

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Is the GAM movement still active in Indonesia and what impact has the signing of the Helsinki Memorandum of Understanding (MOU) had on its activities?**
- 2. Is the Indonesian government still prosecuting members of GAM?**
- 3. What likelihood of a returnee facing serious harm if they return to (a) Aceh or (b) any other area in Indonesia?**

RESPONSE

- 1. Is the GAM movement still active in Indonesia and what impact has the signing of the Helsinki MOU had on its activities?**

Reports from the past two years indicate that the Government of Indonesia and the Free Aceh Movement (Gerakan Aceh Merdeka or GAM) signed the Helsinki MOU in August 2005, after the devastation of the December 2004 tsunami provided both the need and the opportunity for an immediate ceasefire. As part of the agreement, GAM renounced armed struggle and its commitment to complete independence, in exchange for the opportunity to participate in democratic elections and partial self-government. In July 2006 the Indonesian Government passed the Law on Governing Aceh (LoGA), which operates the clauses of the MoU. The peace agreement has reportedly been successful so far in spite of factional splits in GAM and occasional violent incidents [see Questions 2 and 3]. GAM fighters have laid down their arms and are in the process of being integrated back into the community – although lack of employment and resources is a problem, according to recent sources – and GAM is re-inventing itself as a mainstream political movement. Local elections were held in December 2006 and a former GAM spokesman Irwandi Yusuf stood as an independent and was elected as the governor of Aceh.

A series of reports by the International Crisis Group (ICG) contains useful background material on the peace process from 2005 until the present.

An August 2005 ICG report provides a detailed analysis of the situation in Aceh just before the signing of the agreement, including information on the structure and recent changes to GAM, and the attitude of the Indonesian Government. The introductory summary states:

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** (International Crisis Group 2005, 'Aceh: A new chance for peace', ICG website, 15 August, p.1

http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 1).

An ICG progress report on the peace process in December 2005 states in its introduction:

The Aceh peace process is working beyond all expectations. Guerrillas of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) have turned in the required number of weapons. The Indonesian military (Tentara Nasional Indonesia, TNI) has withdrawn troops on schedule. The threat of militia violence has not materialised. Amnestied prisoners have returned home without incident. The international Aceh Monitoring Mission (AMM), led by the European Union's Peter Feith, has quickly and professionally resolved the few violent incidents between GAM and the TNI. A new law on local government in Aceh, incorporating

provisions of the 15 August 2005 peace agreement signed in Helsinki, has been drafted in consultation with broad sectors of the Acehnese public and GAM, and submitted to the Indonesian parliament. While there are still challenges, the peace process has active support from the highest levels of the Indonesian government, and Acehnese who were sceptical at the outset that it could hold are slowly beginning to change their minds.

The peace process now has entered a critical stage on two fronts. The first of these involves the reintegration of former GAM members into civilian life. While many combatants have returned spontaneously to their communities, most are unemployed. Disagreement between GAM leaders and the government over whether cash payments to facilitate reintegration should be made directly to individual combatants or channelled through GAM commanders is holding up more comprehensive programs to establish new livelihoods. It also appears

to be creating some friction within GAM itself. If the problem is not resolved, the danger in the long term is that bored or jobless ex-combatants will turn to crime or seek to resume fighting.

The second front is the legal process of incorporating the provisions of the 15 August agreement into a new law that must be adopted by the Indonesian parliament. The transformation of GAM from an armed movement to a political one hinges on this law, particularly its provisions on local political parties and the mechanics of local elections. The question is whether the parliament will accept the Acehnese draft without serious revisions or dilutions. While the prospects look brighter now than they did several months ago, a new issue has arisen that is causing anxiety in Aceh: whether there will be any reference in the final version to the possibility that Aceh in the future can be divided into more than one province. Such a reference could undermine the consensus in Aceh around the current draft and ultimately, the peace itself. Since wiser heads have prevailed thus far every time a potential obstacle has arisen, there is every reason to believe that a way will be found around this problem, too (International Crisis Group 2005, 'Aceh: So far, so good', ICG website, 13 December

http://www.crisisgroup.org/library/documents/asia/indonesia/b044_aceh_so_far_so_good.pdf
– Accessed 14 December 2005 – Attachment 2).

