

## Aceh: A New Chance for Peace

### I. OVERVIEW

On 15 August the Indonesian Government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) are to sign a peace agreement that offers the best hope yet of ending a conflict that has cost over 9,000 lives since 1976. But no one should underestimate the difficulties of bringing an end to a 30-year-old conflict. Deep reservoirs of fear and distrust remain. The demobilisation and disarmament phases will be critical, and they are scheduled to begin in a month. Release of GAM prisoners will happen even sooner. Information, communication, and planning are in very short supply. Among the most urgent tasks are:

- finding appropriate channels for the widest possible dissemination of information about the agreement in Indonesian and Acehnese, with an explanation of how it differs from the failed 2002 agreement;
- coordinating the different agencies working on amnesty, disarmament, reintegration, monitoring and funding;
- ensuring that government promises of land, jobs, or social security to various groups are quickly kept; and
- protecting vulnerable groups, including those who report violations of the agreement.

The mood is upbeat in Jakarta within the government, many of the Acehnese elite, and the diplomatic community. In Aceh itself it is more restrained, as though too much hope was invested the last time. Acehnese had greeted the December 2002 Cessation of Hostilities Agreement (CoHA) with euphoria, only to see it collapse five months later, leading to the imposition of a state of emergency.

The political context is very different this time, however. Both sides appear genuinely committed to making the agreement work; President Susilo Bambang Yudhoyono and Vice President Yusuf Kalla have been so deeply involved, particularly Kalla, that they have a personal investment in the agreement's success.

Moreover, GAM was seriously weakened by the military offensives conducted under the state of emergency,

beginning in May 2003. Combat fatigue and decimation of its middle ranks appear to have made the prospect of an exit strategy more attractive. Although efforts to restart the peace process began well before, the December 2004 tsunami brought Aceh into the international spotlight, made it politically desirable for both sides to work toward a settlement, offered ways of linking the reconstruction effort and peace process, and ensured the availability of major donor funding outside the government budget.

Peace is not a done deal. There are details to be worked out on everything from amnesties to political participation, each fraught with difficulties. There are worries in Jakarta about concessions that could lead to support for separatist tendencies elsewhere. Ensuring continued support in the capital is as important as keeping the two sides in Aceh on board.

"Can do" excitement is in the air, however, as though the impossible may just be achievable if the problems are carefully analysed and understood and the will to tackle them remains high.

### II. ROAD TO HELSINKI: THE KALLA INITIATIVE

Not long after the Yudhoyono-Kalla ticket was elected, the new vice president called his closest advisers together to work in secret on a plan for peace in Aceh.<sup>1</sup> They included Hamid Awaluddin, Minister of Justice and Human Rights; Sofyan Djalil, Minister of Communication and Information; and Major General Syarifuddin Tipe, former commander of Korem 012, the regional military command in Banda Aceh.

<sup>1</sup> For earlier reporting on Aceh, see Crisis Group Asia Briefing N°27, *Aceh: How Not to Win Hearts and Minds*, 23 July 2003; Crisis Group Asia Briefing N°26, *Aceh: Why The Military Option Still Won't Work*, 9 May 2003; Crisis Group Asia Report N°47, *Aceh: A Fragile Peace*, 27 February 2003; Crisis Group Asia Briefing N°14, *Aceh: Slim Chance for Peace*, 27 March 2002; Crisis Group Asia Report N°18, *Aceh: Can Autonomy Stem the Conflict?*, 27 June 2001; and Crisis Group Asia Report N°17, *Aceh: Why Military Force Won't Bring Lasting Peace*, 12 June 2001.

Kalla's interest in finding a way out of the conflict was of long standing. While still in the Megawati government, he had tried unsuccessfully to interest a few GAM leaders in a trade-off of economic concessions for peace. In early 2004, he asked Farid Husein, his deputy at the Coordinating Ministry for People's Welfare, to look at options for ending the conflict. Farid contacted an old friend from Finland, Juha Christiensen, a businessman who once spent five years doing research in Makassar, South Sulawesi. Farid had taught at the state university there, and their families became close. Christiensen knew the GAM leaders based in Sweden and had often mentioned them to Farid. So with Kalla's directive in mind, Farid flew to Finland in February 2004.<sup>2</sup> Through this connection, former Finnish president Martti Ahtisaari and his Crisis Management Initiative (CMI) were brought into the effort.

The Aceh initiative got sidetracked by the political campaigns in Indonesia in 2004 but Kalla revived it as soon as the administration took office. His team focused on contacting GAM leaders in the field and exploring the possibility of offering amnesty and economic concessions in exchange for renunciation of the armed struggle.

Kalla enlisted the help of two well-known Acehnese: Governor Abdullah Puteh, who was detained in Jakarta's Salemba Prison on corruption charges; and Rusli Bintang, a contractor and Puteh supporter from North Aceh. Puteh was summoned several times from his cell to the presidential palace to meet with Kalla, whom he told that any resolution had to be characterized by dignity, security, and justice. Puteh suggested that Kalla think of the relationship between Aceh and the rest of Indonesia as a couple planning to get married. If the bride price (*mas kawin* -- the "wedding gold") was right, the marriage would last. The trick was to get the right *seulangke* -- go-between -- who could work out the sensitive price.<sup>3</sup> That man, Puteh told Kalla, was Rusli Bintang, who said he would try to make direct contact with GAM commander Muzakkir Manaf.

Apparently through intermediaries, Muzakkir in turn asked two Malaysia-based GAM members to meet with the government delegates. Mohamad Daud Syah, who has been in GAM since the 1980s, fled to Malaysia in 1997 after taking part in the robbery of a branch of Bank Central Asia in Lhokseumawe, Aceh and several raids on Indonesian army (TNI) posts. Harun Yusuf alias Harun Kancil ran a jamu (traditional medicine) business

in Malaysia. Both are from the same village in Pasee, Aceh Utara, as Muzakkir. According to Bintang, Muzakkir deliberately chose two men who were not particularly senior or influential in the GAM hierarchy, so that if everything collapsed, as it did in 2003, and the government moved to arrest them, there would be no real damage to the organisation. By using two men with no position in GAM as interlocutors, he could also deny that anything discussed represented official policy.

Through Daud and Harun, Rusli had several telephone conversations with Muzakkir. He said Muzakkir stressed three elements in discussions on how to end the war: GAM could not lose face; TNI could not pursue the fighters; and GAM members could not be imprisoned. He told Rusli that he had some 15,000 personnel -- almost certainly a vast overestimate -- who would need to be taken care of. Rusli conveyed this back to Kalla together with a draft plan for economic compensation that Kalla enthusiastically received.

Around the same time, Kalla's men, including Bintang and Puteh, had several highly confidential meetings with Daud and Harun in Kuala Lumpur and Batam that led on 31 October 2004 to nine "Points of Agreement between Negotiators of the Government and GAM", which all participants signed at a meeting in the Malaysian capital. Its basic provisions were as follows:

- All parts of the special autonomy law on Aceh were to be implemented fully and consistently as the highest priority.
- The state-owned plantation area PTP-1 and its assets in North and East Aceh would be turned over to the provincial government for distribution to GAM members. Much of this land had been abandoned during the conflict. Each GAM leader would receive twenty hectares, fighters who turned in a gun would receive five, and ordinary members would receive three, all with a full certificate of ownership.
- The government would set aside Rp.60 billion (just over \$6 million) to compensate beneficiaries to be selected on the recommendation of Muzakkir. None of the funds could be used for weapons or illegal activity. When a peace agreement was signed 10 per cent would be turned over to GAM and the rest deposited in Bank Pembangunan Daerah, with the interest available for withdrawal monthly. The remaining principal would be available after three years.
- Two Boeing 737-700 jet airplanes would be given to the provincial government together with ten fifteen-seater planes of foreign manufacture. The airport in Banda Aceh would be enlarged. Apparently this was designed to appeal to GAM's

<sup>2</sup> Heddy Lugito and Bernadette Fabriana, "Peran Penghubung Ahli Bahasa", available at [http://samudrapasai.blogdrive.com/archive/cm-8\\_cy-2005\\_m-7\\_d-27\\_y-2005\\_o-.html](http://samudrapasai.blogdrive.com/archive/cm-8_cy-2005_m-7_d-27_y-2005_o-.html).

<sup>3</sup> Notes of interview with Abdullah Puteh made available to Crisis Group, February 2005.

desire to see Aceh become an international hub. The agreement notes that if the Saudi Arabian government allowed it, the new planes could be used to transport Acehese pilgrims to Mecca.

