (Basta, 2021; Coggins, 2014; Griffiths, 2016, 2017; Griffiths & Muro, 2020; Kartsonaki & Pavković, 2021; Requejo & Sanjaume-Calvet, 2021). In each of these steps there is a legitimacy process happening to obtain not only a normative justification but real political power over the population. Operationalising legitimacy is a complex process since it is *per se* an indeterminate concept (Schoon, 2022). In our research, we precisely address how rebel groups in secessionist conflicts negotiate multiple sources of legitimacy and multiple audiences across time. Secessionists try to make their case compelling to a number of audiences in parallel, including their domestic constituents, their own parent state and the international community, while counter secessionists aim to suppress ethnic rebellion, often at any cost (Terpstra & Frerks, 2017). To this end, actors exploit different resources. Rebels in secessionist conflicts have multiple potential sources of legitimacy available to them, for example, ethnicity, identity, normative grievances or governance provision, to name a few. Griffiths (2016) claims that secessionist conflicts can be modelled as a strategic game, where actors' resources are used within the framework of certain rules such as international recognition. In this game, legitimacy sources are exploited through a variety of tactics, such as international and domestic norms (i.e., territorial integrity and self-determination rights among others) or morality (i.e., grievances). A further resource is ethnicity and the existing evidence suggests that, while not every ethnic group claims an independent state, virtually all secessionist movements base part of their discourse on an ethnic identity including cultural, linguistic and/or religious elements. Moreover, ethnic distinctiveness is among the best predictors of secessionist demands (Requejo & Sanjaume-Calvet, 2021; Sorens, 2012). Actors create frames that resonate with an audience to convey information about how the actor should be seen as legitimate (Benford & Snow, 2000; Snow & Benford, 1988). Framing is an active and ongoing process that determines what experiences are noticed and how they are interpreted and is widely used by non-state and government actors to gain support (Bray et al., 2019; Drissel, 2015; Theobald, 2015).

We argue that this process of claiming and creating legitimacy is more dynamic and malleable than has been recognised. To date, the concept of legitimacy is often treated as static and a group either has or does not have legitimacy. We claim that legitimacy is a process that groups must constantly recreate. We build on the concept of relational legitimacy in territorial conflicts by focusing on the relationships and power politics at play, on how these affect the most appropriate resources, and by identifying the costs associated with different strategies. We argue that these

depend on context and we look at two relevant environments – during conflict and post-conflict – though we recognise and consider that there will be dynamics within each of the contexts as well.

During conflict, a key audience for rebels is the domestic ethnic community within which they are embedded and for whom they claim secession. This internal audience can be narrowly delimited as one ethnicity, interest group or territory. Such a defined focus means that specific resources are relevant to this audience, and rebels claim legitimacy as representatives of the audience group, drawing on resources that resonate with this audience, such as a common language or religion. For instance, Schoon (2017) describes how the Kurdistan Workers' Party's (PKK) insurgency in Turkey has built legitimacy across time using a panoply of strategies including ethnic and cultural claims. Similarly, studying the case of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, Terpstra and Frerks (2017, p. 285) found five rebel legitimation strategies related to economy, enemies' images, charisma, sacrifices for common cause and even myth-symbolic elements.

During conflict, such a narrow strategy is successful for the rebels for a number of context-specific reasons. A military campaign can succeed without widespread political support and so need not appeal to a broad audience; violence is a resource and the rebels' adoption of arms to fight for secessionist aims shows that they are the most committed representatives of the ethnic group; and finally there is limited competition for legitimacy as the space for other actors is limited in a context of repression and reprisals. Therefore, we expect that making specific resources salient for particular audiences is a successful tactic for gaining internal legitimacy and furthering the aims of secession.

Given that successful secession depends on international recognition, external audiences are also relevant. Rebels use a parallel strategy to seek legitimacy in the eyes of the international community. For this, resources such as common language or religion are less relevant and rebels must draw on resources with a broad appeal. Rebels address themselves to an external audience seeking legitimacy based on normative arguments such as the right to self-determination or to oppose oppression. Such a parallel strategy is advantageous because the impacts are additive. Appealing to one audience does not alienate the other audience and so legitimacies supplement and reinforce each other. These parallel legitimation strategies are not a rarity but a norm in territorial conflicts.

The post-conflict period calls for different strategies as new audiences become relevant, shifting importance to different sources of legitimacy and bringing new power politics into play. A narrow strategy is by its nature exclusive, targeting a proportion of the population defined by ethnicity, language, history, closeness or geographical location, but excluding those who do not fit into the defined strata of the population. Rebels who rely on narrow sources of legitimacy will not be seen as legitimate by citizens outside these groups, which can lead to political consequences such as lower political support. Rebels must instead seek widespread support and now must appeal to as extensive an audience as possible. They have to draw on resources that have a broad appeal, such as providing democracy, protecting rights and supplying governance and public goods. Such a tactic includes as many as possible into the audience, the legitimating population.

In the post-conflict period, intra-group competition that was previously repressed or avoided in the pursuit of victory becomes feasible. For example, if legitimacy comes from truly embodying a group, leaders may compete with other potential rivals in order to present themselves as the true representatives of the group (Chandra, 2005; Horowitz, 1985; Zuber, 2013; Zuber & Szöcsik, 2015). Cross-group collaboration and concessions are depicted as betrayal and treachery in the escalation to be the staunchest defender of the group's interests. Such a dynamic leads to narrow appeals. Those outside the extreme wing of the group feel that they are not represented and thus that the group is not a legitimate representative of their interests. However, a parallel strategy to these outsiders holds little credibility, given the ethnic outbidding.

Moreover, failing to appeal to a broad audience leaves space for other actors to appeal to those who are ignored. For example, in the case of governance or the provision of goods, the national government can offer greater competence, and so can undermine the legitimacy of the local actors (Scharpf, 2000). The national government can provide outputs that are both better in an absolute sense (more employment, a better economy, stronger security), but are also focused on all residents. Thus, power politics influence the opportunities for legitimacy.

We argue that overall the strategies that rebels use to gain legitimacy are dynamic and more malleable than previously recognised, and that rebels choose different legitimacy claims and mobilise different resources depending on the audience and the context.

3. CASE SELECTION AND METHODS

We use a case study to examine legitimacy, which is justified because a case study allows for the in-depth understanding of processes across time and so is most appropriate for exposing different strategies. In doing so, we relate framing with legitimacy through an analysis on meaning construction mainly by actors and stakeholders (Benford & Snow, 2000; Bray et al., 2019; Snow & Benford, 1988). Through a relational approach (Podder, 2017), we aim to identify the dynamics of legitimation strategies (Cunningham & Loyle, 2021). We focus on two different periods: during-conflict and after the conflict. In these two periods we look for available sources of legitimacy, strategies and specific appeals. Our analysis is explicitly based on the malleability of legitimacy mainly as the product of narratives built by the actors involved in the conflict.