A March 2006 ICG report was written before the passing of the LoGA, when the Indonesian Government and GAM were still coming to agreement on the form that “self-government” of Aceh would take, and gives details of the debates and negotiations. The introduction states:

Just past the half-year mark of the agreement to end the conflict in Aceh, several long-anticipated problems are surfacing. None by itself is grave enough to derail the 15 August 2005 accord between the Indonesian government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM); the peace process remains very much on track. But their convergence means that more than ever, President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla will have to exert leadership, and international donors will have to constantly assess the political impact of their assistance to prevent any backsliding.

The problems include differences between Jakarta and Aceh over the concept of self-government; efforts to divide the province; questions over who can run in local elections and when those elections take place; urgent employment needs of returning GAM members; and oversight of funding for reintegration programs. The most contentious issue is the draft law on governing Aceh that is supposed to incorporate the provisions of the 15 August memorandum of understanding (MoU) and replace a 2001 law that gave Aceh “special autonomy” within the Indonesian republic. The ministry of home affairs watered down a draft produced in Aceh through a wide public consultation and submitted the diluted version to the Indonesian parliament. Concern over the weakened bill is not confined

to GAM but is shared among all in Aceh – and there are thousands – who took part in the original drafting or in subsequent discussions. Intensive efforts are underway to restore key provisions of the Aceh draft, and there is still a chance a reasonable compromise could emerge...

Another issue, repeatedly flagged by Crisis Group, is the reintegration of GAM members. Securing adequate livelihoods for the 3,000 combatants mentioned in the August agreement was going to be difficult enough, given the massive needs in Aceh after the tsunami. It has become increasingly clear, however, that there are more GAM members needing and expecting reintegration assistance than was previously thought. How to allocate reintegration payments budgeted for 3,000 among a much larger number is as much an issue for GAM as for the government and international agencies, but the program set up to address this in Aceh may cause as many problems as it solves (International Crisis Group 2006, 'Aceh: Now for the Hard Part', Asia Briefing no.48, p.1 – Attachment 3).

Lastly, a December 2006 report by the International Crisis Group, written on the eve of the local elections, provides information on the efforts of GAM to transform itself into a mainstream political movement, and on factional splits within the group:

On 11 December 2006 local elections will take place in Aceh, the once war-torn region of Indonesia where exguerrillas are now running for office. The logistical challenges have been huge, particularly in registering so many people displaced by the December 2004 tsunami. But the political challenge has been even greater: how to ensure that the elections facilitate the transition of the former insurgency, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) from an armed struggle to a political movement, thereby reinforcing its 15 August 2005 peace agreement with the Indonesian government. A rift that has emerged within the GAM leadership has complicated that transition.

That rift, which GAM spokesmen call “differences of opinion”, pits the old guard leadership that was based in Sweden throughout the conflict against younger figures who stayed in Aceh and fought. It erupted into the open in mid-2006 as the organisation sought to set political strategy and decide on candidates for the elections. In Aceh, unlike other parts of Indonesia, candidates without party affiliation are allowed, enabling GAM members to stand as independents. The old guard supported one party-backed slate for governor and deputy governor, the younger leaders an independent ticket. One of the candidates was physically attacked by his rival’s supporters on 22 November in Bireuen, Aceh. On 27 November, in what initially seemed an effort at reconciliation, GAM announced at a press conference that it would stay neutral as an organisation. In fact, the division remains deep and could affect not only these elections but GAM’s plans to build its own political party.

The split is significant because so much hangs on the December poll. For GAM itself, the elections are a test of political strength and an indication of how much work it will have to do to win the much more important 2009 elections, when seats in the provincial parliament will be at stake. Senior GAM strategists believe that if they can control that parliament, they can set the political agenda for Aceh’s future. In this sense, the December elections are a dry run, and it will not be disastrous if they lose most races, as long as they can get a respectable percentage of the vote.

For the armed forces and many Jakarta-based officials, the polls are a test of GAM’s good faith. Will GAM candidates refrain from using the separatist flag or suggesting that independence is just around the corner? Senior military officers make little effort to disguise their suspicions that GAM is exploiting the peace to rebuild and regroup and is only paying lip-service to Indonesian sovereignty. (The regional military commander wanted all GAM

candidates to swear an oath of loyalty to the Indonesian state but was persuaded to drop the idea.)

