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ACEH PEACE PROCESS
Lessons for Mindanao

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Abhoud Syed M. Lingga

On August 15, 2005 the Government of the Republic of Indonesia (RoI) and Gerakan Aceh Merdeka (GAM), with the mediation of Finland former president Martti Ahtisaari, arrived at an agreement that brought an end to nearly thirty years of conflict that had claimed more than 15,000 lives and brought about the displacement of tens of thousands of Acehnese.

So far, in the assessment of the head of mission of Aceh Monitoring Mission (AMM) Pieter Feith (2006) the “Aceh peace process is working remarkably well beyond the expectations of many people”. Major agreements in the Memorandum of Understanding (MoU) had been implemented.

Political prisoners were released.¹ The Indonesian government, as provided in the MoU, started providing economic assistance to former combatants, amnestied political prisoners and civilians affected by the conflict. RoI amended election laws allowing GAM leaders to stand for elections as independents. During the

December 11, 2006 polls, the first direct elections in Aceh, GAM leaders were elected to lead the province. The national parliament (*Dewan Perwakilan Rakyat*, DPR) passed the Law on Governing Aceh (LoGA).

Security situation in Aceh remarkably improved since the signing of the MoU. Clashes between Government and GAM forces declined dramatically. From January to September 2006 only three incidents occurred, which were due to personal grievances and lack of discipline on the part of the military and the police.²

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¹ AMM head of mission Pieter Feith (2006) revealed that as of May 2006, “a total of just under 1,800 GAM prisoners have been released” and there were still some 65 unresolved cases that AMM was in the process of resolving with the help of an experienced international judge.

² www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6WT889?OpenDocument

The sense of normalcy in the life of ordinary Acehnese had been restored. There is now ease of travel throughout Aceh. Farmers can go to their farmland without fear of being caught in crossfire between security forces and GAM. Villagers take pleasure in the peace they are now experiencing. A villager in Alue Bu Jalan in Aceh Timur expressed his satisfaction of the peace process: "Go to the coffee shop, and instantly you can feel the peace process is going on. Since the MoU, people like to sit in the coffee shop for 24 hours - from morning to late at night. [And] that's good for my business." (World Bank 2006: 20)

Encouraged by the initial success of the Aceh peace process, a field work³ was carried out to find out what make the Aceh peace process works. Of interest to the researcher to identify were the factors that lead to the Helsinki Agreement and how the terms and conditions of the MoU were carried out by the RoI and GAM. The implications of lessons learned from the Aceh peace process on the Mindanao peace process were also explored.

Background of the Conflict

Aceh had been in a continuous state of conflict for about 130 years since the Dutch invasion in 1873. The resistance to Dutch occupation was followed by the Darul Islam rebellion after independence of Indonesia, and then by the nationalist struggle of GAM.

Aceh is located in the northern tip of Sumatra. It is surrounded by Malacca Strait in the north, North Sumatra Province in the east, Indian Ocean in the south and the west. The territory of Aceh comprises 57,366 square kilometers. Its capital is Banda Aceh, previously known as Kutaradja. The population of Aceh is estimated at 4.2 million (2000), and 98.6% of them are Muslims. The predominant language spoken in Aceh is Acehnese, a language related to Malay, and Bahasa Indonesia is the official language.

Acehnese often refer to their homeland as "Tanoh Meutuah" (Blessed Land). It is also known as the "Veranda of Mecca" for reasons that in Southeast Asia Islam was believed to be first introduced in Aceh, and it used to be the main departure point for those who went on pilgrimage to Makkah. The religious piety of the Acehnese is also cited as reason why Aceh is considered the "Veranda of Mecca".

After about 100 years that Islam was believed to have been introduced in the region, the first Islamic kingdom of Perlak was established in 804. The Acehnese kingdom assumed prominence under Sultan Iskandar Muda (1581-1636) who established Aceh's golden age in the 17th century. (Smith) As it expanded its standing in the region, Aceh was also involved in the spice trade, which Smith described "as vital to the global economy then as is oil today." In the 1820s Aceh was the producer of over half the world's supply of paper.