Aceh is selected as a rich case that captures many features that we want to explore. Aceh is an ethno-territorial conflict that was mobilised around a sense of historical and ethnic difference to the rest of Indonesia along with a desire to control its resources. After an armed conflict lasting thirty years, in 2005 a peace agreement known as the Memorandum of Understanding (MoU) was signed.[1] This case has the advantage that Indonesia itself was also recently democratising (Yazid & Pakpahan, 2020), and so the political structures were in flux at this time, opening up possibilities for new claims. Since 2005, the leaders of the rebel group Free Aceh Movement (Gerakan Aceh Merdeka: GAM) have become the political leaders and the group's position has improved. Extensive political devolution was granted within the terms of the peace settlement and the peace agreement also allowed for local parties exclusive to the territory of Aceh. This is a unique provision within Indonesia (Rodiyah et al., 2020). Although there has been a nation-wide process of decentralisation from 1999 onwards (Lele, 2021; Talitha et al., 2020), all other regions have to adhere to strict rules on national representation that make it almost impossible for local parties to gain power.

Aceh also allows us to exploit differences in how identity is viewed. For simplicity, identity is often presented as homogenous, whereby language, religion, and culture overlap. However, at times it is important to focus in on the fact that identity is heterogeneous. Some people may subscribe to all the elements listed above, while others may subscribe to the religion but not the language, for example. In post-conflict periods, this heterogeneity may come to the fore in a way that was suppressed during the conflict in the interests of greater effectiveness. We have a very strong example of this in Aceh. Even the concept of Aceh is open to different interpretations. On the one hand, being Acehnese can refer to being part of the territory of Aceh, with its common history. On the other hand, being Acehnese can mean being part of the Acehnese peoples, as opposed to, say, the Gayo or Singkil peoples, who also live within the territory of Aceh. Aceh is composed of twelve ethnic groups, not all of whom subscribe to a larger Acehnese identity. Therefore, some of these groups did not feel the ethnic conflict was fought in their name, while some do not feel that the concessions in the peace agreement are directed at them (Ichwan et al., 2020).

We examine the conflict in Aceh in Indonesia as a diagnostic case that can illustrate the feasibility of the expectations (Gerring & Cojocaru, 2016). The purpose of such a case study is to 'illustrate the content of the theory and demonstrate its plausibility' (Gerring & Cojocaru, 2016, p. 405). The case study can also define the scope conditions that affect the generalisability of the hypothesis. Moreover, it can place the findings in a meaningful context and timeline related to the particular historical moment of the selected society. It is only through this specific analysis that the symbolic dimension of the narratives and discourses can be captured. This dimension is crucial when explaining the dynamics of contentious politics and secession as described in the literature (Basta, 2021).

This research uses a range of sources to explore our claims, that is the dynamic nature of legitimacy strategies and its multiple sources in the conflict, in the light of our theoretical framework. We use original source material, firstly, an original representative survey that was fielded face-to-face in Aceh in 2019.[2] An experiment was embedded into the survey that was designed to test reactions to an ethnic prime and a human rights prime compared to no prime. The experimental section of the survey begins with one of these three primes delivered randomly to one third of the survey sample. The primes consist of a vignette sentence reminding the respondents of the GAM claims during conflict, while the no prime option does not have this sentence. The ethnic prime reads 'When GAM was fighting against the government of Indonesia they claimed they were fighting for the Aceh identity'; the human rights prime reads 'When GAM was fighting against the government of Indonesia they claimed they were fighting so all people in Aceh have equal rights as humans'.[3] The text then proceeds to the response questions and runs, 'Do you disagree or agree that they deserve to rule Aceh now today?', with five response options from 'strongly disagree' to 'strongly agree'.[4] The control variables of sex, age, education level, a measure of poverty (house material) and Acehnese ethnicity are included in the analysis.

We use triangulation to strengthen the interpretation of evidence. We draw on 31 semi-structured interviews held during two research trips in Aceh in April 2018 and July 2019. These interviews were with ethnic and political elites and key observers of the peace process and subsequent political developments – local politicians; government agencies tasked with implementing cultural changes, e.g., the planning department; agencies for the transition to peace, e.g., reintegration of ex-combatants; and agencies or NGOs representing ethnic groups and those representing other marginalised groups such as women, indigenous citizens and youth. Other interviews were carried out with journalists and academics within the region. We also draw on a rich case history, particularly for the examination of the during-conflict period. Secondary literature from the World Bank, NGO reports, assessments by peace organisations (e.g., Conciliation Resources) and media analysis was consulted.

4. CASE BACKGROUND

Aceh comprises the western tip of the most western island of the archipelago of Indonesia. This location has determined its importance as a crucial hub of international trade through centuries. In the past, extensive lines of contact ran from Aceh to the Ottoman Empire, the British Empire, the Dutch trading companies and on to the trading ports of south-east Asia. Historically an independent Sultanate with a long line of independent leaders, Aceh put up a fierce, though unsuccessful, resistance to Dutch colonisation in the late nineteenth century and continued to rebel against Dutch rule. When Aceh was included in Indonesia after World War II, it was allowed a substantial degree of autonomy, particularly over cultural affairs and today Aceh is culturally different from the rest of Indonesia and practices a stricter form of Islam.

In 1976, GAM (Free Aceh Movement)[5] started an armed conflict against the central state,[6] in reaction to the centralising tendencies and nationalist ideology of the Suharto dictatorship and the unequal distribution of wealth from the recently discovered oil and gas fields off the Aceh

coast. At this stage, Aceh was seen as a territory with a distinct (Muslim) culture, a recognised historical territory and a commonly accepted history (Aspinall, 2009b). The conflict continued for the next 30 years in three main phases. In the initial phase, from 1976 to 1979, the rebels were few in number and weak and were repressed by the dictatorial government of Suharto. The second phase was launched in 1989, after GAM forces received training in Libya. The rebels were unable to make many gains, but the Indonesian government implemented a counter-offensive military operation that targeted many civilian areas and alienated the local population. Well over 1,000 Acehnese were killed in unlawful executions and torture between 1989 and 1993 (Human Rights Watch, 2003). After the fall of Suharto in 1999, GAM took advantage of the confusion in the Indonesia government to launch a renewed campaign. This time they had widespread public support throughout the territories they controlled. The stated claims were for local democracy, which was refused by the central government. This had wide-spread local support and in 2002 a survey found an overwhelming support of 90% for direct local elections (Miller, 2004, p. 349).

During these years, the Indonesian government oscillated between ceasefires and repressive military actions with widespread human rights offences, extrajudicial killings and high levels of internal displacements. Security actions in 2001 and 2002 resulted in at least 5,000 killed, overwhelmingly civilians (Barron et al., n.d.). In 2002, both sides signed a ceasefire agreement, but GAM took advantage of the pause in fighting to regroup. In 2003, the Indonesian government declared martial law, which led to substantial military advances against GAM and widespread attacks against civilian areas where GAM was active, while foreign reporters were banned from entering Aceh. The conflict resulted in at least 15,000 deaths (Barron et al., n.d.).

