A sensitive mission

monitoring Aceh’s agreement

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The Memorandum of Understanding (MoU) included the establishment of a mechanism for overseeing its implementation, the Aceh Monitoring Mission (AMM). The AMM’s objective was to assist the Free Aceh Movement (GAM) and the Indonesian government with the implementation of the MoU and ‘to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh.’ Its specific tasks were to:

- Monitor the demobilization of GAM and the decommissioning of its weapons;
- Monitor the redeployment of ‘non-organic’ Indonesian Armed Forces (TNI) and police;
- Monitor the reintegration of GAM, the human rights situation, and legislative change;
- Rule on disputed amnesty cases;
- Investigate violations of the MoU.

The AMM was set up as a civilian mission headed by the EU’s Pieter Feith, reporting directly to the Secretary-General of the European Council, Javier Solana. It comprised monitors from the European Union (EU), Norway and Switzerland as well as five Association of South East Asian Nations (ASEAN) countries: Thailand, Malaysia, Brunei, the Philippines and Singapore. The AMM’s first mandate period was six months, extended three times until 15 December 2006. During this time the number of monitors was progressively decreased as the security situation improved. From 15 September to 31 December 2005 the AMM had 125 EU and 93 ASEAN monitors on the ground. At the end of the mission there were only 29 EU and 7 ASEAN monitors left. The AMM had its headquarters in the provincial capital of Banda Aceh.

It was then initially divided into 10 and later 11 district offices covering all of Aceh. They were based in Sigli, Bireuen, Lhokseumawe, Langsa, Lamsel/Caleg, Meulaboh, Blang Padie, Tapaktuan, Kutacane, and Takengon.

Weekly meetings of the Commission on Security Arrangements (COSA) were held at the Banda Aceh headquarters, chaired by Feith and attended by senior representatives of GAM and the Indonesian government, police and military. The engagement of such senior representatives as GAM’s Irwandi Yusuf and the Indonesian military commander in Aceh, Major-General Bambang Darmono, was key to its success. There were also meetings at the district level (DICOSA).

These meetings provided a forum at which to raise security issues, questions and complaints in a speedy manner and to resolve them before they became real obstacles. The COSA and DICOSA meetings were further supported by the dispute resolution
Dealing with combatants
The AMM’s initial focus was on security issues. Its role in the parallel processes of GAM decommissioning and TNI redeployment became the mission’s greatest success.

Amnesty
In order to build GAM’s confidence in the peace process the amnesty had to be implemented early and quickly. The AMM’s key function was to monitor the releases and sustain pressure on Jakarta to ensure that amnesties were carried out speedily and completely. Indeed, the first round of releases came only two days after the MoU, with 298 released to mark Indonesia’s Independence Day on 17 August 2005. On 30 August the official amnesty was granted through Presidential Decree 22/2005, after which another 1424 were released.

A small number of disputed cases delayed the completion of the amnesty process. As the amnesty applied only to those GAM prisoners who were involved in the insurgency, not to those convicted on criminal charges, disputes arose as to whether certain prisoners had been involved in criminal activity. These disputed cases created discontent within GAM, which to some extent, rightly or wrongly, blamed the AMM.

Decommissioning
Decommissioning was a litmus test for the peace process. It was over precisely this issue that the 2002-03 Cassation of Hostilities Agreement (COHA) had started to unravel. Four specially trained decommissioning teams supervised the handing in of weapons. The first phase of decommissioning was scheduled to start on 15 September, effectively giving the decommissioning teams only two weeks to put everything in place. Nevertheless, 62 weapons were surrendered in Banda Aceh on schedule and three days later the round was completed when a further 279 weapons were handed over, of which 243 were accepted.

