

# BICC Focus

## Following the election of the Governor in Aceh

Former war-torn province on its way to peace consolidation and stability

By Christine Beeck

On 29 December 2006, the national elections commission, the Aceh Independent Elections Commission (KIP), announced the official results of the governor elections in the Indonesian province of Aceh: Irwandi Yusuf, representative of the former rebel movement GAM, which fought for the independence of Aceh in a civil war lasting almost 30 years, emerged as victor. The elections on 11 December 2006, at which the people of Aceh were able to directly elect their governor for the first time, can be regarded as the climax of the peace process in Indonesia to date; a process which began with the signing of the Helsinki Memorandum of Understanding (MoU) in August 2005. This BICC Focus analyzes the history of the peace agreement, its provisions and the problems of its implementation, and formulates recommendations for the successful and sustainable implementation of the MoU.

### The Helsinki Memorandum of Understanding

After almost 30 years, the Helsinki Memorandum of Understanding (MoU) put an end to the armed conflict between the Government of Indonesia (GoI) and the Free Aceh Movement/Gerakan Aceh Merdeka (GAM) in the north west province of Nanggroe Aceh Darussalam (NAD) on 15 August 2005. Various factors made the signing of the MoU possible at the time, under the auspices of the Crisis Management Initiative and the former Finnish President Martti Ahtisaari. Among these factors, one should mention first of all the change in the political climate following the election of Susilo Bambang Yudhoyono as President of Indonesia in October 2004. In addition, worldwide media coverage following the tsunami in December 2004 once again placed the 'forgotten conflict' at the center of international interest. After 30 years, the province of Aceh had to open itself up to the world so that aid supplies were able to reach the region.

Before the Helsinki MoU, two attempts had already been made to initiate a peace process in Aceh: the Joint Understanding on a Humanitarian Pause for Aceh in 2000 and the Cessation of Hostilities Agreement (COHA) in 2002. Although both these agreements failed, they nevertheless paved the way for the signing of the MoU.

The main difference between the previous peace agreements and the 2005 MoU was that the Helsinki document was not only able to identify, but also to provide solutions to all points of past disagreement between the rebels and the central government. Accordingly, the MoU covers the following points:



Extract from Map No. 4110 Rev. 4,  
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1. **Governing and administration of Aceh:** This part of the MoU includes provisions for a new Law on the Governing of Aceh (LoGA). Under this Law, Aceh is given the right to exercise authority in all sectors of public affairs except in areas where the Government of the Republic of Indonesia is responsible in conformity with the Constitution. The LoGA foresees political autonomy, the right to establish Aceh-based political parties, the implementation of free and fair elections for the office of governor and further elected regional offices/officials. The elections to the National Parliament in 2009 are also mentioned under this point, as is the provision that Aceh will be entitled to retain seventy percent of the revenues from all current and future oil and gas deposits in its territory.
2. **Human rights:** The Law provides for the establishment of a Human Rights Court and a Commission for Truth and Reconciliation.
3. **Amnesty and reintegration:** All persons who participated in GAM activities are to be granted an amnesty. Political prisoners and detainees held due to the conflict are to be released unconditionally. All persons who have been granted an amnesty or who have been released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level. The Indonesian government and the local government want to take measures to reintegrate all those persons who participated in GAM activities. These measures include economic support for former combatants, pardoned political prisoners and affected civilians. Furthermore, a Reintegration Fund is to be established under the administration of the local government in Aceh.
4. **Security arrangements:** GAM undertakes to demobilize all of its 3000 troops with the support of the Aceh Monitoring Mission (AMM) and to decommission 840 weapons as well as ammunition and explosives. The weapons are to be handed over in four stages up to 31 December 2005. At the same time, the Gol commits itself to withdrawing all "non-organic"<sup>1</sup> elements of the military and police forces from Aceh, and indeed immediately after the respective stage of decommissioning of GAM has been confirmed by the AMM (deadline 31 December 2005). The number of locally recruited military forces who are to remain stationed in Aceh is limited to 14700; the number of locally recruited police forces to 9100.
5. **Establishment of the Aceh Monitoring Mission (AMM),** which is to assist the Government of Indonesia and GAM in implementing the Helsinki MoU as follows:
  - Monitor respect for the end of hostilities between both sides.
  - Monitor and support the demobilization and disarmament of GAM combatants.
  - Monitor the relocation of "non-organic" Indonesian military and police forces.
  - Monitor the reintegration of active GAM members.
  - Monitor the human rights situation and provide assistance.
  - Monitor the legislative procedure.
  - Rule on disputed amnesty cases.
  - Investigate and rule on complaints of alleged violations of the MoU.
  - Establish and maintain good cooperation with the parties.
6. **Settlement of disputes.** Disputes which may arise in the course of implementing the MoU are to be settled by the Head of the Monitoring Mission in dialogue with the parties.