For many Acehese in former conflict areas, the elections are a gauge of whether the peace will hold. An IFES survey conducted in September-October 2006 suggested 93 per cent of Acehese believe the elections will help secure the peace but 55 per cent are concerned about violence, whether by ex-GAM, ex-militias, government security forces or political party supporters. Before the incident in Bireuen, there were fears that the military or intelligence service would prevent a GAM victory; that GAM would use intimidation and threats; and that long-dormant militias would reemerge as goon squads for non-GAM candidates. Now there are fears of intra-GAM violence as well, although both sides insist there will be no repeat of the 22 November attack, and the first days of the formal campaign, which began on 24 November, have gone smoothly (International Crisis Group 2006, *Aceh's Local Elections: The Role of the Free Aceh Movement (GAM)*, Asia Briefing No.57, 29 November, p.1

http://www.crisisgroup.org/library/documents/asia/indonesia/b57_acehs_local_elections.pdf – Accessed 30 November 2006 – Attachment 4).

Another report written just before the elections in December 2006 is by the World Bank, which was involved in the reconstruction effort in Aceh. It analyses the consequences of the Helsinki MoU and how successful the peace process has been, commenting that the security situation had “improved markedly across the province”, with only three violent incidents in the past year which had involved both GAM and the Indonesian Government (The World Bank, Indonesia 2006, *The Aceh Peace Agreement: How Far Have We Come?*, The World Bank Support for Post-Tsunami Reconstruction in Aceh and Nias, Indonesia website, December http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2006_12_00.pdf – Accessed 14 May 2007 – Attachment 5).

A February 2007 report by Arno Waizenegger for *Canada Asia Commentary* states that the December 2006 local elections resulted in an “unexpected landslide victory by GAM’s spokesman, Irwandi Yusuf, and his running mate Muhammad Nazar” of the politically allied Aceh Referendum Information Center (SIRA). After their election, the Aceh Monitoring Mission (AMM), comprising EU and ASEAN monitors who oversaw the implementation of the MoU, withdrew (Waizenegger, Arno 2007, ‘Armed Separatism and the 2004 Tsunami in Aceh’, *Canada Asia Commentary*, February, p.3, http://www.acheh-eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_02_00.pdf – Attachment 6).

Of interest in the same report is an analysis of the impact of the 2004 tsunami on both GAM and on the Indonesian Armed Forces (TNI). An estimated one-third of the TNI soldiers stationed in Aceh were killed or injured by the tsunami, since many of their posts were situated in coastal areas. GAM was less affected, being further inland, but it had already been severely weakened in the previous two years of fighting, losing up to one-quarter of its combatants; and a number of commanders were looking for an “exit strategy”. Apart from the military aspect, “the tsunami was widely interpreted as an act of God by the Acehese and Indonesian populations, which gave impetus to the moral imperative of successfully negotiating and end to the conflict”. However, there still remained “many questions about the long-term durability of peace” due to “uncertainties about the adequacy” of the LoGA and an increasing level of local disputes (Waizenegger, Arno 2007, ‘Armed Separatism and the 2004 Tsunami in Aceh’, *Canada Asia Commentary*, February, pp.4, 6, 9 http://www.acheh-eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_02_00.pdf

[eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_02_00.pdf](http://www.acheh-eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_02_00.pdf)
– Attachment 6).

A March 2007 report by Pieter Feith, who was the head of the AMM, states that “the Aceh case may be considered as one of the few successful peace processes in 2005-06” due to several factors:

The agreement had clear provisions and timelines. It included wide-ranging autonomy and explicitly excluded independence for Aceh. These were the first issues to be clarified during the talks; everything else was negotiable. The agreement is a short, uncomplicated text, covering decommissioning and demobilization of the rebels and their reintegration; political participation, including the right to establish local political parties (something completely new and controversial for Indonesia); relocation of Indonesian security forces out of Aceh; respect for human rights; amnesty for political prisoners; and a dispute settlement mechanism. Only a few gaps remained to be filled by the implementing authority. EU representatives were invited to the final stages of the Helsinki negotiations, thus creating useful synergy between negotiators and monitors.