Because of its geographic importance, which was the get way to the Malacca Strait, the European powers took interest in controlling Aceh. In 1824, under the Anglo-Dutch treaty the Dutch gained control of all British possessions

³ The field works were conducted on April 14-29, 2007 mainly in Bandah Aceh, the capital town of Aceh province. A visit was also done to former GAM controlled areas near Bandah Aceh. The researcher interviewed 15 political, religious, civil society leaders and former GAM commanders.



in Sumatra including Aceh although the British had no actual control over the sultanate. The Dutch armada attacked the Kingdom of Aceh on March 26, 1873 but the Dutch were repulsed. The New York Times (May 30, 1873) reported that "The Dutch were very badly beaten, General Kohler was killed. With heavy losses, his commands fell back to the shore, where at last advised, they maintained with difficulty a precarious foothold against surrounding foes." (In di Tiro, "The Legal Status of Aceh-Sumatra Under International Law.") On December 25, 1873, the Dutch invaded again Aceh for the second time with

15,000 troops under the command of General Van Swieten. Upon reaching the shore, Van Swieten announced the annexation of Aceh to the Dutch East Indies. Intermittent warfare continued following Dutch annexation, with many victims on both sides. The resistance to Dutch colonial control lasted from 1873 to 1942. It was initially led by the traditional ruling elite but later the leadership of the resistance movement was passed on to the *ulama*. The war against the Dutch had always been the "key historical touchstone for Acehnese nationalists." (Aspinall 2005: 32)

In 1942, Japan defeated the colonial forces in the Dutch East Indies. After Japan surrendered to the Allies in August 1945, Indonesia proclaimed its independence. The Dutch came back and Indonesia fell into Dutch military control again. The only place the Dutch did not attempt to re-conquer was Aceh. In March 1947, Great Britain mediated an agreement between the Dutch and Indonesia known as the Linggajati Agreement. Under the agreement, the Dutch recognized Indonesian sovereignty over the islands of Java, Madura and Sumatra. Indonesian nationalists were not happy with the terms of the agreement triggering violent disputes between the Netherlands and Indonesia.

Brokered by the United Nations, the 1949 Round Table Conference Agreements was concluded whereby the Dutch East Indies transferred its sovereignty to a fully independent Indonesia. The Dutch East Indies ceased to exist on December 27, 1949 and became the Federal Republic of Indonesia, which was later renamed Republic of Indonesia. The Kingdom of Aceh was included in the agreement, an act seen by Aceh nationalists as betrayal of their homeland.

The adoption of *Pancasila* as state ideology rather than Islam caused frustrations among the *ulema*, including those in Aceh. Fueled by the incorporation of Aceh to North Sumatra in 1951, instead of organizing it into separate province, when Indonesia became a unitary state after the federal arrangement was changed in August 1950, the *ulama* in Aceh joined the Darul Islam revolt. On September 21, 1953, Daud Beureueh proclaimed Aceh part of Indonesia Islamic state under the

leadership of Kartosuwiryo. (Sulaiman 2006: 4-5) It took years for the Indonesian government to crush the revolt. In 1959, Aceh was given the special territory status with autonomous power over religious, educational and cultural matters.

The relative peace experienced after the defeat of the Darul Islam movement did not last long as the Acehnese continued to complain on Javanese and foreign control of Aceh's natural resources. The discovery of natural gas in 1970s and the development of the natural gas industry did not benefit the Acehnese for labor force was imported from Java and Sumatra. The development of Acehnese economy remained around farming, forestry, fishing and local crafts.

Acehnese also complained that although Aceh had the special territory status but powers were not devolved by Jakarta. The Majelis Ulama (Council of Ulama) was set up in 1966 but its functions were merely an extension of Majelis Ulama Indonesia. (Sulaiman 2006: 10) On financial matters Aceh continued to rely from the central government.

Fueled by these resentments, the Aceh Sumatra National Liberation Front (ASNLF) was organized. ASNLF committed itself to work for the "the survival of the people of Aceh Sumatra as a nation; the survival of their political, social, cultural, and religious heritage which are being destroyed by the Javanese colonialists; the continued existence of their national homeland which is being confiscated and divided among Javanese colonialists settlers called ' transmigrants'; the preservation of their economic and natural resources

which are being plundered by the Javanese colonialists and their foreign backers under the guise of 'developments'".⁴

Even though Tengku Hasan M. di Tiro was the leading figure in the organization of ASNLF, he wanted at the beginning Daud Beureueh to lead the movement. The latter's advanced age prevented him from assuming the leadership role, thus Tengku Hasan M. di Tiro became the chairman of ASNLF. (Sulaiman 2006: 13) On December 4, 1976, he issued a declaration on the independence of Aceh from the Republic of Indonesia.

