

## Aceh

More than a year after the signing of the memorandum of understanding between the government of Indonesia and the Free Aceh Movement (Gerakan Aceh Merdeka [GAM]), conditions appear promising in Aceh. The Aceh Monitoring Mission (AMM), a joint effort of the European Union, Norway, Switzerland, and five countries of the Association of Southeast Asian Nations (ASEAN), successfully monitored the decommissioning and demobilization of GAM troops and relocation of Indonesia's military and police forces. Peaceful elections were held on 10 December 2006, a remarkable achievement given Aceh's troubled history. However, challenges remained in implementing some elements of the memorandum. New legislation on the governing of Aceh had been promulgated, but there was opposition to provisions perceived as inconsistent with the memorandum of understanding. A human rights court and a truth and reconciliation commission (TRC) have not been established, and economic recovery and reintegration were uneven. AMM was scheduled to withdraw on 15 December 2006, with a sense of accomplishment, but a number of political, economic, and justice questions remained unsettled.

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### Background

On 15 August 2005 the government of Indonesia and GAM signed a memorandum of understanding that ended thirty years of secessionist violence in Aceh. The memorandum followed the breakdown of the 2002 Cessation of Hostilities Agreement (COHA), which led to the declaration of martial law in Aceh in December 2003. In October 2004, President Susilo

Bambang Yudhoyono won Indonesia's first national democratic election. Despite campaign promises to end the war in Aceh, Yudhoyono extended martial law. Then, on 26 December 2004, the Indian Ocean tsunami struck the northern and western coasts of Aceh, killing some 200,000 people and displacing over half a million. As humanitarian agencies arrived in Aceh, GAM and the government held five rounds of negotiations facilitated by the Crisis Management Initiative (CMI) in Helsinki, which led to the signing of the memorandum of understanding eight months later.

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### AMM: Mandate and Functions

The memorandum of understanding mandated the AMM to monitor implementation of various aspects of the peace agreement. In September 2005, AMM was deployed by the European Union, Norway, Switzerland, and five ASEAN countries (Brunei, Malaysia, Philippines, Singapore, and Thailand). AMM's tasks include monitoring the demobilization of GAM and the decommissioning of its armaments, relocating nonorganic military and police troops,<sup>1</sup> and reintegrating active GAM members. It also has responsibilities for monitoring the human rights situation and legislative reform, ruling on amnesty cases, and managing alleged violations of the memorandum of understanding.

AMM is a civilian mission within the framework of the European Security and Defense Policy (ESDP). The EU's Political and Security Committee (PSC) exercises political control and strategic guidance of AMM under the responsibility of the European Council.

The costs of the mission are financed from the EU budget and by contributions of EU member states and participating countries. The legal basis for AMM is found in two key documents: the August 2005 memorandum of understanding and the European Council’s Joint Action of 9 September 2005.

On 15 August 2005, an initial monitoring presence (IMP) was established; twelve days later it was deployed to prevent a potential vacuum after the signing of the memorandum of understanding. It consisted of eighty monitors from EU and ASEAN countries deployed across five locations for the period between the signing of the memorandum and the full deployment of AMM. The timely presence of the IMP provided an early demonstration of the EU and ASEAN countries’ commitment to the peace process, while contributing to confidence building among the population of Aceh. AMM became operational on 15 September 2005, the date on which the decommissioning of GAM armaments and the relocation of military and police forces began. With an initial mandate of six months, AMM was extended three times, for three-month periods, at the request of the parties, through to 15 December 2006.

During the decommissioning phase, AMM numbered approximately 220 international unarmed personnel. The decision to field a civilian rather than military mission was made in view of Indonesia’s sovereignty concerns. Upon completion of the security arrangements, AMM downsized to eighty-five people, of which almost two-thirds came from EU member states as well as Norway and Switzerland, and the rest from the five participating ASEAN countries. The mission, whose headquarters is in Banda Aceh, established eleven district offices geographically distributed throughout Aceh. Monitors conduct their tasks by patrolling and communicating with both parties, and by carrying out inspections and investigations as required. The approach of AMM is to act as a facilitator and to build confidence between the parties. In its final phase, the mission numbered only thirty-six monitors, based in Banda Aceh.