- Plantation land would be set aside for 150 *dayah* (religious schools, usually called *pesantren* elsewhere in Indonesia), up to a maximum of 100 hectares per school. This provision was apparently included on the understanding that the schools would take in the families of GAM members, or at the very least would educate their children.
- All mosques and *dayah* in Aceh would receive free electricity.
- GAM would turn in 900 weapons in exchange for a full amnesty that would include those already in detention or convicted, with 100 weapons to be turned over when a peace agreement was signed. This disarmament would be supervised by a technical team composed of the TNI, police, local government, GAM, and community leaders. No amnesties would be given to those involved in criminal activities not related to the GAM struggle.

The last point noted that the government would continue to maintain security and order in Aceh, including the state of emergency, but contained an exit clause to the effect that it could halt security operations at any time in the interests of peace, in order to enable the GAM commander to explain the nature of the peace agreement.

The statement, which may have been designed to boost Muzakir's authority, took many GAM leaders by surprise when news of it leaked out.<sup>4</sup> The regional command in Peureulak, East Aceh immediately demanded an explanation from the exiled leaders in Sweden, but they had not been included in the discussions. The failure to involve them led Nur Djuli, a GAM representative in Malaysia, not only to reject the nine-point statement but to assert that GAM had never authorised Daud and Harun to negotiate.

Kalla kept the initiative both secret and informal to avoid any possible attacks from politicians if reports of the meetings surfaced, but he informed President Yudhoyono throughout. On 28 November 2004, after Kalla had studied the nine points, he sent a memo marked "very secret" to his negotiating team, with the statement attached, which said the government not only agreed with it but wanted it implemented immediately.

He ran into three problems almost at once. First, the agreement leaked, and field commanders began to ask if it were really true that Muzakir had been bribed by the government. Although Muzakir himself said nothing, some high-ranking guerrillas suggested that he had endorsed the initiative because he saw it as an easy way to get money for GAM, but it had no political significance and should not be taken seriously.<sup>5</sup>

Secondly, some members of the Acehese elite in Jakarta who had initially been asked for inputs believed their contributions were not given sufficient weight and began backtracking in their support for the initiative.

Thirdly, GAM in Sweden was sceptical of the whole process. On 4 December 2004, the 28<sup>th</sup> anniversary of the movement's founding, a circular was issued to all field commanders in GAM founder Hasan di Tiro's name warning them to be leery of Indonesian blandishments:

If we aren't careful, the result could be the eruption of a civil war among the Acehese. With this, I strongly warn all groups to guard against the Indonesian government's exploiting or making fools of them. Don't let it happen that at some point in the future, you become known as traitors to the nation.<sup>6</sup>

Members of Kalla's team began visiting senior imprisoned GAM officials, including the men who had negotiated the first Cessation of Hostilities Agreement. In early December 2004, for example, Rusli, together with Daud and Harun, visited Sofyan Ibrahim Tiba, in Keudah Prison, Banda Aceh. Three weeks later, Tiba was killed when the tsunami engulfed the prison. According to another prisoner there at the time, Tiba refused to comment on the government proposal, suggesting instead that the team deal directly with Sweden.<sup>7</sup>

The same team visited former negotiators Teungku Nashruddin in Cirebon Prison, Central Java, and Amni bin Marzuki and Teuku Kamaruzzaman in Sukamiskin Prison, Bandung. One of GAM's founding members and its former Finance Minister, Teungku Muhammad Usman Lampoh Awe, detained with Kamaruzzaman in Bandung, gave them the same advice as Tiba: talk to Sweden first.

But just as these steps were being taken, the tsunami struck. The sheer scope of the devastation changed the political landscape in Aceh, in part by suddenly opening

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<sup>4</sup> The full document was eventually published in an obscure biweekly tabloid newspaper, *Aceh Modus*, 19 February-1 March 2005, p. 11.

<sup>5</sup> Crisis Group interview, 4 February 2005.

<sup>6</sup> "Pernyataan amanat PYM Tengku Hasan M di Tiro Wali Negara Aceh Pada Peringatan Hari Ulang Tahun Aceh Merdeka Yang ke-28", Stockholm, 4 December 2004.

<sup>7</sup> Crisis Group interview, January 2005.

the province up to thousands of international aid workers. GAM immediately declared a unilateral ceasefire in the interests of smooth delivery of humanitarian assistance. The TNI, believing that GAM would exploit any ceasefire to strengthen its forces as it had in the past, was not interested. But while he did not reciprocate GAM's move, President Yudhoyono urged all parties to work together to end the conflict so that all efforts could be devoted to reconstruction. To everyone's surprise (including, by all reports, GAM's), he sent a government negotiating team to talks with the exiled leadership in Helsinki facilitated by former Finnish President Ahtisaari.<sup>8</sup>

### III. ROAD TO HELSINKI: CHANGES IN GAM

An important factor by all accounts in the changed dynamics that led to the Helsinki talks was the impact of military operations on GAM. By the time the Kalla team began systematically reaching out to GAM in late 2004, the movement was on the defensive, reportedly making field commanders interested in at least exploring an exit strategy.

Before the declaration of martial law on 19 May 2003, GAM had used a combination of urban and jungle guerrilla tactics to make frequent attacks on TNI and paramilitary police (Brimob) posts. In the face of sustained assaults, however, its main concern had become the protection of its military forces and top leadership. On these terms, it largely succeeded: the "triumvirate" of the military command -- Muzakkir, Sofyan Dawood and Darwis Jeunib -- survived intact, although it reportedly had to move its headquarters from Pidie to the hills between North and East Aceh.

GAM also had been forced to adjust its command structure. It divides Aceh into seventeen *wilayah* (regions), each headed by a regional commander. The regions are each divided into four *daerah* (or districts), headed by a deputy commander (panglima muda). Each district has four to nine *sagoe* (subdistricts), depending on size, with a *sagoe* commander usually in charge of platoons of about 30 guerrillas. In some areas, especially before martial law, however, those "platoons" had been as big as companies, with upwards of 100 men. Platoons can be further divided into squads and cells for particular operations.<sup>9</sup>

Before the government's offensive necessitated changes, the *sagoe* level had been what one source called the "centre of gravity" for GAM operations. It was the *sagoe* commander who took the initiative to plan and carry out attacks on military or police patrols as local conditions permitted. It was also the level that bore primary responsibility for collecting GAM "taxes" (*pajak nanggroe*).

By mid-2004, one year into the emergency, however, GAM's supply lines and communications had been seriously disrupted. It was more difficult to move about, and the movement's strength in urban areas had all but disappeared. As a result, the central command in Pidie had instructed all field commanders by telephone to pull back from the *sagoe* to the *daerah* base and that henceforth military actions could only be undertaken on the order of the *daerah* commander and with the permission of the regional commander.<sup>10</sup>

Virtually the only region that maintained its offensive capacity at pre-emergency levels was the *wilayah* of Peurelak, East Aceh under the command of Ishak Daud, who in September 2004 became the first top GAM commander to be killed by the Indonesian military.<sup>11</sup> One explanation proffered for Ishak Daud's ability to keep hundreds of fully armed fighters supplied and active during the emergency was a mutually beneficial arrangement with palm-oil entrepreneurs. His men encouraged farmers in the area to grow oil palms in remote areas, the fruits of which were then sold to the entrepreneurs. The TNI also derived considerable income from payments collected at the guard posts leading into and out of the plantation areas, so both sides had an interest in keeping the business going.<sup>12</sup>

After he was killed, the leadership of GAM in East Aceh passed to Ridwan Abu Bakar alias Nek Tu. Ridwan was considered the military equal of his predecessor -- both had been trained in Libya<sup>13</sup> -- but unlike Ishak Daud,

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Anatomy of a Separatist Organisation", East-West Centre, 2004, p. 12.

<sup>10</sup> Crisis Group interview with *sagoe* commander in Bireuen, November 2004.

<sup>11</sup> Ishak Daud was killed together with his wife and twelve GAM fighters on 7 September 2004 in Aleu Dua village, Peureulak, after nearly a week-long battle with Raider Battalion 500 from the TNI's Brawijaya division (KODAM V). See "Prajurit TNI Yang Tewaskan Ishak Daud Naik Pangkat", www.tempointeraktif.com, 23 September 2004.

<sup>12</sup> Notes of interview with Ishak Daud made available to Crisis Group, May 2004.