The movement went public only several months after the December 4, 1976 declaration. At the beginning the membership of ASNLF was just 300 with limited arms and ammunition. ASNLF was then renamed Free Aceh Movement (Gerakan Aceh Merdeka - GAM).

The Government of Indonesia tried to suppress the movement militarily. Employing commando units, the government launched its first military operation in October 1977 dubbed *Nanggala* Operation. During the military operations Hasan di Tiro was almost killed. He escaped abroad via Singapore on March 28, 1979. With the departure of Hasan di Tiro GAM nearly collapsed. Many of his aides were killed, arrested by the army or escaped abroad.

While abroad, Hasan di Tiro solicited supports for the movement. Libya provided for the trainings of Acehese youth on military skills. From 1986 to 1989 around 300 youth affiliated to GAM underwent military trainings in

Libya. (Aspinall 2005: 35; Sulaiman 2006: 15) Upon their return the trainees spearheaded the revival of the movement. They staged attacks against security forces and installations, and seized firearms from military troops. In 2003 the membership of GAM increased to 5,326 with 2,000 weapons. (Sulaiman 2006: 18)

Jakarta responded by unleashing its counter-insurgency campaign called the *Jaring Merah* Operation commonly referred to as DOM (Daerah Operasi Militer) which lasted from 1989 to 1998. This was followed by series of military operations: Wibawa Operation I-II (1998-1999); Sadar Rancong Operation I-III (1999-2000); Cinta Meunasah Operation I-II (2000-2001); Law and Order Rehabilitation Operation I-II (2001-2002); Operasi Terpadu (Integrated Operation) I-II (2003-2004); and Civil Emergency (2004).

The military operations failed to suppress GAM but instead generated more resentment among Acehese towards Jakarta. Torture, disappearances, rape and deliberate display of corpses (Aspinall 2005: 35) were employed by TNI aimed not only to decimate GAM but to discourage Acehese to support the movement.

The military operations affected also the civilians. From May 2003 to December 2004, between 120,000 to 150,000 Acehese were reported internally displaced. (Hedman 2005). Thousands fled to Malaysia by crossing the Malacca Strait.⁵

⁴ <http://www.asnlf.net/topint.htm>

⁵ In September 2003 there were 8,000-9,000 people from Aceh in Malaysia. *Human Rights Watch*, April 2004, Vol. 16, No. 5 (C)

Fighting has caused massive displacement especially when the military used heavy artillery to attack GAM bases. In some cases, the military caused the force relocation of civilian for operational reasons. The presence of security force affected the daily lives of civilians as "stepped-up operations include patrols and 'sweepings'- a set of tactics to identify separatists or their supporters through vehicle searches and document checks, moving systematically from one village to the next." There were cases where security forces beat and abusively interrogated local residents. "Other tactics under martial law include forcing villagers into compulsory night guard duty, and establishing a military presence at the village level, primarily through temporary posts manned by troops from outside Aceh. In all of these tactics young men are being singled out for harassment and abuse."⁶

Failed Attempts

The end of the Suharto's authoritarian regime and the election of Abdulrahman Wahid to the Indonesian presidency opened a window of opportunity for peaceful resolution of the Aceh conflict.

After Suharto's resignation B. J. Habibie who was the vice president at that time assume the presidency in May 1998. He made positive steps to address the grievances of the Acehnese. During his visit to Aceh in March 1999, President Habibie apologized "for what has been done by the security forces, by accident or deliberately," and ordered the release of political prisoners. (Aspinall and Crouch 2003: 6) DPR passed a law on September 22, 1999 granting authority to

the provincial government authority to determine its policies on religion, custom and education, and acknowledging formal role of the *ulema* in government policy making. This was followed by a decree adopted by the People's Consultative Assembly (*Majelis Permusyawarahan Rakyat*; MPR) that recognized "special autonomy" for Aceh.

These measures had little impact because actions taken by government outside the ambit of a peace process are in most cases regarded with suspicion. This was compounded by resentments generated when the President made it clear that the offer to resolve the problem in East Timur through referendum would not apply to Aceh. Nevertheless, this did not stop the Acehnese to demand for referendum as solution to the problem. In February 1999 hundreds of thousands gathered in Bandah Aceh to show unprecedented support to referendum. Students organized the Aceh Referendum Information Center (*Sentral Informasi Referendum Aceh*; SIRA) to carry out the referendum campaign.