The second round of decommissioning took place in mid-October and resulted in a total of 291 weapons being handed over, of which 58 were rejected. This phase further strengthened the Indonesian government’s confidence in the process because many of the weapons were surrendered by a reputed GAM hardliner, Bireuen commander Darwish Jeunib. The
third round of decommissioning in November almost collapsed when GAM’s representative on the decommissioning team was suddenly replaced and the new representative declared there were no more weapons left, when EU monitors had observed more weapons. In the end, GAM surrendered 288 weapons in November (222 accepted) and another 162 weapons in December (142 accepted). The last weapons-cutting ceremony was held in Banda Aceh on 21 December, representing a total of 840 weapons accepted and destroyed. Despite the challenges, all parties involved declared the process a resounding success.

Redeployment
The four rounds of Indonesian troop redeployment ran from September to December 2005. The first phase of redeployment began on 14 September with the withdrawal of 1300 mobile police (Brimob), followed by the redeployment of two military units of the TNI. By the end of redeployment 25,890 TNI and 5791 Brimob had been withdrawn, bringing the total to 31,681 ‘non-organic’ security forces redeployed.

While the process as a whole went smoothly, the AMM raised two issues during the early period. The first was continued aggressive patrolling by the TNI and allegations of harassment, beatings and extortion by Brimob. The second was repeated reports of intimidation of ex-GAM by members of the TNI intelligence unit. Both issues could have undermined the process, but ceased to be a problem once the AMM brought them to the attention of Major-General Darmono.

The troop redeployments were verified by the AMM and GAM was informed at each COSA meeting. This was followed by an overall verification from 14 January to 15 February 2006 in which the AMM monitored the remaining troops in the various districts and concluded that the Indonesian government had fully complied with the MoU.

Reintegration
Once the decommissioning had been completed, the reintegration of former GAM combatants became a key priority. According to the MoU, the AMM’s role was to monitor the reintegration of GAM ex-combatants into society, including Amnestyed prisoners. Implementation of the reintegration programs was to be carried out by international agencies, local government, and a new government agency called the Aceh Reintegration Board (BRA).

As Lina Frödin describes in her article in this publication, there were many problems with reintegration schemes, including delays in the disbursement of funds and reports of ex-combatants receiving less money than intended. Tensions ensued over the ultimate fate of funds disbursed, compounded by unrealistic expectations among ex-combatants and lack of capacity. Although the bulk of the criticism was levelled at the Indonesian government and BRA rather than the AMM, some blamed the AMM for not pressing the government harder.

Other criticisms came from within the AMM itself. Some believed that the main problem was inexperience in reintegration processes as a whole, starting with the rapid drafting process of the MoU itself. The AMM was faced with monitoring the implementation of a process, on the final form of which there was no real consensus. Moreover, the AMM did not start focusing fully on reintegration until after decommissioning was completed. And finally, there was criticism of the AMM’s top-down structure, which had been adopted to safeguard its personnel in a hostile environment and allow for speedy evacuation. However, this structure proved less appropriate to dealing with complex social issues such as reintegration.

The AMM and political transition in Aceh
If security issues were tackled efficiently, the political issues proceeded at a slower pace and movement on the human rights provisions of the MoU was almost non-existent. The key political processes that the AMM had to oversee were the drafting of the Law on Governing Aceh (LoGA), followed by the first direct elections for governor. The AMM was also responsible for monitoring the human rights situation and the establishment of the Human Rights Court and Truth and Reconciliation Commission (TRC).

According to the MoU, new legislation was to be drafted for Aceh based on the principle that it would exercise authority within all sectors of public affairs except foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, which belong to the Government of the Republic of Indonesia. Aceh was to be consulted by the Indonesian Government on international agreements relating to matters of special interest to Aceh. Decisions concerning Aceh by the national legislature were to be taken in consultation with the legislature of Aceh and with its consent. Finally, by-laws (Qanun) were to be re-established for Aceh respecting its historical traditions and customs as well as reflecting more contemporary requirements.

Drafting and redrafting the LoGA only started after decommissioning and redeployment had been completed and then took more than five months. Indonesian parliamentarians in Jakarta, aware that Aceh undoubtedly would become an example for other provinces, wrangled over how much autonomy the
province should receive. They missed the deadline of 31 March 2006 stipulated by the MoU, finally passing the LoGA on 12 July. It comprises 40 chapters and 278 articles.