<sup>13</sup> Ishak Daud and Ridwan went to Libya around 1987. According to one source, Ridwan, together with Muzakkir Manaf, the overall GAM commander, was a member of the first group to be trained there. In 1989, he returned to Aceh via

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<sup>8</sup> President Ahtisaari is a former Crisis Group Chairman and is now Chairman Emeritus.

<sup>9</sup> Crisis Group interview, Bireuen, Aceh, November 2004. See also Kirsten E. Schulze, "The Free Aceh Movement (GAM):

who went out of his way to attract media attention, he stayed out of the public eye, focusing instead on trying to prevent any further deterioration of GAM's military capacity.<sup>14</sup>

After the tsunami struck, the TNI began to intensify its operations in East Aceh. GAM commanders tried to avoid clashes, not so much out of a commitment to post-tsunami peace but to protect their flanks and prevent the TNI from getting any closer to their bases. As a defensive strategy, it appeared to work.<sup>15</sup>

But with the exception of East Aceh, most GAM bases in district and sub-district towns had been damaged or fallen into disarray by the time the new Indonesian administration was elected. Many GAM members at the *sagoe* level in these areas were young Acehnese from relatively deprived backgrounds who joined the guerrillas from 1998 onwards, without the ideological commitment of the generation that had gone to Libya for training. Many were unemployed, with minimal schooling, unlike the older, better-educated leaders. They also lacked the same level of guerrilla skills. After martial law was declared in May 2003, many thought they could operate as urban guerrillas, but they had no capacity to do so, and it was relatively easy for the TNI to find them. Those who were not captured and who did not surrender fled to the hills, leaving GAM without much of an urban base.<sup>16</sup>

After the collapse of political talks with the government in 2003, GAM experienced internal tensions, with some field commanders holding the leadership in Sweden responsible for their increasingly restricted operational ability. But overall, loyalty to that leadership remains strong, and few commanders are likely to break ranks over the Helsinki agreement. The head of GAM's negotiating team, Malik Mahmud, maintains regular contact with Muzakkir but this does not translate into

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Malaysia with Ishak Daud, and the two men led a raid on an Indonesian military post on 28 May 1990 in Buloh Blang Ara, North Aceh, seizing twenty M16 rifles and killing two soldiers. The raid secured their reputation within GAM but also led to the designation of Aceh as a military operations area (*daerah operasi militer*, DOM) and the beginning of massive counter-insurgency operations. Before Ishak Daud was killed, Ridwan was deputy commander of the GAM central command (Komando Operasi Pusat) in Tiro.

<sup>14</sup> One of his immediate priorities, for example, was incorporation of the Teumieng (Tamiang) *wilayah* command, along the Aceh-North Sumatra border. After Indonesian forces captured the commander, Abu Tarmihim, coordination in the region collapsed, and it was up to the Peureulak command to bring it under control. Crisis Group interview, 20 March 2005.

<sup>15</sup> Crisis Group interview, 19 March 2005.

<sup>16</sup> Notes of interview with GAM fighter made available to Crisis Group, 23 November 2004.

micromanagement from Sweden of operations. Each GAM *wilayah* retains considerable autonomy, not only from Sweden but also from Muzakkir. As commander, the latter's authority derives from his ability to set general strategy or to command operations involving more than one *wilayah*. He can request reports from *wilayah* commanders but they are under no obligation to inform him regularly of their activities, let alone wait for his approval. Each has responsibility for securing his own supplies and organising the local administrative apparatus, and in turn relies on the *sagoe* commanders as the wheels that make the whole machine operate.

Each *wilayah* commander has his own direct contacts with Sweden and can take military decisions without reporting first to Muzakkir's headquarters. This decentralisation makes GAM less dependent on individual leaders. The advantage of this became clear when Muzakkir's predecessor, Abdullah Syafi'i, was killed in an ambush in January 2002; the succession was smooth and quick without major disruptions to the organisation.<sup>17</sup> Likewise, in late 2004 when the Yudhoyono government tried to use economic incentives to persuade Muzakkir to accept an amnesty in exchange for laying down arms, the GAM commander reportedly said he would only do so if all other commanders agreed. Even if he were tempted, said one source, he knew that if he was alone in accepting the offer, Sweden would simply replace him.<sup>18</sup>

Disaffection with Sweden is also decentralised and therefore easier to deflect. The two biggest sources of criticism before the tsunami were lack of clear results from GAM's political work abroad and lack of transparency about the use of GAM taxes, especially when the field commanders were facing severe supply shortages. (The exiled leaders receive a regular transfer of the taxes collected to help finance diplomatic activities and buy arms).

The dynamics of the relationship between GAM-Aceh and GAM-Sweden are very much determined by developments in the field. Sweden's authority is highest when there is a direct connection between political activity abroad and increased room for manoeuvre in Aceh, as was the case during much of the negotiations that led to the ill-fated Cessation of Hostilities Agreement in December 2002 and may happen again following the Helsinki agreement. The negotiations themselves and the need for GAM to speak with a single voice enhanced the role of the Sweden-based leadership, while the greater freedom on the ground gave the field commanders more

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<sup>17</sup> Schulze, op. cit., p. 13.

<sup>18</sup> Crisis Group interview, February 2005.

confidence in their exiled leaders.<sup>19</sup> This suggests that unity among the field commanders is likely to last as long as there is a prospect of tangible results from the peace process.

#### **IV. THE HELSINKI TALKS AND THE MOU**

The combination of Kalla's initiative, the impact of military operations on GAM, and the changed dynamics brought about by the tsunami led directly to the Helsinki talks. Five rounds -- 27-29 January, 21-23 February, 12-16 April, 26-31 May, and 12-17 July 2005 -- produced a memorandum of understanding (MOU) covering governance, political participation, economy, rule of law, human rights, amnesty and reintegration, security arrangements, monitoring, and dispute resolution.

A joint press statement issued on 17 July 2005 concluded:

The Government of Indonesia and Free Aceh Movement confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all. The parties are committed to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia. The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed. The parties to the conflict commit themselves to building mutual confidence and trust.<sup>20</sup>

Much credit for having come this far goes to the two negotiating teams and to the authority and personality of the mediator, Martti Ahtisaari, who by all accounts managed to break deadlocks and forge consensus at critical points. His CMI team also did its homework, studying the 2002-2003 talks, consulting with individuals involved in that process, and trying at every stage to avoid the ambiguities and weaknesses that scuttled the Cessation of Hostilities Agreement.

It is difficult to see how more could have been achieved within the extraordinarily tight timetable set for an

agreement, and it was probably in everyone's interests to have as speedy a process as possible so that the impetus of the tsunami did not fade. But even so, each area covered by the MOU is extremely sensitive, in terms of both the dynamics between the two sides and the relationship to national politics in Jakarta. The only way to head off potentially crippling problems is to anticipate them, address them, or have contingency planning that will enable the peace process to move forward even if stumbling blocks appear.

At every stage of the process, a good information and communications strategy is absolutely essential, to quash rumours, prevent wildly different interpretations of the agreement from taking root, and ensure that public fears and expectations are kept in balance.

Some potential pitfalls -- and possible solutions -- are highlighted in the sections that follow.

#### **V. DEMOBILISATION, DISARMAMENT AND TROOP RELOCATION**

The numbers of guerrillas to be demobilised and arms to be surrendered are left to the final agreement, but they do not appear to be a source of serious dispute. Indeed, the estimate of GAM arms submitted by the guerrillas -- around 800 -- reportedly tallied almost exactly those of military intelligence, although some observers believe it is low.

More sensitive is the number of military and police to be left behind in Aceh. The agreement calls for "non-organic" security forces -- meaning reinforcements sent there to back up the local territorial commands -- to be relocated out of Aceh. But the military has been steadily reassigning non-organic troops to "organic" or Aceh-based positions so that the number left behind will be higher than GAM assumed at the start of the negotiations. The widely cited figure for organic forces likely to remain is 14,000 military and 7,000 police.

This may be a source of friction but it is likely manageable. Security will be a real issue as implementation gets underway, and an ongoing military role of some kind will be necessary. The monitors will not be armed; the organic police do not have the capacity to deal with serious trouble; and there is every likelihood that violent incidents will increase in the run-up to and immediate aftermath of the demobilisation process. Acehnese from East Aceh, North Aceh, and Aceh Besar interviewed by Crisis Group in August 2005 noted that one source of violence would be revenge killings by GAM of suspected civilian informers whose information had led to arrests of movement supporters during martial law.

<sup>19</sup> Notes of interview with GAM Malaysia made available to Crisis Group, February 2004.

<sup>20</sup> Joint statement by the Government of Indonesia and the Free Aceh Movement (GAM), 17 July 2005, available at <http://www.cmi.fi/?content=press&id=61>.