Both parties showed strong political will to make the process work. In an early stage GAM gave up its goal of independence, and throughout the process the former insurgent group showed its sincere wish to end the armed struggle. By late 2005, GAM had given up its weapons and disbanded its military arm (the TNA). On the government side, President Yudhoyono and Vice President Kalla showed willingness to reform and modernize the Indonesian military and allow devolution of some powers to the regions. On assuming the highest office, President Yudhoyono had concluded that the military option alone would not work. In his own words, he had come to appreciate that for a peace process to be successful it would require focused, sustained, creative efforts and determination at the highest level of leadership (Feith, Pieter 2007, *The Aceh Peace Process: Nothing Less than Success*, United States Institute of Peace Special Report 184, March, p.2 http://www.acheh-eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_03_00.pdf – Accessed 14 May 2007 – Attachment 7).

Feith sees the success of the process as having implications for both Indonesia and the region. Indonesia was showing a “refreshing new openness” and was becoming “more mature and increasingly self-confident”. There was a “growing understanding that “decentralization does not mean separatism and the word ‘federalism’ is no longer taboo”. GAM too appeared to be committed to the continuing peace process:

Perhaps the best proof of progress made over the past months was the first direct and democratic local election ever held in Aceh, December 11, 2006, in which former rebels (and other Acehnese) could freely participate as independent candidates. The election of a former GAM rebel, Irwandi Yusuf, as governor of Aceh probably will prove beneficial to the peace process, depending on his leadership, his ability to retain the trust and confidence of Jakarta, and his continuing respect for the Helsinki agreement.

GAM has committed itself publicly to become a local political party within six months of the enactment of enabling legislation and to cease to exist as a rebel movement shortly thereafter. It will be particularly important to ensure that the recent split in GAM does not isolate one faction of former GAM members and prevent them from receiving the support and assistance to which they are entitled under the agreement. This difference of views within the rebel movement is not recent, having resurfaced during the elections, when the Swedish-based, exiled leadership supported a ticket for governor and deputy governor under the umbrella of an established national political party, while most of the local commanders backed Yusuf and

Nazar, who stood as independent candidates (Feith, Pieter 2007, *The Aceh Peace Process: Nothing Less than Success*, United States Institute of Peace Special Report 184, March, pp.6-7 http://www.acheh-eye.org/data_files/english_format/analysis/analysis_others/analysis_others_2007_03_00.pdf – Accessed 14 May 2007 – Attachment 7).

A November 2006 RRT Research Response examines in detail the factional splits within GAM, and the current political environment in Aceh, and contains advice from Indonesia experts Dr Ed Aspinall and Associate Professor Damien Kingsbury as well as recent reports by experts, NGOs and newspapers (RRT Country Research 2006, *Research Response IDN30882*, 1 November – Attachment 8).

2. Is the Indonesian government still prosecuting members of GAM?

As the material in the previous question indicates, the signing of the Helsinki MOU in August 2005, and the passing of the LoGA in July 2006 have led to a process of integrating GAM members back into the local community, and the transformation of GAM into a mainstream political movement. GAM combatants and former political prisoners were able to return to their villages and are receiving assistance, but the integration process is taking time, and there are potential problems if GAM combatants cannot be provided with employment and adequate resources. There have been some recent violent incidents in Aceh which commentators indicate may be on the increase, but none of these have been direct clashes between GAM and Indonesian security forces in recent months.

In April 2007, the Department of Foreign Affairs and Trade (DFAT) was asked whether Indonesians from Aceh were still required to possess letters stating they are not members of GAM to relocate to elsewhere in Indonesia, as they had in the past. DFAT replied:

The answer to the Case Manager's question, "Are Acehnese still required to possess such letters both to leave the province and to live elsewhere in Indonesia?" is "no."

