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Peace Agreement with GAM: End of the Peace Process?

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ON MONDAY 15 August 2005, a Memorandum of Understanding (MOU) was signed between the Government of Indonesia (GoI) and the Acehnese separatist group, *Gerakan Aceh Merdeka* (GAM). This is a historic peace agreement because it is the first accord between GoI and GAM that addresses the substantive issues of the protracted conflict in Aceh.

The formal peace process began in the aftermath of the December 2004 tsunami that severely affected the Acehnese province. The culmination in an MOU after an eight-month rollercoaster ride that involved five rounds of official negotiations is a significant achievement, no doubt. But does this euphoric moment mean the end of the peace process? No. The implementation of the agreement is equally, if not more, important than the signing of the treaty.

Unlike past attempts in Aceh, the chief focus of the current peace process was to achieve a political solution to the conflict rather than to cease the violence on the ground. This strategy seems to have paid off. In many peace processes worldwide, violence during peace talks has the ability to derail the peace negotiations. The latest Aceh peace process was not an exception. Clashes continued throughout the period of the peace talks. In just over a month after the December tsunami, there were more than 50 clashes between the Indonesian military (TNI) and GAM. The ability to sustain the peace process and keep it on track despite the violence is a feather in the cap of the GoI and GAM as well as the Helsinki-based Crisis Management Initiative (CMI), which acted as the facilitator.

Details of the Agreement

GoI has managed to achieve two of its key demands in the peace negotiations. First, Aceh remains within the unitary state of Indonesia. Second, unlike East Timor, there will be no independence referendum in Aceh. In return, GoI has had to grant a fair degree of autonomy to Aceh. The provincial state of Aceh will now exercise greater control over its civil and judicial administration. In line with the Special Autonomy Law on Aceh, *Wali Nanggro*e, or a ceremonial head of state, has also been instituted. It is likely that this post will be bestowed on Hasan di Tiro, the *de facto* leader of GAM.

On the issue of political participation, GoI has agreed to allow the formation of local political parties. Since this requires amending the national law, it is a significant concession on the part of GoI. The residents of Aceh now also have the right to nominate candidates for the

positions of all elected officials to contest in the April 2006 provincial elections. One potential problem that needs attention is whether GAM will be allowed to embark on a political campaign in Aceh before the establishment of local political parties.

Aceh will also have considerable autonomy over its economy. Other than controlling the ports, the province will be able to manage taxes and attract foreign direct investment into Aceh. Most importantly, it will hold on to 70 per cent of its provincial revenues, notably from oil and gas. Although there is provision for auditors to validate the allocation of funds, the transparency of this process will be vital in determining its effectiveness. GAM has also been allowed to take part in a post-tsunami reconstruction commission. While this is commendable, measures may need to be instituted to ensure that GAM does not misuse its position in this commission for its political ends.

The peace agreement also provides for the protection of human rights. GoI has acceded to the establishment of a Human Rights Court in Aceh and agreed to abide by the United Nations International Covenants. Whether the Human Rights Court will have the power to prosecute offenders remains to be seen. Another significant absence is the acknowledgement of past human rights atrocities and efforts that will be taken to tackle them. While the formation of a Truth and Reconciliation Commission is part of the MOU, the details of its mandate will determine the extent to which the decades of suffering by the Acehnese will be addressed.

There are two significant and related achievements of the MOU. GoI has assented to reinstate Indonesian citizenship to foreign GAM rebels as well as grant amnesty to GAM members. This is noteworthy for two reasons. First, it allows exiled GAM leaders to return to Aceh. Second, it paves the way for the reintegration of GAM rebels into Acehnese society. The latter point cannot be overemphasised. Many GAM members have been fighting all their life and hence do not possess any professional skills. They might find it easier to return to armed conflict if they are not well-integrated into mainstream society. GoI has agreed to assign farming land for GAM rebels. While this is a step forward, additional efforts may be needed to educate and motivate the GAM insurgents to acquire vocational skills.

Disarmament and demobilisation of GAM is part of the agreed security arrangements. While this is necessary, the focus of the MOU should not revolve around the disbanding of GAM. Instead, incentives could be set up for GAM members to disarm voluntarily. The relocation of non-organic military and police forces is said to take place in parallel with the disarmament of GAM. Both sides need to ensure that it does not result in a security dilemma where either party is hesitant to make the first move.

The setting up of an Aceh Monitoring Mission (AMM) that includes European Union and ASEAN countries to observe the implementation of the MOU is a good sign. The institution of a dispute settlement mechanism is also a step forward. But the robustness of the AMM and the dispute settlement procedure will greatly depend on the extent to which both GoI and GAM will comply with the mission's decisions during times of disagreement.

Conclusion

Now that a peace accord has been reached, it is time for GoI and GAM to work together towards a common future for Aceh. It is possible that some GAM rebels may not fully agree with the peace agreement reached and may still resort to armed conflict. Hence the violence on the ground may not cease overnight. In such a case, it is imperative that the TNI and

police do not overreact to any attempts by insurgents to incite violence. In short, any future incidents of violence should not be allowed to disrupt the implementation of the peace agreement.

The time is also ripe for both sides to build trust. Relocating discussions on the technical details of the MOU within Indonesia will go some way in fostering confidence between GoI and GAM. Over the last few decades, the Acehnese people have been promised many things but little has seen daylight. It is now in the hands of the GoI and GAM to ensure that the Acehnese experience what it means to live in peace and harmony.

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