### The work of the Aceh Monitoring Mission (AMM)

Since both the Government of Indonesia as well as GAM advocated the presence of civilian observers in Aceh immediately after the signing of the MoU, an Initial Monitoring Presence (IMP) was put together by the EU and ASEAN and deployed on 15 August 2005. Its mission was to bridge the period between the signing of the MoU and the final establishment of the AMM (15 September 2005). With this measure, the EU and ASEAN wanted to demonstrate their engagement with regard to the peace process on the one hand, and to contribute towards confidence-building measures within the population of Aceh in the period immediately after the implementation of the MoU on the other<sup>2</sup>.

On 15 September 2005, the AMM consisted of 240 unarmed monitors from EU states and five ASEAN states as well as from Norway and Switzerland. The mission had ten district offices, which were located throughout Aceh. Ten to twelve AMM monitors were stationed at each of these offices. They patrolled the surrounding area, were in contact with both parties and provided information on the content of the MoU and the concrete tasks of the AMM. Furthermore, they conducted inspections and investigations when necessary. The number of monitors was steadily reduced once the combatants were disarmed and the military and police forces withdrawn. In August 2006, the district offices were finally closed with a view to the end of the third and final extension of the mission (on 15 December 2006).

### More security for the population as a result of the peace agreement

The security situation in Aceh has improved considerably since the peace agreement was signed. This is demonstrated by the fact that people in the province are now able to move freely, can gather at public meetings and organize large festivals. After long years of insecurity, the markets in Aceh are once again flourishing and people once again populate the streets, even after dark. There were only three incidents involving GAM and the Indonesian military in 2006. These were quickly resolved by both sides and did not escalate. All these are signs that the situation in the province has improved and become stable.

The people of Aceh were well informed about the contents of the MoU and the tasks of the AMM thanks to the numerous information campaigns conducted by various bodies and organizations in almost all the provinces of Aceh. Within the framework of the BICC project entitled "Analysis of the implementation of DD&R (Disarmament, Demobilization and Reintegration) in Aceh Province, Indonesia" interviews were conducted during a study visit in November 2005. These indicated that, in general, former GAM members appeared to know more about the content of the MoU than rural villagers living outside the capital Banda Aceh. Nevertheless, they were so pleased with the peace agreement and its positive effects that the specific contents of the MoU only played a secondary role.

As stipulated in the MoU, GAM handed over 25 percent of the total of 840 weapons to the AMM's mobile disarmament teams during each of the four disarmament phases. Only functional weapons were accepted and destroyed by the AMM on the spot. Ammunition and explosives were destroyed separately. The scrapped weapons were handed over to representatives of the Indonesian government. In a parallel process, a total of 28890 "non-organic" Indonesian military forces (TNI) and 5791 "non-organic" police forces were withdrawn from Aceh in four stages. Both the Indonesian government and GAM thus fulfilled their obligations by the deadline of 31 December 2005.

The number of weapons surrendered may appear relatively low compared with GAM's estimated membership of between 3000 and 5000 combatants. Nevertheless, the 840 weapons on which the Indonesian government and GAM agreed have high symbolic value as they represent a gesture by GAM that reflects the latter's commitment to the peace process.

On the whole, the work of the Aceh Monitoring Mission was very successful: The situation in Aceh was stabilized and the dialogue between the parties was encouraged by the establishment of the so-called COSA mechanism (Commission on Security Arrangements), which ensured that regular meetings took place between both conflict parties. It was here that the reintegration mechanisms were discussed and agreed, and problems on both sides were spelt out and resolved.