In the context of the growth of liberal-democratic values within Indonesia, difficulties for Indonesia in attracting inward foreign investment due to its human rights record in Aceh, a punishing draining of resources by the Indonesian army, along with military victories over GAM, contact was made to commence negotiations during 2004 (Kingsbury, 2006). The tsunami that devastated Aceh in December 2004 brought about a willingness to move beyond conflict and find a compromise. A peace agreement (Memorandum of Understanding) was signed in 2005.

5. ANALYSIS

In this section we present the legitimacy claims and how they were prioritised, we also provide evidence through a survey and interviews of their effectiveness in terms of legitimacy-building for Aceh rebels. The section is divided between during-conflict legitimacy and post-conflict legitimacy analysis.

5.1. During-conflict legitimacy

Secessionist conflicts aim for both international recognition and internal support (Abad, 2023; Griffiths et al., 2023; Ryan, 2023). A key source of legitimacy for rebel groups, particularly in secessionist conflicts, is to be the true representatives of the people. In Aceh, there are a range of rich options for legitimacy, as Aceh is a fluid concept that can refer to the intensity of religious commitment, language or ethnicity, all of which can be exclusive forms of legitimacy. An early emphasis was on religious differentiation. This westernmost tip of the archipelago was where Islam had arrived in Indonesia and so the Acehnese saw themselves as more religiously 'pure' than the rest of Indonesia. However, after the fall of Suharto, the Indonesian government attempted to diffuse this source of appeal of the insurgency and passed Law no. 44/1999 on Aceh Autonomy, which allowed for the implementation of shariah law (Miller, 2004). This action was taken to 'mollify a population embittered by years of conflict' (International Crisis Group, 2006, p. 1) and to increase trust in the central government. Both GAM and civilian

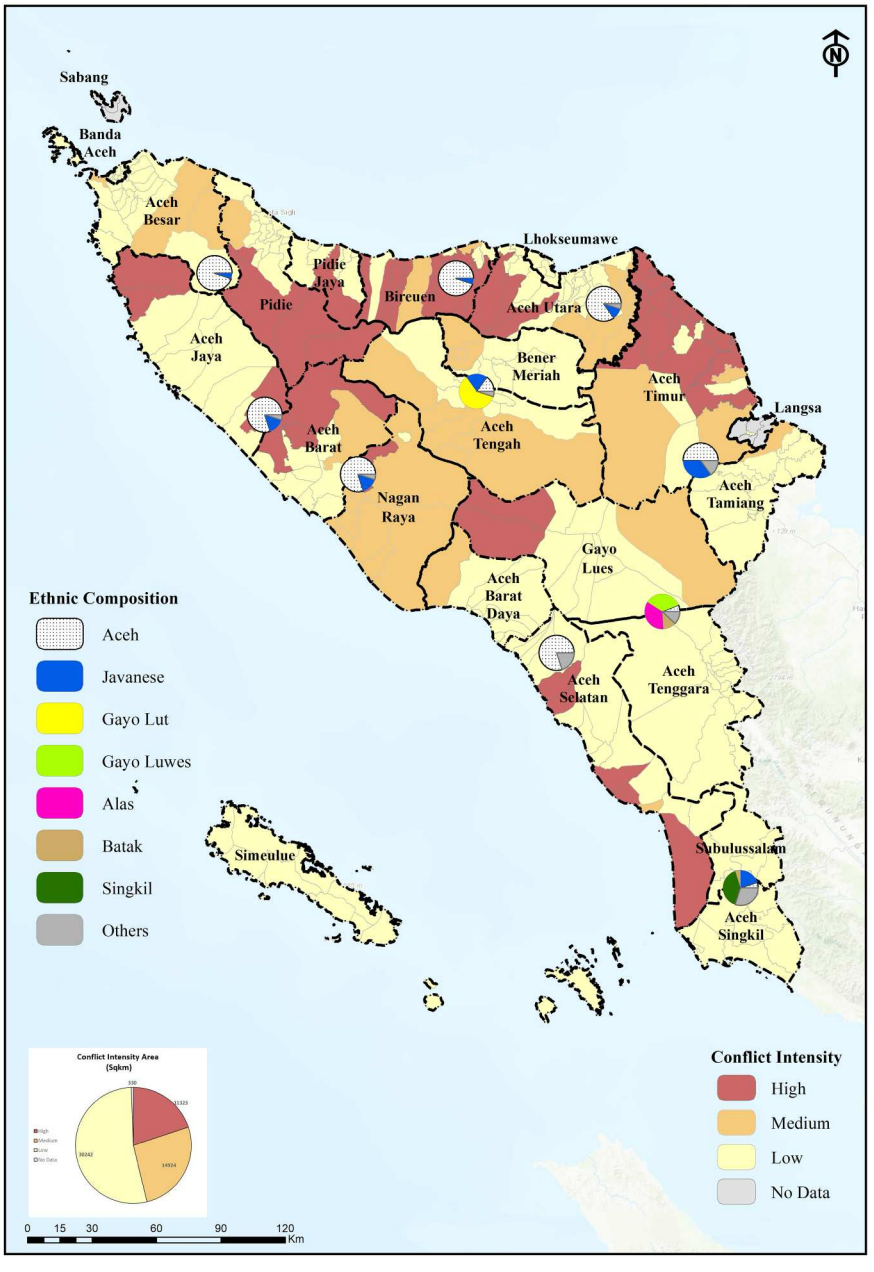

Figure 1. Map of conflict in Aceh, showing ethnic composition of each area.
Source: Author elaboration using data on conflict intensity from World Bank (2008) and on ethnic composition from IDMC (2010).

protest groups dismissed the introduction of shariah law as a distraction only intended to frame the Acehnese as religious fanatics in the eyes of the outside world, claiming that their aims were democracy. A long-time follower of Aceh notes that this dismissal of a concession that would seem to be a large part of the GAM demands sits strangely with GAM religious devotion. '[De-emphasizing Islam] intensified when the state adopted a religious posture to undercut

the appeal of separatism. Indonesian and Acehnese nationalism reversed positions. *Almost in spite of themselves*, GAM leaders made Islam less central to their political vision' (Aspinall, 2009b, emphasis added). GAM's move to deemphasise this claim came because the central government had captured control over this issue. Thus, with religion, we see an example of how attempts to monopolise an issue for legitimacy can be deactivated by other actors, here the central government.