After his election, President Abdulrahman Wahid initiated dialogue with GAM. On January 27, 2000 in Geneva, Indonesian Ambassador to the U.N. in Geneva, Hassan Wirajuda, met GAM leader Hasan di Tiro. The acknowledgement of Ambassador Hassan Wirajuda during the meeting "that the government could not crush GAM militarily" and that "GAM had no prospect of defeating the Indonesian military" created a climate to continue the dialogue. (Aspinall and Crouch 2003: 11) President Wahid met officials of HDC (Henry Dunant Center, later renamed the Centre for Humanitarian Dialogue) in Geneva on January 30, 2000 and ask it to facilitate the talks between

⁶ *Human Rights Watch*, April 2004, Vol. 16, No. 5 (C)

RoI and GAM. HDC facilitated meetings in Geneva on March 24 and April 14-17. On May 12 a "Joint Understanding on Humanitarian Pause for Aceh" was signed in Geneva. The agreement came into effect on June 2.

The agreement aimed to allow the delivery of humanitarian assistance to the people and to promote confidence-building measures towards a peaceful resolution to the conflict.⁷ Institutional mechanisms were put up on the ground in Aceh to implement the provisions of the humanitarian pause. A Joint Committee on Security Modalities (Komite Bersama Modalitas Keamanan; KBMK) was established for reduction of tension and cessation of violence, preparation of the "ground rules" for the pause, and provision of a "guarantee of the absence of offensive military actions." To coordinate the distribution of funds for humanitarian, rehabilitation and development projects, a Joint Committee on Humanitarian Action (Komite Bersama Aksi Kemanusiaan; KBAK) was set up. A Security Modalities Monitoring Team (Tim Monitoring Modalitas Keamanan; TMMK) was established to evaluate the implementation of the accord and investigate violations.

The Humanitarian Pause did not bring peace on the ground. Clashes continued; accusations and counter accusations of violations of the agreement were hurled by both parties to each other. President Wahid's resolve for peaceful resolution of the Aceh conflict was undermined by mounting opposition to his presidency. The

⁷ The Government refused to use the term ceasefire for it might be interpreted as giving GAM belligerent status.

assumption of Vice President Megawati Sukarnoputri to the presidency did not bring hope for negotiated settlement of the conflict. Government security forces continued their military operations against GAM and consequently hostilities mounted.

The government initiated resumption of talks. It now believed that government forces were in the upper hand. With this initiative, talks were held in Geneva on May 8-9, 2002. The joint statement contained: (Aspinall and Crouch 2003: 28)

1. "On the basis of the acceptance of the NAD Law as a starting point", the HDC would facilitate "a democratic all-inclusive dialogue involving all elements of the Aceh society."
2. "(B)oth parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability."

Hostilities on the ground in Aceh remained unabated. To provide incentive in pushing the peace process forward, the United States, Japan, the European Union and the World Bank cosponsored a Preparatory Meeting on Peace and Reconstruction in Aceh in Tokyo in December 3. The thirty-eight countries that attended the meeting promise to provide support for humanitarian and rehabilitation once an agreement was signed.

The Cessation of Hostilities Framework Agreement (COHA) was signed on December 9, 2002, which was the first stage in a confidence-building process. "Only after hostilities had been reduced would it be possible to move to

the next stage in the process – the all inclusive dialogue – at which substantive issues would be addressed.” (Aspinall and Crouch 2003: 42) The agreement provides that GAM would gradually placed their weapons, arms and ordnance in designated “placement sites” during a five-month period beginning two months after the signing of the agreement. The government agreed to “a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force.” The mandate and mission of the police Mobile Brigades (BRIMOB) would “be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the agreement.” It also provides for the reactivation of the Joint Security Committee, which was established during the Humanitarian Pause. A significant development at this stage was the government agreed to the presence of international monitors.

Despite the COHA there was an upsurge in clashes between the government forces and GAM. The talks were heading to collapse. To save the peace process, HDC was able to convince the government and GAM to resume the negotiations. The venue and dates were changed several times until the parties agreed to meet in Tokyo on May 17, 2003. The government panel insisted that “GAM fully accept special autonomy and explicitly abandon its struggle for independence,” (Aspinall and Crouch 2003: 44) and in effect disbandment of its military arm. These conditions were rejected by GAM. On May 18, President Megawati declared military emergency. Some powers of the civilian governor were transferred to the Aceh army

commander. Military operations began immediately after the declaration of military emergency.