<b>EU Aceh Monitoring Mission (AMM)</b>	
• Authorization date	9 September 2005 (Joint Action 2005/643/CFSP)
• Start date	August 2005
• Head of mission	Pieter Feith (Netherlands)
• Budget	\$19.7 million (October 2005–September 2006)
• Strength as of 30 September 2006	Civilian observers: 36

While the EU has previously carried out peace operations in the former Yugoslavia, the Caucasus, and the Democratic Republic of Congo, Aceh represents the first ESDP mission in Asia. As such, AMM is breaking new ground and may serve as a model for the way the EU will conduct crisis operations in the future. For ASEAN, participation in AMM signals a move away from past policies of “noninterference” in the activities of member states, and toward an emerging common security or defense mechanism. The nature of the

arrangement—with ASEAN countries participating but not ASEAN as an organization—reflects a tentative and significant step toward a peacekeeping role for the organization. The combination of EU and ASEAN monitors has provided increased legitimacy for AMM. ASEAN personnel contributed cultural awareness and regional knowledge, while the EU presence provided diplomatic and financial weight, as well as managerial coherence. Both the EU and ASEAN reiterated their full respect for the territorial integrity of Indonesia and the future of Aceh within it. The government of Indonesia welcomed the arrangement.

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### **AMM: Key Developments and Challenges**

#### *Security*

Decommissioning and relocation were carried out remarkably smoothly in four parallel processes between 15 September 2005 and 5 January 2006. In accordance with the memorandum of understanding, GAM handed over all of its 840 weapons to AMM, and on 27 December 2005 it officially disbanded its military wing. The government of Indonesia fulfilled its commitments by relocating a total of 25,890 nonorganic military and 5,791 nonorganic police out of Aceh. The number of police and military forces remaining in Aceh, as verified by AMM, is within the maximum strength specified in the memorandum of understanding: 14,700 for the Indonesian military (the Tentara Nasional Indonesia [TNI]) and 9,100 for the police. Since the completion of the security arrangements, Aceh has been violence-free, with the exception of a few incidents, but these have not threatened to derail the peace process.

Regular meetings of the Commission on Security Arrangements (COSA), which comprises government of Indonesia, GAM, and AMM representatives, were held throughout the decommissioning/relocation phase at the

provincial and district levels (D-COSAs) and continue to be held as forums for discussion and building trust between military, police, and GAM field commanders. The COSA and D-COSA meetings have been a crucial element in building confidence between the parties themselves, as well as between the parties and the local communities.

AMM has also used the D-COSAs as an opportunity to explain the memorandum of understanding to the parties at the field level and to civil society. Tim Sosialisasi Aceh Damai, commonly known as Timsos, or the Socialization Team, was formed as a mechanism through which GAM and the government of Indonesia would jointly design and disseminate to stakeholders information about the peace process, preventing the parties from spreading propaganda. The donors (the World Bank, the UN Development Programme [UNDP], the US Agency for International Development [USAID], the International Organization for Migration [IOM], and AMM) have done most of the work to prepare a public information campaign, while GAM and the government of Indonesia have signed off. This facilitated the rapid dissemination of information about the memorandum of understanding to the district and village levels. It also provided a forum for donors to support the peace process, without the appearance of their logos on the material.

The fact that both parties were prepared to carry out their security-related commitments in good faith is the most significant factor in the smooth implementation of the decommissioning, demobilization, and relocation of troops. Without a good faith effort by both parties, no amount of outside monitoring could have achieved the current results. However, AMM's role in reinforcing this good faith was significant. Its dissemination of information to the parties at all levels of implementation, as well as its creation of a forum for airing grievances, acted as confidence-building measures. It also built awareness and support for the peace process within

the wider civilian community. Additionally, AMM provided an international spotlight on the Aceh conflict, signaling the commitment of the international community to its resolution. Both parties understood that their international reputations were at stake, and that millions of dollars of aid money would leave the province should the violence continue. While AMM can be credited with successfully completing its mission with regard to security arrangements, it is the cooperative efforts of the two parties that allowed AMM to achieve this success.

### *Political Process*

The memorandum of understanding specifies that new legislation, the Law on the Governing of Aceh (LOGA), be promulgated and enter into force no later than 31 March 2006. This deadline was not met by the government of Indonesia, as it took longer than expected to secure parliamentary approval. The LOGA was initially drafted in Aceh by the provincial legislature (the Dewan Perwakilan Rakyat Daerah [DPRD]) after consultation with elite politicians and businessmen in the capital, Banda Aceh. The process, however, lacked input from Acehnese outside the capital city. The draft was then sent to the national parliament in Jakarta, where it was the subject of significant debate and editing, with little participation from GAM or civil society leaders in Aceh.