Religious claims were therefore unavailable to GAM, but other possible sources of legitimacy were accessible, such as ethnicity and language. However, these were narrow sources of legitimacy. For example, many within Aceh saw GAM as representing only the Aceh ethnicity. Since the rebels embedded themselves in areas where they could be sure of support, the government attacks were concentrated on ethnic Acehnese areas (Figure 1). The state forces used locals as a 'fence of legs' where civilians were required to go first to flush out the rebels, who were then shot by security forces. Locals were also forced to inform on rebels and act as vigilantes (Amnesty International, 1993). Thus, the areas that suffered most from the conflict were areas that had high proportions of Acehnese ethnicity, and conflict on the ground was widely seen as targeted at ethnic Acehnese. Populations in these areas became antagonised and more distrustful of Indonesian rule.

Other provinces, principally the central, southeast and western regions, were provinces where non-Aceh peoples lived, such as the Gayo, or where many ethnic Javanese had settled when they immigrated into Aceh. These groups were suspicious of what they saw as GAM's ethnic exclusivity. For example, the Gayonese saw themselves as very separate from the Acehnese and that the conflict did not affect their territory and that GAM did not represent them.[7] In many cases, the Indonesian army worked with local leaders and discontents to create militias that fought GAM (Aspinall, 2009b, p. 169). Thus, the conflict took on a more ethnic character and ethnicity and ethnic territory both reinforced each other as a source of support for the conflict. While ethnicity can be a potent form of legitimacy, it has trade-offs, because by its nature it creates in-groups and out-groups and therefore has a limited appeal.

A more inclusive claim was to assert that the fighting was for all the people of Aceh against structural grievances at the hand of the Indonesian state and human rights abuses by the Indonesian military. Tens of thousands of Acehnese were imprisoned in military camps and tortured and the use of rape by the military was a widespread weapon of war (Human Rights Watch, 2003). This message was particularly useful in mobilising fighters (Aspinall, 2009b; Robinson, 1998) and was credited with attracting numerous followers (Robinson, 1998). Whereas in the early 1990s GAM had to rely on force to recruit fighters, by mid-2000 GAM had recruited significant numbers of children orphaned due to Indonesian Army attacks (Ross, 2005). One source even claims that GAM deliberately provoked militaristic reactions in order to gain public support, with Ilias Pase, a GAM commander, stating that GAM knew their activities would make the security apparatus 'kill civilians and burn their homes. This makes the people more loyal to GAM' (Dillon, 2001, cited in Ross, 2005, pp. 49–50). By mid-2001, GAM had between 2,000–3,000 fighters, between 13,000–24,000 militia members and had achieved a high level of rural support, controlling 80% of Aceh's villages (ICG, 2001, cited in Ross, 2005, p. 47). The indiscriminate repression by the Indonesian military meant non-ethnic Acehnese were also victims, which allowed GAM to extend their appeal beyond ethnic Acehnese areas and use a human rights discourse to claim an extensive legitimacy. Furthermore, GAM argued that only self-rule would enable the people of Aceh to protect themselves from repression by Indonesia and therefore claimed that the aim of fighting was to achieve greater democracy. Thus, we see that GAM used different sources of legitimacy for different audiences, stressing ethnicity for those of ethnic kin and the fight for democracy for those who were of different ethnic groups. This strategy could work because these audiences did not overlap and so the claims did not contradict.

The success of secessionist claims relies on international recognition and so, from the very beginning of the conflict, GAM framed the issues with an eye to the international audience. The first and obvious source of legitimacy was to appeal to the right to self-determination, particularly in the context of decolonialisation independence movements. In large part, the process was driven by Hasan di Tiro, GAM's charismatic leader. Although in his early career as a politician he was a defender of the Indonesian identity, after his stay in the US he imported an anti-colonial narrative to his natal territory. In 1976, he published a unilateral Declaration of Independence addressed to 'the peoples of the World' (Robinson, 1998, p. 138). The document portrays Aceh's fight for independence as a decolonisation effort and denounces the illegal transfer of sovereignty from their former colonisers (the Dutch) to the 'new' colonisers, the Javanese ethnic elites:[8] 'The Javanese, nevertheless, are attempting to perpetuate colonialism which all the Western colonial powers had abandoned and all the world had condemned'.[9] Di Tiro and some of his top advisors fled Aceh and set up a government-in-exile in Sweden, from where they set up diplomatic missions and lobbied the United Nations for Acehnese independence.

A second source of legitimacy that was widely used with external audiences was human rights abuses by the Indonesian military (Robinson, 1998). GAM showed an awareness of how these atrocities could be used as a source of legitimacy on the international stage. On at least one occasion, in mid-1999, they moved between 80,000 and 100,000 villagers from dozens of villages into camps to provoke a refugee crisis. Having succeeded in attracting international media attention, the camps were closed, and the villagers were allowed to return home (Cohen, 1999, cited in Ross, 2005, p. 50). The Indonesian government felt threatened by this, as shown in 2003, when they declared martial law and banned foreign reporters from entering Aceh.[10] Indeed, their human rights record and the impact on foreign investment was one of the reasons why the Indonesian government decided to start peace negotiations with GAM. In both these forms of legitimacy, directed toward the outside world and the powers that could support independence claims, GAM were able to represent the whole Aceh population and Aceh territory. At the same time, these two forms of legitimacy claims complemented and augmented each other.

In summary, during the conflict, GAM drew on various bases of legitimacy from the multiple sources available at different times and to different audiences. Not all sources of legitimacy were successful, for example, religious differentiation was usurped by the central government. Also, not all sources of legitimacy had broad appeal, for example, legitimacy based on ethnicity was effective within those areas, but excluded those not in that ethnicity. However, this was not damaging to GAM, because the ethnic appeal gained legitimacy for the ethnic Acehnese, who were their key resource in the violent struggle, while there were other sources of legitimacy, such as the messages around grievances and democracy, that appealed more broadly and so reached those who were excluded by the ethnic message. Simultaneously, GAM directed messages around grievances and the right to self-determination to the international community. Thus, GAM was able to direct different messages at different audiences and pursue a parallel strategy for legitimacy both inside and outside the territory. The different methods of legitimation did not contradict but rather accumulated to increase support for GAM both inside and outside the territory.