The deadlines for disarmament and relocation of non-organic forces are explicit: the first of four stages begins on 15 September, a month from the signing of the agreement. The last stage is to conclude on 31 December 2005. The entire process will be supervised by the Aceh Monitoring Mission, which is to be composed of monitors from the European Union and five South East Asia countries. It is also empowered to rule on disputes, with any intractable issues subject to a binding ruling by the Chairman of the Board of Directors of the Crisis Management Initiative. The speed with which the decommissioning of arms is to take place is probably positive, because it gets one of the most sensitive stages of the process over and done with so that the moves to reintegrate the guerrillas can proceed more rapidly.

It is also fraught with danger, however, especially as there will inevitably be some cheating by both sides. Some guerrillas will withhold weapons, which are after all their only currency, or may try to acquire new ones. GAM members may be particularly reluctant to turn in weapons they acquired on their own through raids or purchase. The military may change the uniform of some of its non-organic troops, increase the number of plainclothes intelligence personnel, or in some cases, work through civilian proxies.

All parties have to recognise that such moves are commonplace after agreements of this kind and not let them derail the larger process. But it is equally important that any violations be exposed and promptly handled in as transparent a fashion as possible.

Another issue that may arise is where demobilised guerrillas are to live between the time they come down from the hills and more permanent arrangements for land and jobs are made. There is blithe talk about providing housing, but construction for the tsunami victims has been exceedingly slow, and there is little likelihood of new housing being available. Some will be able to stay with families and relatives but some people displaced by the tsunami have expressed concern that without adequate preparation, ex-guerrillas could end up preying on an already vulnerable population.

Planning is complicated by the fact that no good information is available about the numbers to be demobilised. The Aceh provincial government estimates about 4,000, but some suggest half that. Given their experience under the failed 2002 agreement, when guerrillas came down from the hills only to become known and arrested or attacked after the agreement collapsed, many are likely to be cautious about identifying themselves.

## VI. AMNESTY AND REINTEGRATION

The amnesty and reintegration provisions of the agreement, with offers of land, jobs, and social security on the table, are critical. In many ways, it was Kalla's creativity in thinking through an economic approach that paved the way for the Helsinki process in the first place.

There will inevitably be disputes over who is or is not entitled to amnesty. The agreement calls for the government to grant amnesty to all who have participated in GAM activities and makes reference to political prisoners and detainees, that is, both those convicted and those formally accused but not yet tried. But officials have stressed repeatedly that only those charged with political offences, such as rebellion (*makar*), and not criminal charges, such as rape, murder, or arson, will be eligible.<sup>21</sup>

The exact terms of the amnesty provision were still being drafted as this briefing went to press, but already questions were being raised whether certain criminal charges, such as possession of weapons, should be considered political. The MOU provides for the Aceh Monitoring Mission to rule on amnesty disputes but it will be important to anticipate some of those that may arise and examine how they have been dealt with in other conflict situations.

The potentially most serious stumbling blocks, however, lie in the reintegration provisions. While not all the details have emerged, the government has promised to provide land, jobs, or cash payments not only to amnestied combatants and prisoners but also to victims of the conflict.

Kalla's team recognised the need for an immediate assistance package, at least for the amnestied prisoners and decommissioned fighters, and enlisted the help of the International Organisation for Migration (IOM) in early July. The IOM had been ready to help with a similar package in 2003 if the earlier agreement had succeeded and had a basic plan ready to go. It involves a cash payment of about \$300 to each individual and information on the peace agreement and the benefits he

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<sup>21</sup> Most GAM members arrested during the military emergency were in fact accused of rebellion and so should be covered by the amnesty. In Aceh, this includes 1,248 men and several women already tried and sentenced and 189 others detained but not tried in twenty prisons across the province. Some 470 suspected GAM members are serving sentences in Java. See "285 Napi GAM Bebas pada HUT RI", *Serambi*, 10 August 2005 and "Tahanan Kasus GAM Mulai Didata", *Koran Tempo*, 10 August 2005.

or she will be able to access. The European Union has indicated it will provide initial funding for this program.

In nine districts most affected by the conflict, IOM is likely to partner with the World Bank-funded Kecamatan (sub-district) Development Project to work on a longer-term program in which assistance to individual GAM beneficiaries would be tied to a broader community development program.<sup>22</sup>

The promises of land grants may be more difficult to implement. If the "agreement" between GAM and the government in October 2004 is anything to go by, the bulk of the land set aside is likely to be from state palm oil and coffee plantations abandoned during the course of the conflict, particularly in the GAM strongholds of North and East Aceh. According to a press report, 31,000 hectares of plantation land were available in North Aceh alone.<sup>23</sup> If these plantations do constitute the source of land to be parcelled out to amnestied GAM members and victims, some questions arise:

- ❑ Smallholder plantation farming is very different from subsistence farming, both in techniques and management structure. It will not be simple to go directly from insurgency or a prison cell to this kind of agricultural labour; intensive training and ongoing agricultural extension support will probably be needed.
- ❑ There may be expectations that recipients will be able to get land in their home villages and plant what they choose there. These expectations will have to be confronted and managed.
- ❑ Even land formally declared "abandoned" often has people living on it. There will need to be an assessment of the land in question and a mechanism available for resolving ownership or usufruct disputes.
- ❑ The grouping of ex-GAM members on plantations may facilitate government control and surveillance in a way that could lead to tensions, particularly if the land is close to military or police posts, or if management of the plantation remains in government hands. Some of these tensions can probably be headed off before they arise, but communication will be essential.
- ❑ If the plantations have fallen into disuse, accompanying social and economic services probably have as well, including schools, clinics, and markets. It will be important to prepare the

environment so the beneficiaries do not feel they are being moved from one kind of isolation to another.

So that the government and donors can make adequate preparation for reintegration, it is urgent to create a social profile of potential beneficiaries, including data on age, geographic origin, educational background, occupation if any before joining GAM, and skills. Again, as the 15 August signing ceremony loomed, the government asked IOM for help. Recognising that there was not enough time to survey all GAM prisoners, let alone other potential beneficiaries, if the information was to be any use to planners, IOM decided to select a random sample of some 400 detained in Aceh and Java and ask them about their background, expected needs, and preferred location to return to after release. The results are to be tabulated, analysed, and issued in a report in early September.<sup>24</sup>

The plan to compensate victims along the same lines as demobilised fighters and ex-prisoners could raise a different set of problems. Who is not a victim in Aceh? It will clearly be impossible to provide land, jobs, or cash to every citizen, but what criteria will be used to determine who might qualify? For example, a relatively narrow criterion might be anyone who lost an immediate family member as a result of military or GAM operations, torture or execution in custody, disappearance, or crossfire. But claims to such losses will have to be verified, and the process could be frustratingly slow, particularly with so many public records lost in the tsunami. It could also be frighteningly expensive, even more so if the concept of victim were broadened to include people affected by property losses. How much will it cost, and where will the funds come from?

It would be worth examining a program that the current acting governor, Azwar Abubakar, initiated in 2003 to compensate victims of the conflict. Anyone who had a relative killed by either side was eligible to apply, with amounts to be determined by extrapolation from Islamic law relating to blood money that murderers pay to victims' families. Village heads drew up lists of applicants and passed them on to sub-district heads, through whom the provincial government channelled payments. A Banda Aceh-based human rights organisation was designated to help verify claims but in fact there was little control over claims or funding. By the time the program ran out of money, more than 15,000 people had received payments of about Rp.9 million (just over \$900), about half claiming to be victims of GAM abuses. One obvious question is whether the recipients would be eligible to apply again.

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<sup>22</sup> Crisis Group interview with IOM official, Jakarta, August 2005.

<sup>23</sup> "Tiga Bupati Sediakan Lahan untuk Eks GAM", *Serambi*, 9 August 2005.

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<sup>24</sup> Crisis Group interview with IOM official, Jakarta, August 2005.



Governor Azwar says most were promised Rp.50,000 (about \$5,000) and should be entitled to the balance.<sup>25</sup>

The notion that people will be given either land or jobs in itself could be problematic, because land is likely to be seen as far more desirable than a job of uncertain duration on a public works project. Who gets what, who makes that determination, and how those decisions are conveyed to the public will all be key questions.

Most conflict specialists agree that intensive vocational training programs for demobilised fighters, consistent with the local job market, are important. The tsunami reconstruction effort offers an unusual opportunity to blend the programs into a broader effort that could target whole geographic areas rather than GAM fighters per se, thus avoiding singling out GAM members for preferential treatment and facilitating reconciliation.