Contacts in Aceh have advised us this was formerly a requirement but is no longer required following the peace process. **We note the current Governor of Aceh Irwandi Yusuf has openly demonstrated his support for GAM, appearing immediately after the local election with a GAM flag. GAM and former-GAM members now have entitlements rather than suffering from discrimination. GAM members are entitled to reintegration funds and Irwandi has announced an initiative to provide education for the children of GAM combatants up to university level** (DIAC Country Information Service 2007, *Country Information Report No. 07/36: Aceh, GAM supporters*, sourced from DFAT advice, 13 April – Attachment 9).

A December 2006 report by the World Bank states:

The initial return of GAM combatants and political prisoners did not cause problems and was often a happy moment for returnees and villagers. The vast majority of active GAM (80 percent) returned in the first two months following the signing of the MoU. In almost all cases, there has been a high level of acceptance of these GAM returnees; 90 percent of GAM members reported not having encountered any problems and most that did occur were minor.³ This is primarily because they have returned to their home villages and are familiar faces in their communities. Most combatants also managed to return home for short periods during the conflict. Over three-quarters of GAM returnees surveyed

indicated that some form of traditional ceremony (*peusijek*, also known as *tepung tawar*) or *kenduri* welcome had been held upon their return.

However, 15 months on, former combatants and conflict-affected vulnerable groups continue to face livelihood and economic problems and this is testing social cohesion. In February 2006, 75 percent of GAM returnees were unemployed.⁴ Recent field visits indicate that little has changed since then. For the first few months, former GAM combatants were satisfied to spend time with their families. However, there is growing dissatisfaction and frustration at the pace of reintegration assistance and growing resentment at both the government and GAM leadership, particularly amongst the younger, lower ranking former combatants who see their superiors driving new cars and sporting mobile phones while they have nothing. Money from the Government reintegration agency (BRA) has been slow to reach combatants because of political disputes in Banda Aceh and the difficulty of designing an effective delivery mechanism acceptable to both sides. (The 2,000 pardoned political prisoners have done better, receiving support from the time of their departure from prison). Lack of support for former combatants is a serious problem, and crime rates are beginning to rise as disillusioned ex-GAM turn to “alternative” income generation methods.

Similarly, dissatisfaction is rising amongst conflict-affected communities who have received very little but stand by watching tsunami-affected communities receive projects and support. BRA’s recently launched \$60 million assistance program, which will provide funds to every rural village in Aceh by the end of next year, is an important start... However, additional interventions to generate livelihood opportunities must be a top priority, since the project will mostly fund public goods while villagers also want and expect capital and individual assistance. Equally important is addressing the current inequalities in assistance to tsunami- and conflict-affected communities. A recent survey found that families displaced by conflict are viewed to be significantly worse off in comparison to their host communities, compared to families displaced by tsunami (The World Bank, Indonesia 2006, *The Aceh Peace Agreement: How Far Have We Come?*,

The World Bank Support for Post-Tsunami Reconstruction in Aceh and Nias, Indonesia website, December http://www.aceh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2006_12_00.pdf – Accessed 14 May 2007 – Attachment 5).

A December 2006 report by Barron and Clark for the World Bank Social Development Department, on political relations between Aceh and the Indonesian Government, examines the challenges facing the local government in Aceh:

The agreement—in devolving powers and responsibilities—increases the agency of actors in Aceh to deal with the issues that drove the conflict. Yet while autonomy will exist locally to impact on such factors, this will not ensure that powers and resources are used appropriately. Center-periphery focused explanations obfuscate our understanding of how post-conflict autonomy/decentralization may mitigate conflict in Aceh and, conversely, how the new arrangements may provide a basis for future eruptions of conflict. Much will depend on the behavior of local elites and, particularly, the ability of local government to start delivering services and social and economic development to the people of Aceh. Equally important is ensuring that local state institutions are accessible to, and are seen as legitimate by, a wide range of political elites. Given severe weaknesses in the capacity and legitimacy of local government in Aceh, and undeveloped institutional frameworks and norms for regulating political competition, a real risk exists that resentment previously targeted at Jakarta could simply be decentralized and directed at local elites; local elites, in turn, may try to blame Jakarta. These dynamics could, over time, lead to the regeneration of conflict in Aceh (Barron, Patrick & Clark, Samuel 2006, *Decentralizing Inequality? Center-Periphery Relations, Local Governance, and Conflict in Aceh*, World Bank Social Development Paper

No. 39, December, p.2 http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2006_12_01.pdf – Accessed 14 May 2007 – Attachment 10).