Before turning to considering how GAM sought legitimacy in the post-conflict period, we test with experimental evidence whether the different claims to legitimacy used during the conflict created enduring legacies of legitimacy. We ask respondents to the survey whether GAM deserve to rule today and we test two potential sources of legitimacy, one narrow and one broad. The test is a priming experiment embedded in the original survey conducted in 2019. The two main primes are (1) GAM were fighting for the Acehnese identity (ethnic prime) and (2) GAM were fighting so all the people in Aceh have rights as humans (human rights prime). We present the marginal results in Figure 2,[11] and these show no significant differences across the primes. These results show that those primed that GAM had fought for the Aceh

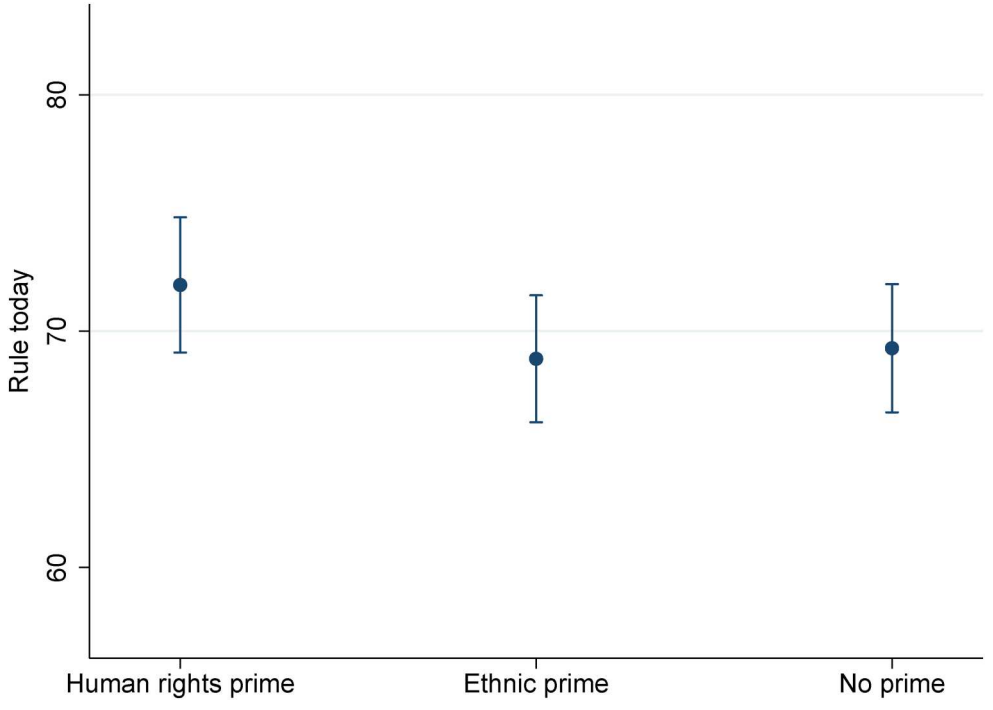

Figure 2. Responses on whether GAM deserve to rule now, experimental results showing marginal effects.

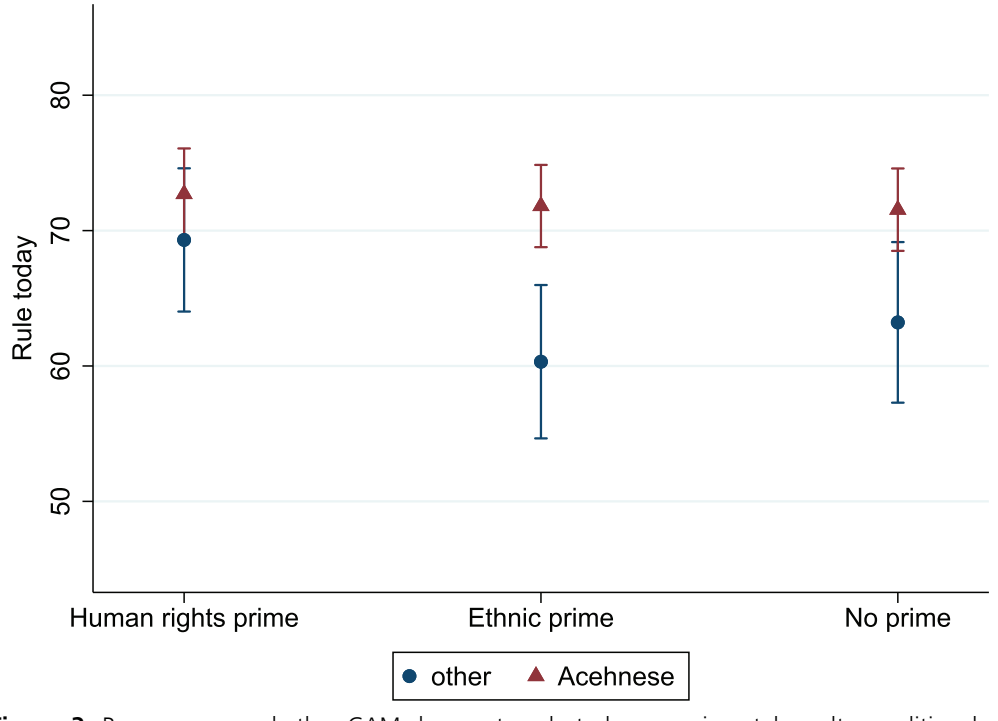

Figure 3. Responses on whether GAM deserve to rule today, experimental results conditional on Acehnese ethnicity, showing marginal effects.

identity are no more likely to agree that GAM deserve to rule, compared to those primed that GAM had been fighting so all people in Aceh have equal rights as humans or those who received no prime. The GAM claims to legitimacy do not increase popular support for rule by GAM inheritor parties. In other words, neither the narrow nor the broad source of legitimacy used during the conflict has an enduring effect.

To drill down into the results further, we condition the experiment results on ethnicity, coded as a binary variable of Acehnese and all others (Figure 3). The results show Acehnese are more positive than non-Acehnese about GAM rule. There is a significant difference between the two identities with respect to the ethnicity prime. This disparity is due to the more negative evaluation by the non-Acehnese and not because of a more positive evaluation by the Acehnese. This result shows the ethnic message does not resonate with non-Acehnese, because this was not a source of legitimacy that the rebels used with this group. By contrast, the human rights prime does not resonate more with one group than the other. A second takeaway is that legitimation claims are short-lived, as neither of the two potential messages seeking legitimacy increase popular opinions of the rebels as political parties in the present day.

Having shown that the messages used to gain internal and external support during the conflict have not sustained as a significant source of legitimacy for GAM, we turn to examining what strategy of legitimation the GAM inheritor parties have followed since their transition to rule.

5.2. Post-conflict legitimacy

The end of the conflict came with a Memorandum of Understanding (MoU) between the two parties that was signed on 15 August 2005 in Helsinki.[12] The peace agreement included significant concessions to Aceh identity. One of the most important issues for the GAM side was the permission for Acehnese-only parties to run in the Acehnese elections. Following its return to democracy, Indonesia had enacted legislation that restricted the establishment of political parties with ethnic or regional appeal. The 2009 Law on Political Parties set strict criteria that the parties had to be mobilised across all Indonesia. Therefore, allowing Aceh to have parties exclusive to Aceh was a major concession by the government. It also meant that the rebels now had to transition from insurgent group to political parties.