It also may indirectly address another possible problem. During the military emergency, the government reportedly promised land or jobs to GAM members who surrendered. Many who turned themselves in did receive three months of vocational training but now find themselves in severe economic straits and believe the government did not fulfil its promises. A comprehensive community-based strategy could embrace this population as well and eliminate one potential source of tension between the haves and have-nots within GAM itself.

## VII. LOCAL ELECTIONS

Two election-related issues could affect the peace process. One is the elections for district and provincial offices in Aceh, part of the so-called *pilkada* process that began in June 2005 in the rest of the country.<sup>26</sup> The second relates to the creation of local political parties.

In Aceh, because of a variety of factors including the focus on post-tsunami reconstruction, local elections were originally scheduled in October rather than June 2005; on 11 August, they were postponed until 29 December 2005.<sup>27</sup> The MOU signed in Helsinki in July, however, has them scheduled for April 2006.

Initially, the elections were to be held in sixteen districts or municipalities whose heads had come to the end of their terms or that had caretaker administrators in charge, some appointed during martial law, others after the tsunami.

The heads of only four districts, Aceh Pidie, Bireuen, Simeulue, and Aceh Tenggara, would not be up for election because their terms expire in 2006. In March 2004, the local legislature in Aceh passed a *qanun* (provincial regulation), on local elections, amended, with the peace talks in mind, in June 2005. The amended version became law on 16 July 2005. Among other things it stated that candidates not affiliated with any political party could contest elections in Aceh for governor and deputy governor; district head and deputy head; and mayor and deputy mayor.

This provision would allow newly amnestied GAM members, among others, to run. While it was within the authority of the Aceh legislature to pass such a regulation under the terms of the 2001 Special Autonomy law for Aceh, the Ministry of Home Affairs in Jakarta objected to this and several other provisions. It argued that the clause on independent candidates violated the amended regional autonomy law (Law 32/2004) requiring all candidates for local office to be nominated by national parties. Acehnese parliamentarians rebelled, arguing that if special autonomy had any meaning at all, the local regulation should take precedence. They are now reportedly planning to contest the ministry's actions in the Constitutional Court.

If the provision on independent candidates stands, the timing becomes important. Much of the debate over GAM's participation in the local political process has focused on the possible creation of local parties in Aceh. But questions over the nature of local parties to be allowed in Aceh will only be resolved over the next eighteen months, with a view toward those parties participating in the 2009 national parliamentary elections or the 2011 elections for provincial office. If GAM is to move toward political participation quickly, the only possibility of testing its electoral strength is in the upcoming local elections.

If those elections go forward as scheduled in December, however, GAM would have little time to prepare to field candidates, and the likelihood is that existing parties would have the machinery, funds, and personnel to win most posts, whether or not independent candidates were allowed. Recognising this, the MOU states that the elections will be delayed until April 2006. This would mean among other things that the four districts not scheduled to vote in 2005 would hold polls at the same time as the rest.

<sup>25</sup> Crisis Group interview with Azwar Abubakar, 10 August 2005.

<sup>26</sup> Local elections were held in June 2005 in districts, municipalities, and provinces where the term of the incumbent expired in 2004-2005. After 2005, elections elsewhere will take place whenever the incumbent's term expires.

<sup>27</sup> "Pilkada NAD 25 Desember 2005", *Waspada*, 12 August 2005.

The additional time, of course, would give not only GAM but other independents, including possibly members of anti-GAM fronts, more time to mobilise support. It would also give GAM a chance to see how the security situation was developing: amnestied combatants or prisoners might not want to expose themselves to the risk of a high-profile political campaign unless they were confident that the peace process was on track, the monitoring system was working, and there would be no extra-legal settling of scores.

Even with a postponement, however, there are likely few GAM members or amnestied prisoners who would come across as plausible district administrators, with the exception of some members of GAM's 2002-2003 negotiating team currently detained on rebellion and terrorism charges in Java. It is also difficult to see how they would have access to the kind of resources needed to run a district-level campaign. For these reasons, it is highly unlikely that GAM would field more than a few candidates, if any; some observers suggest it might eschew direct participation and test the electoral waters instead through organisations like the student organisation SIRA (Sentral Informasi Referendum Aceh, Information Centre for a Referendum on Aceh). National parties with a strong popular base in Aceh, like the PPP or PKS, are likely to welcome amnestied GAM members and supporters but it would be next to impossible for those individuals to reach positions of influence in time for the local elections, even in the unlikely event they were interested.

If the local elections go smoothly as they generally have elsewhere in the country, they could be an important forum for reconciliation and affirmation of public support for the peace process. If, however, the two sides begin trading accusations of bad faith as disarmament and demobilisation of GAM and withdrawal of non-organic troops get underway, they could become a vehicle for mobilising protests against the accord.

## VIII. LOCAL PARTIES

It has been a given for some time that the only way to persuade GAM to give up armed struggle was to give it a genuine opportunity to pursue its aims through the ballot box in the manner of Sinn Fein in Northern Ireland or the *Partie Quebecois* in Canada. The Megawati government refused to consider the possibility of local parties; its successor is far more open. Under the MOU, the government has agreed to "create the political and legal conditions for the establishment of local parties" within eighteen months, with a view toward those

parties nominating candidates for the Aceh provincial parliament in 2009.

Indonesian law No.31/2002 requires all political parties to be based in Jakarta and have national representation. The 2001 Special Autonomy law for Aceh could trump that, if it were amended to include specific provisions on local parties. That will require parliamentary support. When the idea was broached in July 2005, there was an uproar from parliamentarians, not only from Megawati's PDIP party, which remains adamantly opposed, but from some members of Golkar as well, the party chaired by Vice President Kalla that controls the largest bloc of seats. In a meeting on 27 July, Kalla apparently succeeded in quelling that opposition and bringing most of the parliamentary factions into line -- certainly more than enough to pass an amendment.

Nevertheless, a lot can happen in eighteen months, and the concerns of parliamentarians and other parts of the political elite are likely to reappear in some form. They are of two sorts. The first relates to GAM intentions and involves two interpretations. One is that in pressing for local parties during the Helsinki talks, GAM was not interested simply in a party for itself but believed the only way to loosen Jakarta's stranglehold on politics and allow genuine local aspirations to be expressed was through the creation of such parties.

A veteran journalist, Aboeprijadi Santoso, quoted President Ahtisaari himself as acknowledging that a principle of democracy was at stake:

No one argued, not least GAM, [in order]...to have a political party of their own. The question was principled: anyone who wants to participate will have to be facilitated. There are existing parties already in Aceh, and new ones will definitely come forward.<sup>28</sup>

The second interpretation carries the idea somewhat further, suggesting that GAM believes that if Acehnese could freely express their aspirations, they would support separation from Indonesia. Thus, this interpretation goes, while GAM may have set aside independence as a goal in the short term, it may be hoping to use local parties as a vehicle for an eventual referendum. But that aim, even if true, may not be based on a realistic assessment of its own support. The government may be running only a small risk by allowing local parties. In some ways the risk to GAM is higher: if it does poorly in a free and

<sup>28</sup> Quoted in Aboeprijadi Santoso, "The Helsinki deal on Aceh: An arrangement likely to work", *Jakarta Post*, 27 July 2005.

transparent ballot, as some think it will, its credibility and legitimacy will be substantially weakened.<sup>29</sup>

The second concern relates to the impact that local parties in Aceh could have elsewhere in Indonesia. While many champions of political reform in the country see local parties as absolutely essential to the institutionalisation of democracy, others believe they would lead inevitably to the disintegration of Indonesia by encouraging ethnic and regional identities at the expense of a national one -- particularly in resource-rich or conflict-wracked regions. Existing national parties may feel threatened that their bases of support outside Jakarta could evaporate overnight if local parties were allowed.<sup>30</sup>

Even if the two sides have provisionally agreed to the concept of local parties for Aceh and parliamentary opposition has been temporarily quashed, there will inevitably be differences over the details when the exact nature of what is to be allowed is thrashed out, but these should be manageable. In any case, because this debate has been postponed in effect until 2006, the issue is not likely to be an immediate threat to the accords.

