

**Support for Post-Conflict Aceh's Local Elections, Reintegration,
and Access to Justice:
UNDP Indonesia Experience**

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I. Context: History and Challenges

Aceh has traditionally been one of the restive provinces in Indonesia. Armed secessionist rebellion has taken roots in Aceh since 1976. The Indonesian government has traditionally taken a heavy-handed approach to suppress the rebellion. The introduction of DOM (*Daerah Operasi Militer/Military Operation Zone*) in Aceh had brought about more resentment from the local population towards the Indonesian rule. The fall of Suharto changed the government's approach. DOM was scrapped in August 1998; three months after Suharto stepped down. However, the state of violence hardly changed. Sensing an opportunity, the rebel GAM (*Gerakan Aceh Merdeka – Free Aceh Movement*) stepped up armed actions. The government then responded by a Military Emergency in late 2003, and then followed by a Civil Emergency, which lasted until May 2005. The three-decade conflict has caused tens of thousands of casualties, mostly civilian population. Various efforts had been launched to solve the conflict, such as the Humanitarian Pause Agreement in 2000 and Cessation of Hostility Act (CoHA) in 2003, but all had come to naught; and the conflict had been intensified by the day.

Ironically, it took no less than a demonstration of tremendous human suffering after the tsunami disaster to get the conflicting parties back to negotiation table. The 26 December 2004 tsunami has provided the rude awakening of the need to find a solution to the Aceh conflict. The signing of a memorandum of understanding in Helsinki between the Indonesian government and GAM on 15 August 2005 marked a new historic milestone in the elusive quest for peace in Aceh.

Among the points of agreement are: (1) GAM is willing to give up the demand for independence and it is also willing to cease the armed struggle that has been used to fight the Indonesian authority; (2) in return, the Indonesian government will provide a general amnesty to all GAM combatants, and an avenue for GAM members to participate in local politics in Aceh, as well as providing livelihood for former combatants.

Both sides have followed up consistently on the dictates of the Peace MoU. GAM has surrendered their weapons to the AMM (Aceh Monitoring Mission, a joint mission established by the European Union and five ASEAN member countries to monitor the application of the peace agreement). The TNI (Indonesian military) responded by redeploying some 30,000 troops outside of the province.

The Peace MoU also gave way for a local election in Aceh to elect the Governor, District Heads (Bupati), and mayors in 18 of 21 district and municipalities in the province. The MoU allows for independent candidates to run in the election, a unique experiment not

found in the other local election cases in Indonesia. The independent slots were meant to allow participation for former GAM members to run in the election as candidates.

II. The Intervention

There are three types of Democratic Governance intervention in post-conflict Aceh, i.e., support for the upcoming local elections, support for the process of reintegration of the former combatants, and support for improving access to justice, which were later expanded into projects. The three projects are meant to complement each other. The justice support seeks to improve the access of ordinary Acehnese to fair and impartial judicial process, as well as looking at possible avenues where victims can address past human rights violations. The support for reintegration aims to ensure that the former combatants and the victims of conflict are given proper compensation as well as access to economic activities. The election support had the objective to assure that all parties that were previously engaged in conflict are given equal opportunity to participate in local political process, effectively making the ballot box as the only way to further political agendas.

All three types of intervention are meant to support the creation of a new incentive structure for peace and making a relapse to armed conflict a less attractive option. The success of these activities will help strengthen the nascent and still fragile peace process.

III. Results and Lessons Learned

Two of these three projects, i.e., access to justice and reintegration are still in initiation stage. But already there have been challenges that must be tackled before the projects can proceed further. The challenge for the reintegration intervention lies in the fact that the BRA (Aceh Reintegration Agency) is still marred by various political interests from former combatants of both sides of the conflict: the rebel side and the local militias armed by the Indonesian military. The access to justice project faces a challenge in attempting to initiate ways to address past rights violation, a critically important part of the intervention, especially because of foreseen political pressure from the Indonesian military that tends to view that endeavour of this kind will almost always attempt to incriminate it, such as the case of East Timor Ad-hoc Human Rights Tribunal set up to prosecute the violence following the East Timor independence referendum in 1999.

The challenges faced by the two projects are therefore political in nature. The challenge is how to find ways to fulfil the interests of justice and reintegration while not being seen as politically intrusive by the Indonesian government.

The result and lessons learned of the local election support is much clearer. This is due to the fact that the project has been in full operation since early this year, in anticipation for the election slated for 11 December 2006. The support has largely increased the capacity of the election commission (KIP) in dealing with the election in the politically charged atmosphere. Another important aspect of the support is to increase voters' awareness in the election. An effort to promote peaceful campaign among the candidates is also launched. However, the project is also not immune from political pressure. The National Planning Agency (Bappenas), the main partner of UNDP programme in Indonesia directed that the project should be executed by the Ministry of Home Affairs in the

central government. This has resulted in some early difficulties to get buy-in from local players, including the election commissioners who were suspicious that the project was designed as a way to control the post-conflict election process, especially to bar former GAM members from running in the election. This problem would not have materialised if the Bappenas could be convinced from the beginning that the project is not meant to support any political agenda, so that the project was allowed to partner more directly with the local, instead of the national, players.