The Law on the Governing of Aceh (LoGA) was signed by the Indonesian President on 1 August 2006. Although some sections of GAM as well as civil society criticized the fact that certain articles did not fulfil the requirements of the Helsinki MoU, GAM had no choice but to accept the law as it was to avoid endangering the peace process. At the center of these discussions were, for example, rulings concerning the role of the Indonesian military forces in Aceh or the question of whether the "national government must have "agreement" from or only "consult" with the Aceh provincial government on national laws that affect Aceh"<sup>3</sup>. The implementation of the LoGA now depends on how its many individual articles or bylaws (*qanuns*) are worded and applied.

The elections on 11 December 2006, in which the people of Aceh were able to directly elect their Governor for the first time, may be seen as the climax of the peace process to date, which began with the signing of the MoU in 2005.

### The problem of reintegrating ex-combatants

One can justifiably say that the "technical framework" of the MoU has been put into place in the last 16 months. Nevertheless, a number of challenges remain.

The greatest remaining challenge is the reintegration of former GAM combatants. Since the MoU only contained vague guidelines for reintegration, details regarding distribution mechanisms and measures had to be clarified on the spot and this took time.

Furthermore, the process of reintegration came to a halt for several months when an Indonesian general demanded at a COSA meeting that GAM hand over a list with the names of 3000 former combatants entitled to reintegration assistance to the Indonesian government. GAM has continuously refused to reveal these names to this day, partly out of distrust of the Gol, but also because the MoU does not stipulate such a list. The AMM should have rejected this demand to avoid a delay in the start-up of reintegration assistance.

The interviews conducted in November 2005 also show that GAM had pointed out from a very early stage that it was a movement which had the support of far more people than agreed under the MoU. After long discussions, the National Reintegration Agency (BRA), which was founded in February 2006, agreed to extend the groups of people with an entitlement to reintegration assistance to include the following six categories:

- former GAM combatants (3000 in the MoU),
- political prisoners released under the amnesty (2000 in the MoU),
- civilian military personnel and supporters of GAM ("non-combatants", an estimated 6200 persons),
- members of GAM who had surrendered before the MoU was signed (an estimated 3200 persons),
- anti-separatist groups (an estimated 6500 persons),
- persons affected by the conflict and communities to which GAM is returning.

Until today, provisions of reintegration assistance have been of a rather small scale and scattered nature. The Aceh Transition Committee (KPA) was set up by GAM in December 2005 to prepare the transition from a rebel movement to a political party. At the same time, the KPA also monitors the demobilization and reintegration of combatants and has passed on first payments from the Aceh Reintegration Agency (BRA) to approximately 1000 GAM members. However, in the interviews mentioned above, many GAM members living outside the towns claimed that they had not received any payment to date. These ex-combatants have fulfilled their commitments under the MoU without receiving anything in return and are sorely disappointed.

Although former GAM members were happy to be able to return to their families, there is reason for concern that they could resume their old (conflict) routine if the process of reintegration does not take effect very soon. The study shows that many of them are still unemployed and that so far only a small percentage have received the assistance promised. There are signs that armed crime has increased in recent months. However, it is not clear whether this is due to the slow process of reintegration and increasing frustration on the part of the ex-combatants. The offenders claim to belong to GAM, but have often merely jumped on the bandwagon in an attempt to enrich themselves under the guise of GAM.

To date, only one group, that of the amnestied political prisoners, has profited from the reintegration program. This was because their cases could be registered and dealt with immediately after their release from prison.

On the whole, the interviewees expressed concern over the end of the AMM's mandate on 15 December 2006. Many feared that without the presence of the AMM the situation was still not sufficiently stable to be able to continue the peace process successfully. After almost 30 years of armed conflict and two earlier failed peace agreements, they claimed that the AMM's 15-month mandate had not been long enough to establish sufficient trust between the conflict parties. In fact, the AMM's mandate was initially limited to just six months, which was an unrealistic time-frame for the successful implementation of the MoU and the consolidation of peace. It was only at the request of the Indonesian government and GAM that the mandate was extended three times up to December 2006.

The establishment of a Truth and Reconciliation Commission, a Joint Claims Settlements Commission and Human Rights Tribunal are still outstanding. In addition, there is still no mechanism for continuing the dialogue between the central government and GAM following the official end of the AMM's mission.

### The first direct elections in Aceh

Despite all the skepticism voiced and all the hurdles which still exist, there is nevertheless still cause for optimism since both the Indonesian government and GAM seemed to have committed themselves to the peace process. One indication of this is the first direct election for Governor of the province, which on the whole ran peacefully and democratically.