Elections have been widely promoted by the international community as a key source of legitimacy in post-conflict societies (Hartzell & Hoddie, 2003, 2015), but these can be contentious in divided societies or in territorial conflicts where there is a crisis over the constitutional status of a region. The concession by the Indonesian government to allow Aceh-only local parties allowed the GAM leadership to present themselves as the legitimate representatives of the Acehnese people. At the signing of the MoU, leader of GAM and peace negotiator Malik Mahmud explicitly stated that the peace agreement marked 'the beginning of a process that will bring justice to the people of Acheh [*sic*]. Justice means ensuring that the people have a voice and that they are listened to and their wishes are followed' (Kingsbury, 2006, p. 174). GAM adopted an argument that legitimacy was conditional on consent and representation. It is worth noting that at this stage there was no distinction between representing the Acehnese ethnicity or the residents of the Acehnese territory, as GAM were attempting to present an inclusive legitimacy that would appeal to all the population.

The Indonesian central government imposed strict restrictions on how to set up local political parties and at this stage GAM supported these restrictions because they were able to meet the requirements and saw it as a way to eliminate rivals. Also, they considered themselves to be the only true Acehnese party, because they had fought for the autonomy of Aceh, and branded the other political parties as national parties (Hillman, 2012). However, the claim to have fought for Aceh contained the seeds of the first legitimacy battle within GAM.

The first elections for governor in 2006 split GAM into the inheritor candidate of the leaders in exile and a breakaway candidate who had been a GAM commander on the ground, Irwandi

Yusuf, who won the governorship. This move was a deliberate attempt by Irwandi Yusuf to leapfrog the 'old guard', who had sat out the conflict in exile in Sweden and who had complacently assumed that they would inherit the leadership. Irwandi Yusuf, by contrast, appealed over their heads to the general population on the claim that he had more legitimacy for having stayed and fought for Aceh (Hillman, 2012). Outbidding, normally associated with ethnicity (Horowitz, 1985; Moore et al., 2014; Vogt et al., 2021), here is undertaken around behaviour during the conflict and we see how different versions of fighting for independence can be taken as sources of legitimacy. Intra-group competition is inefficient because it divides how legitimacy is framed.

In 2008 GAM set up the political party called Aceh Party (Partai Aceh), which encompassed both sides of the previous split. Aceh Party won 46.9% of the vote in the 2009 elections and 33 seats in the 69-seat legislature, with support motivated by a backlash against the national Indonesian-level parties and as a vote for peace.[13] In some conflict hotspots, support for the Aceh Party was 80%. The two sides of GAM split again for the following governor elections in 2012, which was won by the Aceh Party candidate, Zaini Abdullah, and Irwandi Yusuf went on to set up a separate party, the Aceh National Party, though this party never gained success in the polls. Irwandi Yusuf was again elected governor in the 2017 elections but was arrested on corruption charges in 2018. Therefore, the Aceh Party was the inheritor party of GAM.

Initially, ethnic identity was not an issue. In the immediate post-agreement campaigns, traditional dress was used by all parties as a way to symbolise pride in Aceh, but not to divide across cleavages (Hillman, 2012). The Aceh Party's campaign initially focused on the full implementation of the MoU in order to optimise autonomy for Aceh. In the first elections, the Aceh Party 'enjoyed broad-based support' and even did well in 'some non-Acehnese minority areas such as Bener Meriah and Aceh Tenggah where pro-Jakarta militias had once opposed GAM forces' (Hillman, 2012, p. 161). However, after the split between the two sides, the two ex-GAM parties entered into an ethnic outbidding cycle, manifested by selecting religious leaders, ulama, as running mates. As one interviewee said, 'Everyone is selling Islam, trying to be more religious [than the other], for example, wearing Islamic dresses, introducing stupid laws and calling them Islamic laws, on all sides, to get popularity'.[14] Thus, ethnicity as a source of legitimacy brought disadvantages because the issue could be usurped by actors who were prepared to be more extreme. The trade-off for using ethnicity as a source of legitimacy was that, in a situation of electoral competition, the issue became more exclusive and thus appealed to a smaller proportion of the population.

The costs of such an appeal to a narrow ethnic legitimacy is shown in the so-called GALAKSI province, comprised of the Gayo, Alas and Singkil people. Following the signing of the MoU, these groups revived a previous proposal to set up two proposed provinces, Aceh Leuser Antara (ALA) and Aceh Barat Selatan (ABAS) (Figure 4). They went so far as to make an illegal declaration of independence from Aceh, with the intention to pass their administration back to the central government. Part of their claim was based on the ethnic differences in languages and customs (as well as lagging behind economically). The Indonesian government did not support their claims, so there appears to be little evidence that there was a conscious plan on the part of the central government to undermine GAM legitimacy. However, there were accusations that the strategy was a mirror of the three-way split of Papua province that was ordered by the Indonesian government in 2003 in order to diminish the independence movement of Papua. Furthermore, GAM saw the strategy as an extension of the Indonesian military campaign to weaken GAM (International Crisis Group, 2005, p. 11). At the time of writing, the ALA and ABAS groups are still arguing for their claims to be a separate province, but without any change of status. Their claims underline the dangers of basing legitimacy on ethnicity, in that it reduces legitimacy to ethnic demographics and highlights the exclusionary nature of the appeal.

At the same time, many sources have shown how GAM instituted a regime of clientalistic distribution of funding and favours to previous followers (for example, Aspinall, 2009a; Haass