The opportunity to resolve the conflict through negotiated settlement was missed. The confluence of renewed military influence in Jakarta politics, which saw the return of military force as policy option in Aceh, lack of strong political support, and the inexperience of the third party facilitator contributed to the failure.

The Habibie government had that opportunity for the military, which always opposed measures that give more concessions to GAM, “was still reeling in the aftermath of the collapse of the Suharto regime and the international opprobrium that followed its handling of the East Timor referendum.” (Aspinall and Crouch 2003: 8) But President Habibie failed to deliver on its promises and unable to lower the level of military violence against civilian. (ICG Asia Report No. 18) The special autonomy was not well received because it was a unilateral act of the government without the participation of GAM. Measures to address sovereignty-base conflicts, like that of Aceh, would be acceptable if decided within the sphere of a peace process. Besides, there were no follow-up measures that would translate special autonomy to substantive devolution of powers to Ace. His offer to resolve the East Timor issue through referendum but denied same solution to the Aceh conflict was perceived as double standard.

No doubt on the sincerity of President Wahid to resolve the conflict through negotiations but he was undermined by the military which slowly regained its political influence in

Jakarta. Dialogue was started right by the admission of Ambassador Hassan Wirajuda of a military stalemate which boosted GAM self-image and gave it more confidence to negotiate. Asking HDC to mediate the talks was a total departure from previous government position not to allow foreign mediator to avoid internationalization of the issue.

However, the military was uneasy with President Wahid. The “dismissal of General Wiranto from his cabinet following accusations that he was responsible for violence in East Timor – as well as his support for trials of military officers accused of violence in East Timor” made the military more suspicious of the President. This was primarily the reason why what had been talked about in Geneva were not translated on the ground. With opposition to his rule mounting, President Wahid desperately took on all possible allies, including the military. So, the military approach to the Aceh problem ultimately sidetracked the negotiations.

His leadership style made it difficult for him to get the support of those who were ambivalent on the Aceh question. Aspinall and Crouch (2003:9) observed that “As president, Abdulrahman’s penchant for off-the-cuff comments caused much confusion about the government’s position on Aceh question.” This was probably the reason why he failed to get the political support of key institutions in Jakarta, which was indispensable in search for creative approach, for his Aceh initiative.

President Megawati was in no better position. Her dependence upon the military for her political survival made it

difficult on her part to depart from the military approach.

The Aceh peace process was the first major international mediation effort of HDC. Its relative lack of experience, made it tough for HDC to deal on a complex problem greatly influenced by events and power play among major players, like GAM in Aceh,. GAM in Sweden, the military, the presidency, the parliament, the provincial government of Aceh, and Aceh civil society. The Indonesian government was unhappy in the participation of international mediator. It was suspicious that GAM wanted to internationalize the issue. Although it had the support of the international community, HDC, being relatively new and low-profile NGO, lacked the leverage over the two parties. Despite these weaknesses, HDC was able to keep the talks going for more than three years.

Road to Helsinki

After the election of Susilo Bambang Yudhoyono (SBY) and Jusuf Kalla (JK) as president and vice president, respectively, Jusuf Kalla called his close advisers to work on a secret plan for peace in Aceh. They included Hamid Awaluddin, Minister of Justice and Human Rights; Sofyan Djalil, Minister of Communication and Information; and Major General Syarifuddin Tipe, former commander of Korem 012, the regional military command in Bandah Aceh. (ICG Asia Briefing No. 40) Juha Christensen, a businessman from Finland and a friend of Farid Husein, JK’s deputy at the Coordinating Ministry for People’s Welfare, facilitated contacts with the GAM leadership in Sweden. During Farid’s travel to Finland, former Finnish president Martti Ahtisaari and his Crisis Management Initiative (CMI) were

brought on board. In Aceh, the help of former Aceh governor Abdullah Puteh and contractor Rusli Bintang were enlisted by JK.

The initiative was kept away from government bureaucracy. The team organized by JK was informal and its works were shrouded with secrecy. This was necessary "to avoid any possible attacks from politicians if reports of the meetings surfaced", but the vice president informed President Yudhoyono throughout. (ICG Asia Briefing No. 40) The TNI was brought on board with the former commander of a regional military command in Bandah Aceh part of the team.

Contacts were made with GAM leaders in Sweden and those in Aceh. GAM leaders who were in prison were visited by the team.