## **IX. ACEHNESE IN MALAYSIA**

As of August 2005, the office of the UN High Commissioner for Refugees (UNHCR) in Malaysia has registered 20,707 "persons of concern" from Aceh -- people who meet the international definition of refugee but are not officially recognised as such by the Malaysian government. The majority are men between the ages of twenty and 40 who arrived after the onset of martial law operations in May 2003 and were suspected, or believed they would be suspected, of affiliation to GAM.<sup>31</sup> The

<sup>29</sup> There is no reliable estimate of GAM's support. A poll conducted by the Indonesia Survey Institute (Lembaga Survei Indonesia or LSI) in cooperation with the Ministry of Social Affairs in Aceh and North Sumatra between 25-29 January 2005 found that 76 per cent of people in Aceh were proud to be part of Indonesia, and 74 per cent were prepared to defend Indonesia in a war. However, the survey appeared to involve only 50 respondents from Aceh, as opposed to 650 respondents from North Sumatra. A Kompas poll conducted in July 2005 with the question, "Do you support the GAM demand to form a local political party in Aceh for the people of Aceh?", showed only 21.4 per cent of respondents in Aceh in favour, but only 238 people were polled, and their names were selected out of a telephone book, thus skewing the selection process to the urban elite.

<sup>30</sup> This point was made by Marbawi in "Partai Lokal dan Calon Independen", *Media Indonesia*, 28 July 2005.

<sup>31</sup> Of 1,200 Acehnese who fled to Penang between May 2003 and March 2004, 64 per cent were between the ages of 21 and

actual number of Acehnese who fled to Malaysia is believed to be much higher, as many did not register with UNHCR.

It is important that these Acehnese receive full information about the provisions of the accord and understand in particular the sections referring to amnesty and compensation but the government might also want to think about plans for repatriating those who wish to return home. Many are likely to take a wait-and-see attitude toward the peace process, however, so a rush to return is unlikely.

## **X. THE ACEH MONITORING MISSION**

From the beginning, both sides recognised that having neutral international monitors in Aceh and an enforceable mechanism for resolving disputes over reported violations would be crucial to the success of any agreement. The lack of such a mechanism was one of the fatal flaws of the 2002 agreement. The two sides sat together on the highest body created then, and if they disagreed, there was no way the third party, the Henri Dunant Centre, could break the deadlock. By the time the agreement collapsed, the general sense of bitterness, betrayal and disillusionment was so great that it seemed unlikely Indonesia would ever countenance international involvement again, let alone agree to the presence of foreign monitors in such a sensitive part of the country.

The willingness of the government to agree to a 300-person monitoring team from the European Union and five ASEAN member countries -- Thailand, Malaysia, Brunei, the Philippines and Singapore -- is thus testament to the political will to make a peace work.

However, everyone needs to be cognisant of what a gargantuan task the Aceh Monitoring Mission (AMM) is taking on. It is in effect responsible not only for monitoring every aspect of the accords from the destruction of weapons to the legal arrangements, but it is also asked to rule on disputes about everything from amnesty to human rights.

The exact terms of reference were still being worked out in early August in a State of Mission Agreement. The only information publicly available noted that the monitors initially would be based in four cities, Banda Aceh, Lhokseumawe, Bireuen, and Meulaboh, with seven more locations to be determined later by the AMM itself, in consultation with the parties. The first

30. See "Memburu Suaka ke Negeri Tetangga", *Tempo*, 28 March 2004.

50 were scheduled to arrive in mid-August, with the remainder by early September, in time for the initial scheduled pull-back of organic troops and surrender of arms on 15 September.

A number of issues are likely to confront the monitors immediately:

- How do they ensure access to impartial information and the services of impartial translators and interpreters? Aceh is far more open today than it was two years ago, and that has to be a major plus for the monitors. The presence of so many NGOs and donor organisations working on tsunami relief and reconstruction, each with local staff and an extended network of contacts, means the monitors can draw on a variety of experienced sources to check information and vet potential employees for neutrality.
- Aceh's new openness may also mean more people will report problems. How will the AMM manage those reports? It will have to make it clear to the public, via every communications means available, what it can and cannot do, and what its priorities are. This will not prevent ordinary citizens from expecting the AMM to address issues outside its mandate, and the mission will have to be as adept in refusing requests as in carrying out its legitimate tasks. It will be important for it to initiate investigations as needed to respond to complaints, of course, but it should also be proactive whether or not it receives a complaint in moving against pamphlets warning of impending attacks by one side or the other or unauthorised questionnaires that seek information on the activities of amnestied prisoners, should such situations develop.
- One question that many Acehnese are asking is what sanctions the AMM will be able to impose if it finds violations. GAM members could lose benefits or have their amnesty revoked but enforcing measures against individual soldiers or police is a very different proposition.
- The AMM will need to think through a wide range of security issues, including protection for its local and international staff and for people who provide information on violations. Some Europeans have a tendency to look at Aceh and see Bosnia as an example of how a peacekeeping mission can turn into a nightmare, with Srebrenica the worst case scenario. But Aceh has always been a low-intensity conflict characterised more by ambushes and kidnappings and excessive use of lethal force than mass executions.<sup>32</sup> The team will need contingency

planning for every possibility, from mobs storming its posts and arson attacks on its vehicles, to the unlikely but not impossible scenario of direct attacks on international staff. The Indonesian government is responsible for the security of the AMM team, and the monitors will be accompanied when necessary by the police, but they can choose not to be escorted. How to maintain neutrality if the security situation deteriorates and Indonesian forces are the only available option for security would be a real dilemma.

The AMM will also need to think through how to protect local staff from reprisals or arrest in the unlikely event that its mission is curtailed or aborted but the hardest protection issue is likely to be ensuring that sources who report violations do not face reprisals from either side. The 2002 agreement provided that any suspected violation be reported to a joint committee on which both GAM and the TNI sat, meaning that anyone would think twice about reporting a violation to a body including the possible perpetrators. This time, the AMM, not a joint committee, has authority to investigate, which may help -- but not solve -- the protection problem.

## **XI. JUSTICE AND HUMAN RIGHTS**

Effectively addressing past and present human rights issues and securing a workable justice system for the future is critical to the success of this agreement. The MOU reportedly acknowledges the importance of human rights by, among other things, proposing a truth and reconciliation commission for Aceh and calling for the establishment of a human rights court. But as always, addressing human rights will be an extraordinarily sensitive issue.

While both sides committed serious violations against civilians, there were far more victims of government abuses, not surprisingly because of the difference in troop numbers. At this critical early stage of the peace process, there may be an inclination to bend over backwards to show balance between the two sides, but this could lead to distortions. If victims of the conflict are to be eligible for land and jobs, for example, there may be an effort to get equal numbers from both sides. This might appear even-handed on paper but would not serve the cause of justice.

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Ateuh, West Aceh, when the army stormed a religious school, thinking weapons were stored there. In May 1999, 46 people were killed when the army fired on protesters near a paper factory in Krueung Geukueh, Kec. Dewantara, North Aceh.

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<sup>32</sup> For example, 39 civilians were killed in July 1999 in Beutong

The TNI's participation in the peace process is essential, and yet in some ways, it has the most to lose. From its perspective, it has spent the last two years weakening an organisation that is now to receive major concessions; it is being asked to accept what it sees as a serious risk that GAM will exploit any ceasefire, as in the past; it is worried about the possibility a negotiated peace may encourage separatism elsewhere; and its individual members stand to lose economically from the withdrawal of non-organic troops from Aceh, even though some 14,000 TNI troops will remain. Despite these misgivings and perceived drawbacks, the TNI commander has said he will obey the president's orders. However, too much emphasis on human rights investigations at this stage could hamper efforts to bring the TNI more fully on board.

The past will eventually have to be addressed or it will come back to haunt Aceh. The immediate task, however, should be to put the institutional and legal measures in place to ensure prompt investigation and prosecution of any human rights abuse that occurs after the agreement is signed. The burden here will be on the regular district courts, not the envisaged human rights court, since the latter will likely only be able to try crimes of such magnitude that they are tantamount to crimes against humanity.<sup>33</sup> The problem with Aceh's district courts has been the same as elsewhere in Indonesia but magnified tenfold -- weak judges, venal prosecutors, and politicised police -- and exacerbated by GAM intimidation and usurpation of law enforcement functions by the TNI.

Fixing those problems quickly enough to get a reasonable justice system in place for the start of the accords' implementation would be hard enough but there may be another problem as well: a clash between aspects of the human rights-based legal framework agreed to in Helsinki and certain provisions of Islamic law as it is being increasingly applied in Aceh.<sup>34</sup> Contradictions could arise over criminal justice provisions, including compensation to victims of murder; rights of women; and freedom of religion, among others. As work gets underway on the Acehnese legal system, it will be important to understand where these tensions could

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<sup>33</sup> Law 26/2000 provides for the establishment of human rights courts empowered to try internationally-recognised gross violations of human rights not covered in Indonesia's criminal code -- effectively the crimes covered by the Rome Statute of the International Criminal Court, including genocide and crimes against humanity.