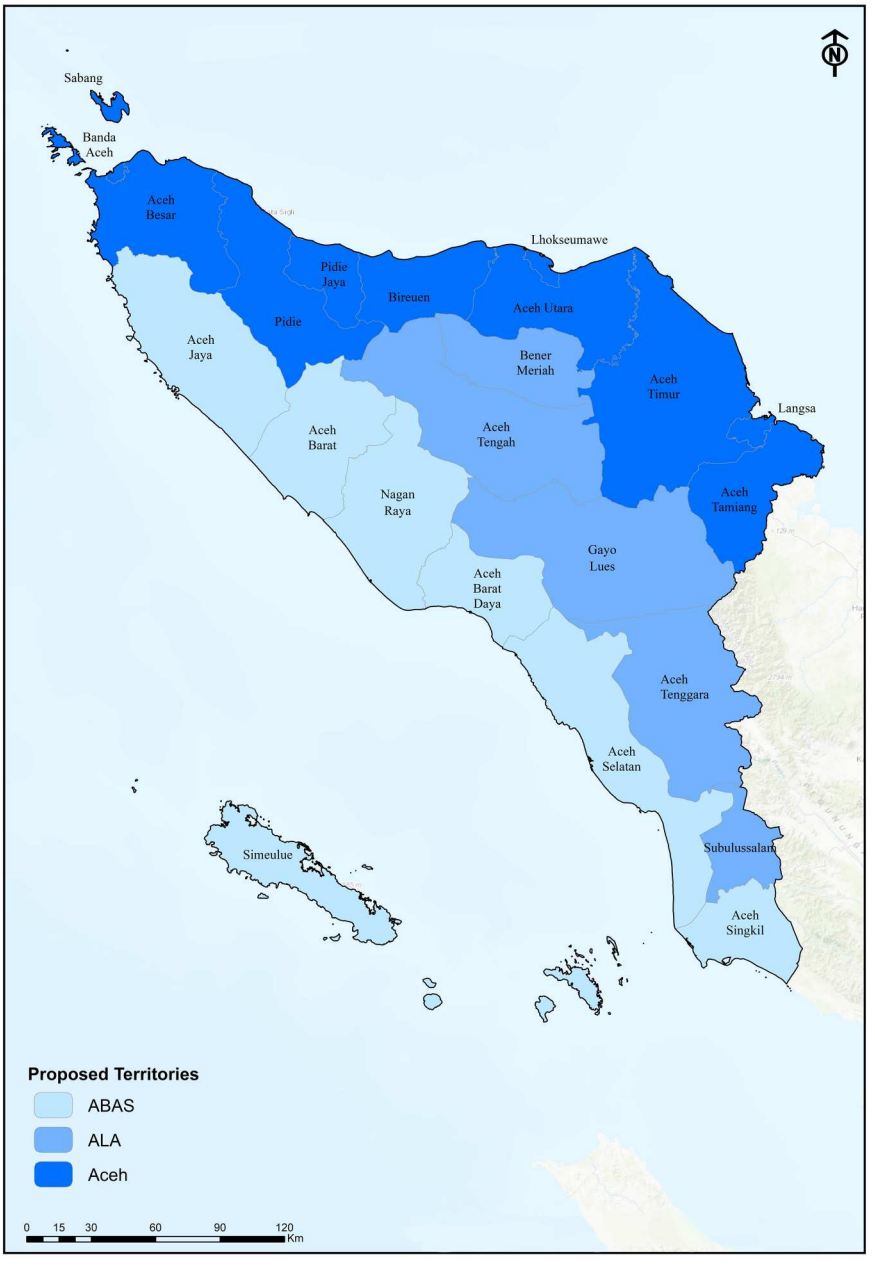

Figure 4. Province of Aceh showing proposed ALA and ABAS territory.
Source: Author elaboration using data from Ehrentraut (2010).

& Ottmann, 2022; Hillman, 2013). Under standard disarmament, demobilisation and reintegration strategies, it is accepted practice to target aid at former fighters, in order to stabilise the peace. International post-conflict aid therefore included sweetener deals for many former higher ranking GAM members. However, this funding created 'a class of postcrisis "winners", but also a clear class of "losers" who saw themselves excluded from the spoils of peace' (Waizenegger & Hyndman, 2010, p. 797). The GAM political parties went well beyond a short-term transitional funding package for ex-fighters to set up an institutional system that funnelled

patronage to GAM ex-fighters and followers. In political allocations, ex-GAM leaders put 'trusted allies in key positions' (Hillman, 2013, p. 7). Criticism was met with threats (Hillman, 2013). In a damning account, long-time Aceh scholar, Aspinall, recounts how ex-GAM rebels have exploited and created corruption networks. 'GAM entrepreneurs are very obviously winning contracts because of their political influence and capacity for violence, not because of their experience, skills or capacities in construction' (Aspinall, 2009a, p. 3). Importantly, Aspinall points out that the ex-GAM do not become entrepreneurs, but rather 'merely levy fees on other players' and become 'another layer of rent-seekers and brokers' (Aspinall, 2009a, p. 5). Haass and Ottmann (2022) find that the ex-rebels were also able to over-allocate aid that was supposed to be for tsunami relief towards areas that had shown higher support to GAM during the conflict and that they relied on their pre-existing networks to distribute the aid. In sum, we see that GAM is seeking support only from a limited selectorate and prioritising these supporters over others, in a hierarchical strategy.

Numerous sources also recognise that disillusionment with the ex-rebels set in rapidly, with people freely speaking out about the failings of the government as early as 2010 (Hillman, 2012) and a local bureaucrat saying disillusionment was widespread within 3–4 years.[15] This sentiment was widely echoed in the interviewees across most interest groups. For example, a women's rights activist said, 'the local parties are only thinking of themselves, i.e., the ex-combatants. The local parties are not working to help the general people'.[16] A moderate Islamic scholar said 'they [the Aceh Party] seek the prosperity of their own not of the people. That's, I think, hurting the spirit of our province'.[17]

Another vulnerability of the hierarchical strategy is that the local rebel inheritor parties are susceptible to challenges from the central government, who are well positioned to deliver more attractive output legitimacy. The MoU included extensive devolution of all sectors of public affairs, along with the obligation on the Indonesian government to gain the consent of Aceh for national-level matters that relate to Aceh, including international agreements, domestic issues and administrative measures. Therefore, the central government would seem restricted in its ability to capture legitimacy from the delivery of outputs. However, since the signing of the MoU, the central government has consistently reduced the room for manoeuvre of the Acehnese parties. In a series of broken promises, many of the powers still held by the government shifted from a requirement to take into account Aceh's wishes to merely having to consider Aceh's wishes.[18] As one interviewee phrased it, the government 'has liberated the head, but is still holding the tail'.[19] The central government has been able to present itself as the seat of the most important and significant decisions over Aceh. A member of the GAM negotiating team noted that the Indonesian government had passed laws so that 'everything now is with the central government',[20] while a moderate academic observed that local politicians in Aceh now want to have power on the national stage, 'it is not enough anymore, [their power is] just within this one region of Aceh. [They] want to be there, everywhere in Indonesia. But here is the smartness of the Central Government; the Central Governments do not lose anything'.[21]

Electoral support for ex-GAM candidates has been falling consistently, not only at the regional governmental level, but also at the provincial and district level and in the number of mayors. In the elections in 2014, the Aceh Party lost electoral representation from 48% to 36% of seats, despite the party's grip on local electoral mobilisation and widespread allegations of fraud in counting (Institute for Policy Analysis of Conflict, 2014). The national party NasDem benefitted the most and its gains are in part attributed to 'being fresh and untainted by previous involvement in government' (Institute for Policy Analysis of Conflict, 2014, p. 1). In 2019, the Aceh Party share of seats fell to 22% (Alfian & Saputra, 2022).

In sum, the GAM attempted to pursue multiple sources of legitimacy, particularly the use of religious markers. However, this led to ethnic outbidding and led to a split in GAM. Thus, the GAM inheritor parties prioritised a strategy of clientalistically providing private goods to its own

followers in order to buy both support and physical force that can maintain the party in power. However, this strategy has carried costs, such as disillusionment on the part of those excluded from the private gains, and the usurpation of legitimacy by the national government.

A final puzzle is why the strategy by GAM inheritor parties has not brought a greater loss of legitimacy. After all, the survey showed support for GAM rule now is above 50%. We argue that an exclusive legitimation strategy is possible here in a context of disposable wealth. Under the MoU, a generous financial package was put in place whereby the Acehnese government would permanently retain 70% of the money from oil and gas along with a regional development fund from the Indonesian government that would taper off after 20 years. Given the control over these resources, the local government can afford to provide private goods while maintaining a buffer of public goods sufficient to prevent widespread public discontent.