On December 26, 2004 tsunami brought tremendous destructions to Aceh. More than 150,000 people died and estimated half million became homeless. This unexpected disaster impelled parties to rethink their positions to resolve the conflict. The Joint Statement by the Government of Indonesia and the Free Aceh Movement (GAM) on July 17, 2005 reflected this sentiment. "The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed".

The first round of talks, the first face-to-face meeting between the parties since May 2003, took place on 27-29 January 2005 in Helsinki. The second round of talks took place on 21-23 February, the third round on 12-16 April and the fourth on 26-31 May. In between the

fourth and fifth rounds, CMI prepared a draft Memorandum of Understanding, which formed the basis of discussion during the fifth round. The fifth round of negotiations was held from 12 to 17 July. The MoU covers governance, political participation, economy, rule of law, human rights, amnesty and reintegration, security arrangements, monitoring and dispute resolution.

What Make the Aceh Peace Process Promising?

So far, the implementation of the MoU was going on well. A World Bank (2006: 200) report described the optimism.

"Overall, the peace process is proceeding very well. Decommissioning and troop redeployment has been a success and former combatants and communities are increasingly confident that peace will hold. There is a high degree of acceptance of those returning. At the local level, people are seeing the benefits of peace in the form of freedom of mobility and freedom from fear. Worries about widespread revenge attacks or of a security vacuum have not been realized. The distribution of assistance to political prisoners went well."

Two years passed and no indication that Aceh is sliding back to violence. At least four factors have some bearing on its success and positive trajectory in the future. The context at which the agreement was negotiated and implemented, the nature of the agreement, the role of third party, and the implementation are factors that are working and can make the peace process promising.

1. *The Context*

The tsunami had changed the dynamics of the conflict. The Indonesian government used to close Aceh off to the international community. But the coming in of international aid and relief agencies, both government and non-government, and the United Nations agencies in response to the disaster open up Aceh to the outside world. The extent of the destruction was so huge that international aid agencies have to stay for years in Aceh if reconstructions have to proceed to meet the demands of tsunami victims. RoI was aware that with the presence of international INGOs, human rights violations and undue sufferings inflicted to civilians as result of military operations will be brought to attention of the international community and will certainly cause embarrassment to the government.

The relief and rehabilitation efforts pushed both the TNI and the GAM to the sideline. The Aceh NGOs, INGOs and aid agencies were the main actors in the public domain. Clashes between security forces and GAM that will hamper the reconstruction efforts would certainly put both parties in bad light and their alienation from the public, which GAM can hardly afford.

The delivery of relief assistance to victims of the tsunami and carrying out massive reconstructions requires peaceful environment, without which it would be impossible to achieve the rebuilding of Aceh. The realization of the urgency of peace at the critical period of disaster compelled rethinking on the part of government and GAM on their positions. That rethinking was what made both parties to abandon their rigid positions in the past to a more flexible

attitude during the Helsinki negotiations.

The impact of the tsunami was not only in the peace process but also on people's stance on conflict. As long as the memory of the tsunami remains, Acehnese will not allow situation to slide back to violence. This was what people feel when I talk to them.

The strong political commitment of President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla for negotiated political settlement of the Aceh conflict was a valuable factor in reaching the agreement and moving it forward. Before he became president, SBY was one of the few members of Megawati cabinet that favored negotiations. He knew the dynamics of the peace process as he was involved in the 2000 and 2003 peace processes. JK acquired the image of peace-maker for his role in bringing an end to violence in Maluku and Poso.

A former general, the president has relative control over the military, unlike President Wahid and President Megawati who had to woo the TNI for their political survival. JK, who led the peace initiative, is the Chairman of Golkar Party, the party that has great number of members in parliament. He has also good relations with Islamic groups in Indonesia. These helped SBY-JK to pull support for the MoU from the military, parliament and Islamic groups. DPR passed the Law on Governing Aceh without much problem, though the debate was intense.

2. *The Agreement*

The MoU is comprehensive. Unlike the agreements on Humanitarian Pause

and COHA, which had to do only with cessation of hostilities on the ground, the MoU is the first attempt to achieve a comprehensive political solution to the conflict. It addresses wide range of issues.

The MoU provides the extent of authority that Aceh can exercise, which include "all sectors of public affairs . . . , except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion". Participation of Acehness in local and national elections is guaranteed, and to make political participation meaningful the agreement allows the organization of regional political parties.