The same paper expands on GAM's political role:

Finally, the impact of GAM's participation remains largely an unknown. Initially, GAM chose not to field candidates in this year's gubernatorial elections. Most commentators noted that this was because of three factors: one, they did not have the funds and capacity to sufficiently transform their networks and structures quickly enough into a political party machine; two, internal cohesiveness within GAM was insufficient to select candidates amenable to all internal factions; and, three, they did not want to participate while the risk that they would not win was high. However, the opportunity to run as an independent candidate in these first post-MoU elections proved too tempting to some, and has meant that various individuals from GAM's ranks have opted to join the race, albeit without formal GAM backing. At the provincial level, this has now resulted in two "GAM candidates." Hasbi Abdullah will team-up with Humam Hamid of the United Development Party (PPP), whereas the former senior GAM representative to the EU-led peace monitoring mission, Irwandi Yusuf, will run as an independent with the head of the student organization SIRA (Sentral Infomasi Referendum Aceh—Aceh Referendum Information Center), which has cooperated with GAM in the past.⁴⁹ GAM's participation is not itself a negative development. GAM's transition to a civil political force is desirable long-term outcome.

However, there are three risks with GAM's participation in the upcoming and future elections. First, it remains unclear on what platform GAM candidates will mobilize voters. Will it be anticorruption, involve anti-Jakarta rhetoric, or make claims to a genuine "Acehnese" identity? More specifically, where multiple GAM candidates compete it remains to be seen how each will distinguish their message and secure the GAM-sympathetic vote.⁵⁰ Second, the military's response could be crucial. The military has been involved in elections in Aceh and elsewhere in Indonesia in the past and in the decentralization era (Mietzner 2003). Indeed, three retired military commanders will contest the gubernatorial election, two with party support and one as an independent candidate, and similar match-ups are likely in district-level elections. If nominally GAM and/or military candidates manage to secure significant popular support, or utilize GAM or military networks and command structures, a tense campaign and election is likely to occur. Third, candidates from GAM (and other parties) who do not have sufficient resources may resort to illegal means to raise campaign money. There is a major risk that extortion will increase locally, and this may lead to tensions (Barron, Patrick & Clark, Samuel 2006, *Decentralizing Inequality? Center-Periphery Relations, Local Governance, and Conflict in Aceh*, World Bank Social Development Paper No. 39, December, pp.20-21 http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2006_12_01.pdf – Accessed 14 May 2007 – Attachment 10).

The World Bank Social Development Department and the Decentralization Support Facility publish a monthly *Aceh Conflict Monitoring Report* which uses "newspaper conflict mapping methodology to record and categorise all incidents of conflict in Aceh as reported in two provincial newspapers" (World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 March http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_03_31.pdf – Accessed 14 May 2007 – Attachment 11).

The most recent reports from March, February and January 2007 are attached.

The March report states that the month “saw the highest number of violent incidents since the tsunami, with several mob beatings and revenge attacks coming as an urgent sign of widespread tension between the KPA [Komite Peralihan Aceh or Aceh Transition Committee, made up of demobilized GAM armed forces], communities and the security forces”. There had been no incidents of violence between GAM and government security forces, but the high number of local conflicts included disputes over reintegration funds; extortion, robbery and vandalism; and protests over election of local officials. Violence between the community and the security forces in the area of Aceh Utara showed a “lack of trust”; and “opinions differ on whether GAM/KPA members played a mediating or provocative role in the violence” (World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 March http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_03_31.pdf – Accessed 14 May 2007 – Attachment 11).

The February 2007 report also notes a “huge rise in local level conflict” and “internal tensions among former armed groups” although again, there had been no violence between GAM and government security forces (World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-28 February http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_02_28.pdf – Accessed 14 May 2007 – Attachment 12).