<sup>34</sup> The special autonomy law for Aceh permits the application of Islamic law. A provincial regulation outlawing gambling and mandating caning for offenders was passed as Qanun 13/2003. On 24 June 2005, the first public canings were carried out in Bireuen of fifteen men who had been playing cards for very low stakes.

emerge and how they can be headed off so as not to create unnecessary additional wrinkles in an already hugely complex process.

## **XII. POTENTIAL SPOILERS: "PEOPLE'S RESISTANCE"**

All parties need to guard against the potential for spoilers to undermine the agreement. These can be any group that has a vested interest in seeing the conflict continue or feels betrayed by a specific provision. The collection of anti-GAM civilian self-defence entities that began to proliferate in Aceh as the first agreement began to collapse in 2003 need particular scrutiny. One such group mounted an attack in March 2003 on the Takengon, Central Aceh office of the Joint Security Committee (JSC), the body set up to monitor the earlier agreement. Another torched the JSC office in Langsa the next month. Violence was barely averted a day later when yet a third group tried to storm the JSC office in Tapaktuan, South Aceh. All these incidents were allegedly to protest the JSC's failure to condemn GAM abuses more actively but appeared to have at least the tacit support of security forces.<sup>35</sup>

The TNI's support for and sometimes active organising of anti-GAM groups increased after the May 2003 military emergency went into effect. In many areas, army-linked groups such as the youth group Pemuda Panca Marga and the association of veterans' children, Forum Komunikasi Putra-Putri Purnawirawan (ABRI or FKPPPI), provided a recruiting base; so, as well, did the local civil service. Between December 2003 and March 2004, eighteen district-based "anti-GAM fronts" were established in Aceh, under a Bireuen-based umbrella organisation called Front Perlawanan Separatis GAM (FPSG), led by a businessman named Sofyan Ali.<sup>36</sup>

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<sup>35</sup> Crisis Group Asia Briefing N°14, *Aceh: Slim Chance for Peace*, 27 March 2002, pp. 6-8.

<sup>36</sup> These organisations, and one that joined later, included (with the date of their founding): Front Perlawanan Separatis GAM, Bireuen, 1 October 2003; Front Perlawanan Separatis GAM, Lhokseumawe, 12 November 2003; Front Perlawanan Separatis GAM, Gayo Luwes, 10 December 2003; Front Perlawanan Separatis GAM, Aceh Tenggara, 12 December 2003; Gerakan Perlawanan Separatis GAM Teuku Cut Ali, Aceh Selatan, 15 December 2003; Front Anti Gerakan Separatis Aceh Merdeka, Aceh Jaya, 17 December 2003; Gerakan Rakyat Anti Separatis Aceh, Pidie, 18 December 2003; Front Perlawanan Separatis GAM, Aceh Besar, 24 December 2003; Front Perlawanan Garuda Merah Putih, Nagan Raya, 24 December 2003; Front Perlawanan dan Pembela Rakyat Teuku Umar, Aceh Barat, 26 December 2003; Gerakan Penyelamat Aceh Republik Indonesia, Banda Aceh, 4 January

These were civilian organisations, "advised" by the local district military command (KODIM), that acted essentially as an adjunct intelligence-gathering arm for the security forces. In government parlance they were *wanra* (an acronym for *perlawanan rakyat*, people's resistance), the same name used for East Timorese militias. But by and large they were not armed, and the political context in Aceh is very different than it was in Dili in 1999.

One source told Crisis Group that the genesis of these groups lay in the TNI's unease about the agreement signed by the government and GAM in Switzerland on 12 May 2000 for a "humanitarian pause" in the conflict. Worried about the opportunity this might give the insurgency, the TNI recruited civilians from among military-linked youth groups who could act as informers. At this stage, the emphasis was more on individuals willing to work with military intelligence than on the development of mass-based groups. As military anxiety about the potential for GAM's exploitation of the humanitarian pause increased, however, it turned to some of these same individuals to form the core of anti-GAM organisations.

Acehnese who four months ago believed these organisations were a serious threat to the peace process are now downplaying the danger, saying that for the most part, they only existed because of government support, and if that support (including financial) dried up, they would disappear. But at least three are worth examining more closely, either because they had a history of causing trouble or an independent support base, and their commanders were implacably opposed to the talks when a Crisis Group consultant interviewed them in March 2005.

- The 7,000-strong group in Bener Meriah district, outside Takengon, is the oldest and the only one that seems to have emerged spontaneously as a self-defence force against GAM depredations in 2000-2001. Formed by a coffee grower named Misriadi, it was responsible for the March 2003 JSC office attack. It maintains several factories

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2004; Gerakan Perlawanan Separatis GAM Teuku Peukan, Abdya, 6 January 2004; Front Perlawanan Separatis GAM, Langkat (North Sumatra), 18 January 2004; Gerakan Perlawanan Separatis GAM, Aceh Singkil, 21 January 2004; Front Penyelamat Merah Putih, Aceh Timur, Langsa, and Aceh Tamiang, January 2004; Ormas Pembela NKRI, Sabang, 7 February 2004; Gerakan Perlawanan Separatis GAM, Aceh Tengah, 27 February 2004; Laskar Merah Putih Anti GAM, Aceh Timur, Langsa and Aceh Tamiang, March 2004; Persatuan Perlawanan Rakyat Merah Putih, Bener Meriah district in central Aceh, joined umbrella front on 4 March 2004 but has been around much longer.

for homemade weapons and reportedly gets ammunition from the TNI. Misriadi is proud of his role in securing the surrender of GAM members and claims to have given 25 of them jobs on his coffee plantations, meaning that he could play a positive role in the reintegration process if so inclined. But he also was demanding in March that his forces be given 300 automatic weapons for protection if TNI troops were withdrawn.

- Sofyan Ali's group in Bireuen objected more to the economic concessions to GAM members, saying that any such benefits should go to people who had been loyal to the unitary state of Indonesia. Sofyan had been a Golkar member of the North Aceh district council; in the last elections, he was active in PKPI, the party of retired army general Edi Sudrajat. While he was also deeply opposed to the peace talks, he might be more likely to form a local party to challenge GAM politically rather than by force. As late as April 2005, he claimed his front had a presence in each of Bireuen's 500 villages and had been involved in arrests of suspected GAM members, who were turned over to the TNI.
- The East Aceh front is important only because if the security forces decided to mobilise these fronts, they would likely pick a place of high GAM activity, and East Aceh is the strongest of the insurgents' regional commands. One of the front's leaders there is a man named Suryadi, who acknowledged that he reported to the military joint intelligence unit, SGI (Satuan Gabungan Intelijen).

The fear among members of these groups that they will become GAM targets is not unfounded. On 10 August, a member of a militia group in Nisam, North Aceh, known as Berantas was kidnapped, leading 300 other members to mount a hunt for him.<sup>37</sup> The kidnapper was unidentified but widely believed to be GAM.

These anti-GAM fronts may prove after all to be no threat to the peace process. They are worth flagging, however, as potential spoilers largely because there is a well-established pattern, and not just in Aceh, of the security forces working through such civilian groups when they are unhappy with a central government policy but want to maintain plausible deniability.

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<sup>37</sup> "Giliran Anggota Berantas Diculik", Serambi, 12 August 2005. The militia group's name literally means "eradicate" but is an acronym for Benteng Rakyat Anti-Separatis, People's Bastion Against Separatism.

### **XIII. HOW DONORS CAN HELP**

The donor community has shown itself more than eager to help in trying to keep the peace process on track. What is needed now, especially given the tight schedule and lack of time to think through all contingencies, is the flexibility to respond quickly as needs and opportunities arise.

**Information.** As emphasised throughout this briefing, dissemination of information -- what the Indonesians call "socialisation" -- will be critical to the success of every provision of the agreement. Even before the monitors arrive, the AMM is going to have to begin thinking about how details of the agreement are disseminated and how websites and other channels used by the two sides, including text messaging, can be monitored to ensure that as far as possible, a single message is going out about its provisions. It needs to be alert to and correct "deviant" versions. Press releases in Indonesian and English from a central office in Banda Aceh will not be enough.

The AMM needs to provide information to various stakeholders about what to expect from the agreement, so that expectations are not too high among potential beneficiaries and fears not too high among potential spoilers. It needs to identify groups with particular concerns, such as those displaced by the tsunami and villagers living in areas targeted for reintegration. It needs to keep a steady dialogue going with members of parliament and the armed forces, so as not to be blindsided by developments in Jakarta.