The provisions on economy can correct the skewed development that does not favor Aceh. With 70% of revenues from hydrocarbon and other natural resources going to the coffer of Aceh there will be assurance of more funds going to development of the province. The issues on rule of law, human rights and amnesty are dealt with properly in the MoU. The reintegration of combatants to society is addressed with RoI providing them financial support and farmlands. The political, including the right to participate in local and national political process, economic and social rights of those granted amnesty are being restored. Those who lost their Indonesian citizenship are given the right to regain it.

The MoU also provides institutional arrangement for the implementation of the agreement, particularly those pertaining to demobilization and reintegration of GAM combatants and repositioning of security forces. The Aceh Monitoring Mission has the

mandate to monitor compliance of the commitments of both parties to the agreements that include: monitor the demobilization of GAM and decommissioning of its armaments; relocation of non-organic military forces and non-organic police troop; reintegration of active GAM members; human rights situation and provide assistance in this field; process of legislation change; rule on disputed amnesty cases; investigate and rule on complaints and alleged violations of the MoU; and establish and maintain liaison and good cooperation with the parties. The agreement also contains rules and mechanism in addressing disputes between the parties.

The MoU addresses difficult issues in creative way. There is no mention that GAM officially abandoned its goal for Aceh's independence. It does not also say that GAM has to disband. These were the non-negotiable demand of the Indonesian government during previous negotiations.

The parties were aware that an explicit mention of GAM dropping independence will undermine the credibility of GAM leaders who negotiated the agreement and might trigger split within GAM. To mollify critics, it is pointed out that since GAM accepts the LoGA as political arrangement then by implication GAM foregoes its ambition for independence of Aceh. It is also argued that since GAM agreed to decommission its arms and may organize a political party to participate in the political process, consequently it will cease as a revolutionary movement.

3. *The implementation*

The MoU provides the timetable for each party to comply with its commitment. As provided in the agreement, the decommissioning of GAM weapons and the parallel withdrawal of non-organic military and non-organic police forces would be from September 15 to December 31, 2005. At the end of the timeframe, GAM decommissioned 840 of its weapons. On the part of the RoI, 25,890 non-organic TNI personnel and 5,791 non-organic police forces were redeployed outside Aceh. (World Bank 2006: 21)

The World Bank (2006: 22) report showed that in the first two months following the signing of the MoU, majority of active GAM (80.3%) had returned to their villages. The government has provided them financial assistance. Although there are problems encountered in the allocation and administration of the assistance, but these problems are being addressed by BRA (Badan Reintegrasi Aceh), a body established to administer the reintegration process. At the end of 2005, almost 1,800 prisoners were released.

On the issue of political participation, the successful conduct of the local election where GAM leaders participated after RoI made good of its commitment to pass laws that would allow independents to run, was seen as great achievement under the agreement. Irwandi Yusuf, the chief spokesman and propagandist of GAM, won as governor of Aceh. His running mate, Muhammad Nazar, who chair SIRA, won as vice governor.

There are complaints that the LoGA passed by parliament on July 11, 2006

does not address all the issues contained in the MoU. The position of Governor Irwandi Yusuf that they will accept the LoGA as is and work for its improvement later was very encouraging.⁸

The speed at which the AMM⁹ was deployed prevented incidents of encounters between security forces and GAM. On September 15, one month after the MoU was signed monitors coming from the European Union, together with five contributing countries from ASEAN (Thailand, Malaysia, Brunei, Philippines and Singapore), Norway and Switzerland were already on the ground in Aceh. The deployment of AMM accelerated the implementations of the agreement, particularly the decommissioning of GAM armaments and redeployment of security forces.

The successful implementation of the agreement for the last two years generated confidence of major stakeholders that the agreement will succeed. This confidence is necessary in pulling out support for the peace process.

4. *The Third Party*

Two mediators were involved in the Aceh peace process. HDC started its mediation efforts in later part of 1999 and that role was terminated after the collapse of the talks in May 2003. During the mediation of HDC two agreements, the Humanitarian Pause and COHA, were signed but did not hold. CMI was asked to mediate when SBY and JK decided to revive the peace process.

⁸ Interview, April 18, 2007.

⁹ Pieter Feith from the EU led the mission.

What made the difference between the two international NGOs playing mediation roles in Aceh peace process was the active role played by Ahtisaari. Having the status of former president of Finland he has the personality that engendered support to the peace process. The instantaneous decision of EU to send monitors was an indication of the great support Ahtisaari had from EU where he used to sit before representing his government. His personality and the support he generated gave him some form of leverage to get compromises from both parties.