In the months leading up to election day on 11 December 2006, GAM leaders in Aceh and in Sweden had initially officially declared that they did not formally support any of the candidates. If GAM members intended to run for the office of Governor, this was their own private affair. In practice, the situation was quite different: Some older GAM members publicly supported Ahmad Humam Hamid and Hasbi Abdullah, whilst a group of younger GAM members backed Irwandi Yusuf and Muhammad Nazar. This led to a split within GAM, which many feared could lead to the renewal of the conflict.

Irwandi Yusuf won the election, taking 38 percent of the vote. It will be seen in the course of the next few months whether the split in GAM will deepen or whether the organization will get back together. One thing is certain, however: The election of Irwandi Yusuf as Governor has institutionalized the strong wish of the Acehnese people for a positive change towards normality.

As Governor, Irwandi Yusuf now has the opportunity to influence the drafting of the individual articles (*qanuns*) of the Law on the Governing of Aceh (LoGA) in favor of GAM. The people expect him to improve the job situation in Aceh and to speed up reintegration assistance and rebuilding measures. The election of a GAM representative to the office of Governor also gives GAM good chances at the 2009 parliamentary elections as the provincial elections have demonstrated the great support of the Acehnese people for GAM.

### Will the peace hold this time? Problems and recommendations

Although the time-frame of the MoU was very tight, both the central government and GAM proved that they took their obligations under the MoU seriously. In particular the parallel process of disarming GAM and the withdrawal of "non-organic" Indonesian military and police forces strengthened trust in one another.

Nevertheless, the peace process is still fragile and the people of Aceh seem to be waiting diffidently to see whether it will hold. In order to strengthen the confidence of the population in continuing the peace process without the assistance of the international monitors, the AMM would have been wise to have opened up the COSA process and to have involved the Acehnese civil society in this process following the completion of the military phase (disarmament and demobilization of GAM and the withdrawal of "non-organic" military and police forces). The important dialogue introduced by the AMM would have profited more if civil society had been better prepared for such a role from January 2006 and its capacity had been strengthened. To further stabilize the peace it would now be wise, following the end of the AMM's mandate, to establish a follow-up mechanism for the COSA dialogue which would also include civil society in the long term.

The establishment and expansion of the capacities of local bodies and organizations following the end of the mandate of the international monitors and the continuation of the process by local stakeholders was also a topic which was frequently mentioned in the interviews. The interviewees would like to see international support for the expansion of local institutions. These should be put in a position to conduct long-term rebuilding programs at the national level.

Also decisive for the continuation of the peace process, however, is the early provision of reintegration assistance to all six groups of recipients. This phase is generally the most difficult in DD&R programs (Disarmament, Demobilization and Reintegration) and problems such as the demand for lists of GAM ex-combatants are extremely counter-productive. Nevertheless, according to the interviews, a large proportion of GAM members do believe that reintegration assistance will come, even though they themselves have not received anything to date.



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The AMM's composition of civilian and military observers from EU and ASEAN states proved to be very positive. The combination of EU experience in the field of dealing with civil crises and the regional expertise of the ASEAN observers meant that the AMM had a wide spectrum of competencies which simplified and had a positive influence on the work of the international mission in the post-war region of Aceh. This cooperation between international and regional stakeholders could serve as an example when planning peace missions in future.

A further factor, which could influence the durability of peace is the introduction of the Law on the Governing of Aceh (LoGA) and the drafting and implementation of its many individual articles (*qanuns*). These cover, for example, the role of the Indonesian military in Aceh. In this field, the *qanuns* could lead to more social control over the military and to a concrete division of tasks between the military and the police. However, it is possible that this process could also give rise to new tensions.

<sup>1</sup> "Non-organic" soldiers are soldiers who are not recruited locally, in particular special units.

<sup>2</sup> "Javier Solana, EU High Representative for the CFSP, welcomes launch of Aceh Monitoring Mission, Press Release, Brussels, 15. September 2005, S299/05, [www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/declarations/86245.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/declarations/86245.pdf)

<sup>3</sup> "BRIEF—The Aceh Peace Agreement: How far have we come?", World Bank, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/INDONESIAEXTN/contentMDK:21150070~pagePK:141137~piPK:141127~theSitePK:226309,00.html>