Pressure from the AMM was important in getting the legislation passed. According to Indonesian Justice Minister Hamid Awaluddin, ‘they played a significant role in pushing us to keep to the timeframe but without interfering in the substance.’ From an Indonesian point of view, this confirmed the AMM’s impartiality. However, there was criticism from GAM and a wide range of civil society organizations. At the local level Acehnese political and human rights activists thought the role of the central government was still too great, criticisms to some extent reflected in GAM’s concerns about the scope for interference from Jakarta, as the LoGA allows the central government to ‘set the norms, standards, and procedures as well as monitor’ governance in Aceh. Some GAM members blamed the AMM for failing to put more pressure on the government to bring the LoGA into line with the MoU.

At a national and international level, human rights organizations pointed out that the LoGA, especially its provision for Shari’ah Law, contradicted international conventions recently ratified by the Indonesian government guaranteeing minority rights, religious freedom, freedom of expression and gender equality. It was also not in line with the MoU’s stipulation that ‘the legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights provided for in the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.’ Human rights organizations contended that the AMM, tasked to monitor legislative drafting, should have prevented or at least discouraged the inclusion of provisions incompatible with human rights. After the LoGA was passed the date for the first direct elections for governor and vice-governor as well as 19 regents and mayors was set for 11 December 2006. For the 2.6 million Acehnese eligible to vote, the elections were a sign that the peace process was becoming irreversible.

While the political processes were concluded late but fairly successfully, there was little progress on human rights issues. By the time the AMM ended its mission neither the Human Rights Court nor the TRC had been established. This was the result of four factors. First, the AMM had to work in a highly sensitive environment where pushing too hard on human rights risked the mission as a whole. Second, the AMM had no sanctioning power. Third, its mandate only covered the violations by either GAM or the Indonesian security forces. And fourth, there was reluctance within the AMM leadership to push on human rights. As one AMM official pointed out, ‘human rights is not well coordinated or competently represented. The concept is non-existent, there are no policies and the area is weak, confused and aimless.’ Several other AMM members claimed that every time they wanted to raise human rights or be more pro-active in this area they were ignored, marginalized or even silenced. Ironically, the AMM’s reluctance to push for the implementation of those aspects of the MoU contributed to the mission’s achieving its overall aims.

Conclusions

There is no question that the AMM as a whole was a success. Aceh has been transformed from a battlefield into one of the most democratic areas of Indonesia. Without the AMM’s monitors and expertise the Aceh peace process may have collapsed early on. Indeed, it was the impartiality and the confidence the AMM inspired in both GAM and the Indonesian military that allowed for the crucial decommissioning and redeployment to be carried out and the subsequent political changes to take place. Yet it is also very clear that monitoring the MoU’s security elements was far more successful than monitoring the agreement’s political and human rights elements. One of the reasons for this was the fact that the AMM had an active, well-defined role in decommissioning and redeployment, and was fully supported by the international community.

The mandate on human rights was less well defined and the EU provided neither guidance nor political backing for a more assertive AMM approach. The presence of the ASEAN member countries on the AMM undoubtedly also played a role. The AMM’s role with respect to legislative change and human rights was consequently interpreted more as one of passive monitoring with a focus on process rather than substance. The AMM did not consider it appropriate to comment on the content of the LoGA and considers the fact that neither a Human Rights Court nor a TRC were established during its mandate period to be a failure of the Indonesian Government, not its own. Not surprisingly, views on this point differ markedly. Human rights activists, including those from within the EU and the AMM, believe that it was the responsibility of the AMM to push harder on human rights. It may well be that the human rights mandate of future international monitoring missions needs to be more limited or sequenced so that the overall mission is not jeopardized. What is certain is that any human rights mandate and the role of the mission in implementing it need to be more clearly defined. Monitoring missions must also receive unequivocal political backing and guidance from their ‘home institutions.’