The LOGA was finally approved by the national parliament (the Dewan Perwakilan Rakyat [DPR]) on 11 July 2006, and then signed into law by the president on 1 August. Because of the lack of consultation and consensus building during the process, the law was received with widespread protests. GAM sent a letter to the government, AMM, and the CMI detailing the provisions of the law it viewed as not consistent with the memorandum of understanding. Sixty nongovernmental organizations in Aceh formed a coalition protesting the law, and organized public demonstrations. The government provided some



(AP/Insar Bakkara)

A Free Aceh Movement member surrenders his weapons to the Aceh Monitoring Mission in Banda Aceh, Indonesia, 15 September 2005.

clarification, but by the end of October had not yet indicated that it would revise the law. Peaceful elections were held on 10 December 2006, the first time Acehnese were able to elect the governor, vice governor, and 19 district heads in free and fair elections. This key test of Aceh's new autonomy resulted in a decisive victory for GAM gubernatorial candidate Irwandi Yusuf and running mate Muhammad Nazar. Interpreting its mandate narrowly, the AMM claimed its mission had been fulfilled by monitoring the process of legislation reform, as the LOGA had been promulgated and elections held.

### *Justice*

While steps have been taken toward fulfilling the memorandum of understanding's provisions regarding justice and human rights, overall progress is slow. In accordance with the memorandum, 1,789 GAM prisoners were re-

leased immediately upon its signing. However, there are still some sixty-five unresolved cases that AMM is in the process of ruling on. The key issue for these cases is the uncertainty over whether the charges are related to GAM activities or to criminal acts committed by Acehnese.

The first of the three provisions in the memorandum of understanding regarding human rights requires the government of Indonesia to adhere to the International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights. On 30 September 2005 the Indonesian government passed two bills formally ratifying the two covenants.

However, there has been little movement to fulfill the second human rights provision of the memorandum of understanding, which calls for a human rights court to be established. Similarly, the truth and reconciliation commission specified in the memorandum has yet to materialize. Until the president appoints members of the national-level TRC, the commission in Aceh cannot be established. Five civil society seminars have been held to discuss the form the TRC will take when it is established. It appears that Aceh will choose a modified South African-style model, in which perpetrators who tell the truth will be granted amnesty.

Informally, AMM staff claim that neither party has pushed for the implementation of either a human rights court or a TRC, as there have been human rights violations committed by both sides, and neither side is eager to be brought to justice. AMM maintains that it has been restrained in encouraging implementation of the human rights provisions of the memorandum of understanding, as its responsibility is to monitor the progress of the parties. The implication of this reasoning is that AMM should remain in Aceh until the parties fulfill their human rights obligations.

#### *Economic Recovery*

Economic recovery is complex, as tsunami reconstruction is occurring in parallel to reintegration activities. Moreover, both have been slow. In February 2006 the governor of Aceh

formed the Aceh Reintegration Agency (Badan Reintegrasi Damai Aceh [BRDA]), to manage reintegration assistance. The relationship between the BDRA and the Rehabilitation and Reconstruction Agency (Badan Rehabilitasi dan Rekonstruksi [BRR]) is not well defined. There is confusion about how to provide assistance to villages that are both tsunami- and conflict-affected. Many Acehnese are frustrated with the lack of transparency in both the reconstruction and the reintegration processes, and with the lack of progress since the tsunami and the signing of the memorandum of understanding. Combined with unemployment, this frustration has the potential to become an obstacle to the peace process.

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#### **Conclusion**

AMM was scheduled to leave Aceh on 15 December 2006, five days after the elections. While it can be said that AMM has succeeded in monitoring the decommissioning, demobilization, and relocation of troops, other aspects of its mandate remain incomplete. For example, AMM is meant to monitor the reintegration of GAM ex-combatants, which remains unfinished. It is supposed to monitor the fulfillment of human rights commitments made by the parties in the memorandum of understanding; however, no movement has been made on a human rights court, nor on a truth and reconciliation commission. And AMM is supposed to monitor the process of legislation change. While the LOGA has been promulgated, it has been met with widespread dissatisfaction. The December elections marked a significant step toward stable peace in Aceh, a remarkable achievement in view of the thirty-year civil war that the peace process brought to an end. However, key elements of the memorandum of understanding remain to be implemented, which will require close cooperation between the new governor and Jakarta.

AMM did not enter Aceh with a clear exit strategy, and as the year drew to a close, the EU in particular was seeking a rapid exit. If such a strategy had been formulated, based on

substantive benchmarks—rather than on improvised indicators related to speed—it is likely the mission would have remained beyond the end of 2006 to ensure a sustained peace.

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**Note**

1. “Nonorganic” refers to military and police forces not based in Aceh, but sent to Aceh to support the military offensive.