The January 2007 report contains an interesting table showing violent incidents as they related to the election of candidates in the local elections. It notes:

A number of preliminary observations can be drawn from the conflicts outlined in Table 1. First, in districts where KPA/GAM candidates won, there have been few protests (only in Aceh Timur). Second, in districts where a Golkar candidate won, there have been legal challenges in every case but one (Aceh Singkil). Third, in the two districts where the aftermath of the elections has been most chaotic, Aceh Tengah and Aceh Tenggara... a non-Golkar candidate won, and much of the intensity of the protests seems to be coming from the supporters of the losing Golkar candidate (World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 January http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_01_31.pdf – Accessed 14 May 2007 – Attachment 13).

The January report also contains the information that five ex-GAM combatants were poisoned while in gaol. They did not die, and “the perpetrators and the motive” remained unclear (World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 January http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_01_31.pdf – Accessed 14 May 2007 – Attachment 13).

3. What likelihood of a returnee facing serious harm if they return to (a) Aceh or (b) any other area in Indonesia?

As the material in the previous two questions indicates, GAM combatants and released prisoners are being integrated back into the community (with varying degrees of success) and the current governor of Aceh is a former GAM spokesman who publicly supports the movement. However, there has been an increase in violent incidents in recent months and some observers see the potential for conflict to flare up again in the province.

The following recent news reports provide relevant background material.

A May 2007 report states that there had been a spate of grenade and bomb attacks:

The Acehese People's Party (PRA), the first local political party to be established in Aceh, is appealing to the public to remain calm and not be provoked by the by the recent string of grenade and bomb attacks on the homes of Free Aceh Movement (GAM) leaders and regional government officials in Aceh.

"[We are] appealing to all the Acehese people not to be provoked by issues that could damage the peaceful atmosphere that has been built", said PRA general secretary Thamrin Ananda when speaking with Aceh Kita on Saturday May 5.

Over the last few months, grenade and bomb attacks have been becoming more widespread in Aceh. The most recent case was a bomb being place at the official residence of the speaker of the Pidie Regional House of Representatives. Prior to this, there was a series of bomb and grenade attacks against the home of Aceh Transitional Committee (KPA) spokesperson Sofyan Dawood. The residence of the Lhokseumawe deputy mayor has also become a target for terrorists.

So far police have been unable to uncover the perpetrators or the motives for these attacks and the KPA itself is assisting the police in its investigations. Ibrahim bin Syamsuddin, who replaced Dawood as the KPA's spokesperson, has promised to form a team to investigate the attacks. He is certain that the perpetrators do not come from the KPA. He feels that this needs to be clarified because there has been rumors that the perpetrators are ex-GAM combatants that are disappointed with their former leaders ('PRA appeals to public not to be provoked by bomb attacks' 2007, Indoleft Email, 7 May – Attachment 14).

An April 2007 report from *The Jakarta Post* states that the Indonesian Government was preparing a "draft regulation on the government's national policies in Aceh" and that Aceh Governor Irwandi Yusuf had criticised it for trying to take power away from the provincial administration:

Irwandi was commenting on a draft regulation on the government's national policies in Aceh, which he believes is contradictory to the 2006 law and the 2005 Helsinki peace accord.

He said the draft, believed to have been prepared by the Home Ministry, has angered Acehese people, who have accused Jakarta of trying to take back the authority given to Aceh.

"The draft is really a reflection of Jakarta's exaggerated fear of Aceh's secession from Indonesia following the Free Aceh Movement's major victory in the 2006 local elections," Irwandi told *The Jakarta Post* late Thursday.

"It may be part of a domestic attempt by a certain ultra-nationalist group to discredit the current administration in the eyes of the international community."

Irwandi, a former GAM leader sworn in as Aceh governor on Feb. 8 following his undisputed win in the December gubernatorial election, said he was suspicious the draft regulation was prepared based on misleading reports on GAM's post-election underground activities in the province.

"Following our victory in the local elections, numerous reports discrediting GAM have allegedly reached Jakarta. GAM was rumored to have supplied arms in a massive number and

I was rumored to have fought for a referendum for Aceh,” he said, adding all the reports and rumors were baseless. Irwandi said the draft regulation was incompatible with the 2006 Aceh Administration Law, which stipulates that Jakarta has full authority only in foreign affairs, the finance and monetary fields, the courts, religion, defense and security (‘Aceh governor warns govt over draft regulation’ 2007, *The Jakarta Post*, ASAP News Updates, 21 April – Attachment 15).

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