6. DISCUSSION AND CONCLUSIONS

Legitimacy is usually examined with respect to the state, but non-state actors also seek legitimacy both during and after conflict. The case of Aceh is interesting because it combines a transition from conflict to peace, from dictatorship to democracy, and from a centralised state to decentralised. At times of such transitions, foundational constitutions, the formation of political parties and elections are seen as the key events that create legitimacy. We propose that legitimacy should be taken more broadly than these turning point events. Rather legitimacy is something that is created and reconstituted in a number of ways dependent on the audiences, as the Aceh case shows. Furthermore, resources that support legitimacy are made salient or modified in reaction to interests and priorities. Thus, our findings show that legitimacy is adapted to the audience and their interests. These findings build on previous literature on conflicts and legitimacy (Schlichte & Schneckener, 2015; Duyvesteyn, 2017; Podder, 2017; Schoon, 2017; Cunningham & Loyle, 2021) since they show the existence of a relational and dynamic relationship between rebel groups and legitimacy.

Our study of Aceh examines a case where there were different audiences and multiple potential sources of legitimacy and shows that the strategies for gaining legitimacy have been flexible and malleable through the conflict and the post-conflict. During conflict, the rebels were able to use a parallel strategy of seeking legitimacy from different audiences using messages targeted to that group. This strategy was successful, even though potential sources of legitimacy, for example, religious distinctiveness, were usurped by the central government, or were narrow, for example, ethnicity. It was effective because the distinct strategies to different audiences did not compete but rather accumulated. Rather than a 'tacit social contract' built on persuasion strategies of legitimacy (Terpstra & Frerks, 2017), during the conflict we observe a competing legitimation strategy between central authorities and GAM.

The post-conflict transition from rebel group to political party is essential to a stable peace. Initially, the ex-rebels' priorities were to gain political representation and implement the peace agreement. Once in government, however, the ex-rebels dedicated themselves to entrenching their position in power and inserting themselves and their followers into the corrupt patronage networks in Aceh. They were assiduous in protecting the interests of their followers, and, despite early advances in health and education, they did little for the wider public. At the same time, their legitimacy with the people of Aceh was overwhelmed by the perception that the Aceh Party only looked after their followers. This failure to deliver outputs should have reduced support and we see this in decreasing electoral results in favour of national parties. This strategy carries inherent disadvantages of exclusion and should only be successful when political parties are consolidated. In Aceh, the political parties can pursue such a strategy and still survive because, in a context of high financial resources, parties can offer private goods while still retaining sufficient support. However, our interviews showed that the parties were not seen as legitimate.

There are several lessons that can been drawn from the study that can be useful to other cases' analysis within the dynamic and relational approach to legitimacy. Firstly, legitimacy is not inevitable, even ethnic legitimacy following an ethno-territorial conflict. In some circumstances, the government can move against rebels even on what would be seen as their home turf, here, the religious marker. Therefore, legitimacy is not certain, and neither are the specific sources generally related to one political actor (i.e., ethnic identity, religion). Secondly, with time, the legitimacy that arises from ethnic claims can diminish, even among the relevant ethnicity. The political parties have to maintain ethnic salience, which can lead to ethnic outbidding. Thirdly, rebels can have multiple sources of legitimacy and can pursue different strategies in varied circumstances. A parallel strategy is useful when the different audiences do not overlap and so legitimacies accumulate. A narrow strategy can be highly motivating as a way to keep legitimacy with the relevant selectorate. However, it has disadvantages and is most likely to be successful where the rebel group is strongly politically consolidated or where legitimacy needs can be bypassed, for example, in circumstances of high resources.

Future research could test under what circumstances narrow strategies are selected and when they are successful. Establishing legitimacy is essential for stability and democracy. We already know that building legitimacy is a crucial contest and that legitimacy changes over time, it has a relational nature through several complementary and competing strategies (Cunningham & Loyle, 2021; Podder, 2017). However, legitimacy is also a political good over which the rebels and the government can continue to fight. This article shows some situations within a secessionist conflict where the central government was able to capture legitimacy from the local successor political parties. There is still work to do in order to better understand how actors shift and compete over legitimation strategies in conflicts. Future research could also look at the consequences of these moves.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are openly available in Harvard Dataverse at https://doi.org/10.7910/DVN/KHZVO6, reference number V1.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).

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NOTES

1. See: http://www.acehpeaceprocess.net/ [Accessed 25th July 2022].
2. Further details on the delivery of the survey are given in the Appendix, Sections 1 and 2, in the online supplemental data.
3. Under the ethical principle of 'Do no harm', it would not be permissible to prime with an option that is not feasible and both the primes were claims that GAM had made during the conflict.
4. Ethical clearance was received from the Pompeu Fabra University (2018/7853/I) prior to fielding. Respondents gave informed consent to the survey and were able to not answer any question without explanation.

5. Also called by their founding members Aceh Sumatra National Liberation Front (ASNLF).
6. This moment is actually considered the second insurgency moment, the first was in 1953 and ended through security measures and an autonomy agreement on religious matters (Schulze, 2003).
7. LAD interview with Gayo representative, 24 April 2018, Banda Aceh, Aceh.
8. Although a minority in the territory of Aceh, the Javanese represent 45% of the Indonesian population, the largest ethnic group of the country.
9. See: https://unpo.org/article/744. Accessed 19 September 2024.
10. See the documentary 'The Black Road', secretly filmed by Australian journalist, William Nessen inside Aceh in 2005, for a fascinating insight into events at this time. Available at https://www.imdb.com/title/tt0497500/, accessed 1 September 2022.
11. The OLS regressions are given in the Appendix, Section 3, in the online supplemental data.
12. See: https://peacemaker.un.org/areas-of-work/peace-agreements-database-and-language-of-peace-tool for a source of the Memoradum of Understanding.
13. Some commentators note that some of the Aceh Party campaigns implied that they would return to violence if not successful (Hillman, 2012).
14. LAD interview with politician from Aceh National Party, 12 April 2018, Banda Aceh, Aceh
15. LAD interview with Acehnese bureaucrat, 10 April 2018, Banda Aceh, Aceh
16. LAD interview with women's rights activist, 9 April 2018, Banda Aceh, Aceh.
17. LAD interview with moderate Islamic scholar, 11 April 2018, Banda Aceh, Aceh
18. LAD interview with Acehnese bureaucrat, 10 April 2018, Banda Aceh, Aceh
19. LAD interview with academic of Islamic studies, 11 April 2018, Banda Aceh, Aceh
20. LAD interview with GAM negotiator, 12 April 2018, Banda Aceh, Aceh
21. LAD interview with academic of Islamic studies, 11 April 2018, Banda Aceh, Aceh

ORCID

Lesley-Ann Daniels http://orcid.org/0000-0002-6438-8310
Marc Sanjaume-Calvet http://orcid.org/0000-0001-8723-1618

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