A regular communications channel is required to the Acehnese public, through local newspaper, television, and especially radio, and to the local and international aid community working on reconstruction.

What is necessary is not just a public relations effort but a sophisticated way of providing a variety of constituents with information about what they can realistically expect from a program, in what time frame, and with what results. That information is going to be crucial to the buy-in of various parties at every step.

In the aftermath of the tsunami, efforts are underway to build an early warning system to alert the population to impending natural disasters. It might be worthwhile considering if some of the communications techniques envisaged for this system could be applied to the communications needs of the immediate post-agreement period.

**Beneficiary Profile.** One particularly urgent need is technical assistance in compiling a profile of beneficiaries

-- prisoners, combatants, and potential victim claimants -- for planning with respect to reintegration, reconciliation, and overall budgeting of the peace process. Part of that process is also to figure out who needs to receive that information for planning purposes, but also how the privacy and security of the individuals concerned can be safeguarded. Donors can also help government and international aid agencies think through how to avoid the inevitable problem of fictitious or ghost claimants to benefits.

**Assessment of land options.** Land is always a complex and immensely sensitive issue. This was demonstrated in the aftermath of the tsunami, when records were destroyed, ownership became a question, and new claims were staked to land once occupied by victims. Given the MOU's land promises, the government needs to have ready (and may well already have) a detailed plan for how many hectares are available for distribution and where; what kind of skills are required to work them; how many potential beneficiaries are likely to receive land and what the criteria for determining amounts will be; what potential counterclaims exist; what legal title to the land will be granted; what physical infrastructure, including housing, sanitation facilities, and schools, exists on the land in question and what needs to be done at what cost to make existing buildings usable; what consultation has taken place or is needed with the local community; and what agencies will be responsible for overseeing land preparation, skill training, and legal clearance. The sooner these questions are worked out, the easier it will be for the AMM and the various agencies tasked with implementing the peace process to anticipate and overcome problems.

**Policing.** The donor community is already supportive of security sector reform and acknowledges the critical role of policing in Aceh but it is worth underscoring that this is an area where a visible change from the past is essential. The MOU specifies that an organic police force will remain in Aceh to take the primary role in providing security and that it will be given special human rights training both in Aceh and overseas. The provincial police chief in Aceh specifically asked for such training, and IOM conducted an initial three-day course for 50 officers in mid-August. The important thing, though, is that the Acehnese public sees new approaches to recruitment, zero tolerance of extortion and illegal levies, more direct involvement with the community, and a clear phasing out over time of the role of the paramilitary police, Brimob. If there is no sense that a genuine transformation is taking place in the institution, no amount of human rights training will make a difference, and nothing will persuade Acehnese that if they feel threatened, they can rely on the police for protection. Again, an information strategy on security is essential.

**Visible peace dividends.** All experts on demobilisation, disarmament and reintegration (DDR) agree that visible benefits from the peace process are critical. A search is underway for quick-impact projects that can provide a sense of forward movement. In Aceh, the trick is not just to ensure that these projects are genuinely integrated into local markets and the local economy, but that they do not come at the expense of tsunami victims. It is also important that any quick-impact projects involve and are seen to involve the local government, because dynamics of distrust and rebellion will actually begin to change only if some faith in that institution is created -- not restored, because it is non-existent.

**Integration with reconstruction effort.** One of the strongest reasons to believe the peace process will work is because it can be tied to the reconstruction effort, not in the sense of politicising the latter (a development to be avoided at all costs) but in the sense of working together to build a new Aceh, physically, economically, and politically. Institutionalised cooperation, consultation, and coordination with reconstruction bodies, in particular the Reconstruction and Rehabilitation Agency (Badan

Rehabilitasi dan Rekonstruksi, BRR) will be essential so that the effort can serve the long term goal of peace without jeopardising its basic mission. At the same time, it is essential that the BRR remain and be seen to remain absolutely apolitical. In areas affected by the conflict, amnestied prisoners and combatants should not get better jobs, housing, or land than the average villager.

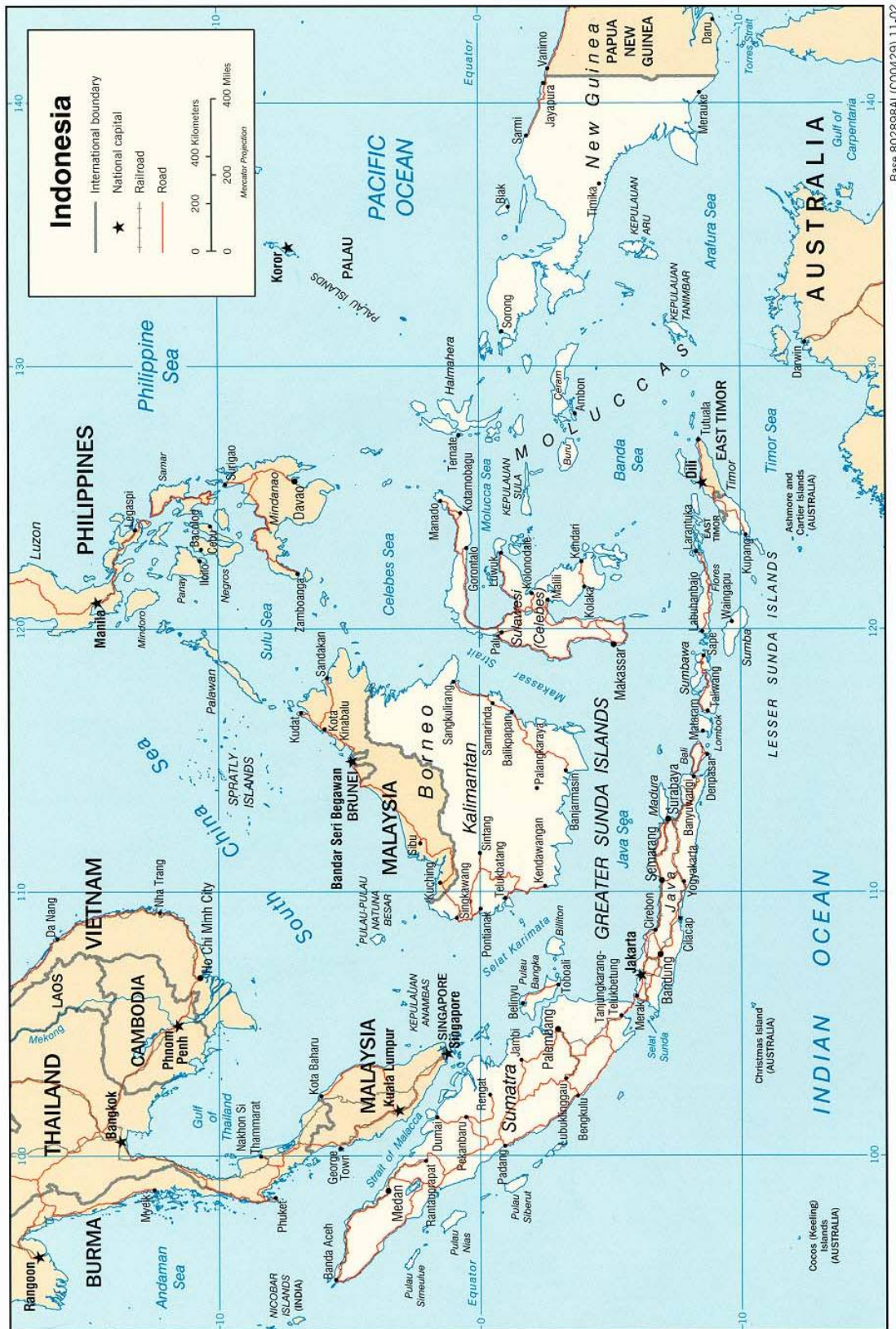
**Keeping an eye on Jakarta politics.** All involved in the peace process, including donors, need to keep one eye on Jakarta politics to see how developments there might affect the peace. Vice President Kalla has rivals who might want to undermine the Aceh agreement as a way of striking at his credibility and legitimacy. Aceh could also become a political football in the run-up to a possible Cabinet reshuffle in October 2005.

All this is to underscore that achieving peace will not be easy. But the August agreement can work if people avoid blind optimism and set to work in earnest to tackle the obstacles.

**Jakarta/Brussels, 15 August 2005**



## APPENDIX A MAP OF INDONESIA



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