Since the MoU provides that the "Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties" in case disputes are not resolved within the existing mechanism, the parties will with great likelihood adhere to the terms of the agreement mainly if Ahtisaari still around as chair of CMI.

Challenges

Although the implementation of the peace agreement has been going on smoothly this does not mean that there are no factors that can derail the process. There are issues and concerns if not properly address will disrupt the peace process.

1. The LoGA was passed by DPR but the provincial legislature has to adopt the Qanun that will serve as implementing guidelines of the provisions of the law. Around ninety Qanun are required for the full implementation of the LoGA. This is a great challenge to the provincial government of Aceh how to fast track the passage of the implementing Qanun.

2. The SBY-JK team was instrumental in providing change in the political thinking in Jakarta on how to move toward a solution to the Aceh problem from a military approach to a negotiated settlement framework. They were able to get support for their peace initiative. The concern is what will happen if the duo exits the political scene in Indonesia, especially so if the military will be able to regain back their immense political influence.

3. Disagreements on the implementation of the peace deal were properly and promptly handled by AMM. The mandate of AMM expired and there are no more monitors on the ground, and there is no strong mechanism also in place to handle serious disagreements.

4. The seventy percent share of Aceh from revenues in the exploration of natural gas will pump in more money to the province. The capacity of the local economy to absorb huge cash inflow is raised by some quarters. The capability also of local bureaucrats to manage funds and development programs that can reduce slippage to a minimum is likewise important to consider. If no significant change for the better in the lives of the Acehnese there will be frustrations.

5. Corruption, the lack of accountability and the absence of transparency are challenges being face by the GAM leaders who are now leading Aceh. They may have the idealism for reform but the provincial bureaucracy is still run by same people who used to run the old corrupt bureaucracy.

Lessons Learned for Mindanao Peace Process

To adopt one peace process as model in resolving another conflict, though there might be some similarities, may not work well for every conflict has its own distinctive characteristics, and the process of resolving every conflict has its own dynamics. However, there are lessons that can be learned useful in conceptualizing creative approaches, which can be made possible by learning from past experiences. Looking at the Aceh peace process, there are relevant lessons that are worth looking into.

1. When gaps between goals of conflicting parties become huge or their positions become rigid there is need for new political thinking beyond their respective positions. This happened in Aceh when President Abdulrahman Wahid pursued negotiations as means of resolving the conflict a total departure from the rigid military approach during Suharto's authoritarian rule. By bringing HDC on board the negotiations, he departed away from the rigid standpoint that did not allow outsider's participation for fear of internationalizing the conflict. The new political thinking, although it became hostage to the political power struggle in Jakarta during his administration, made it easy for SBY and JK to pursue their peace initiatives.

Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF,¹⁰ introduced the self-

¹⁰The letter of Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, dated November 9, 2006, states that "the grant of self-

determination framework in the ongoing negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF). The problem is the new framework has not received endorsement from the Philippine president. His dismissal as chief negotiator might freeze the new political thinking in approaching the conflict in Mindanao unless the President will show interest in pursuing it. To have an impact in policy formulation, a new political thinking has to be pursued with vigor by the highest leadership.

Since the self-determination framework was already put forward what is needed is not only a presidential endorsement but a strong political will of the President to push it forward.

2. A new political thinking or new initiative can only move forward if it has the support of those who wield power and influence in decision making. President Wahid and President Megawati did not have the political support needed to pursue the Aceh peace process during their time instead they had to reach out to the military for their political survival. SBY has some degree of control over the military and JK has political influence in parliament and with Islamic groups in Indonesia. So it was easy for them to get the support needed to push the Aceh peace process forward.

The control of President Fidel V. Ramos (FVR) over the Philippine

determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people." The same letter states further that the Bangsamoro people shall decide on their political status in a referendum to be held after certain period.

military and his conciliatory attitude towards his critics that kept them at bay provided him the political environment to push to conclusion the negotiations between the Philippine government and Moro National Liberation Front (MNLF). The governments of President Corazon Aquino, President Joseph Estrada, and even the present government of President Gloria Macapagal Arroyo, are being constrained by threats of military coup.

It is also interesting to note that both the SBY-JK team and FVR made preparations before pursuing the peace process in Aceh and Mindanao, respectively. Immediately after their elections, JK, with the full support of SBY, immediately organized a team to secretly lay the ground works for the resumption of the Aceh peace talks. In the case of FVR, he made a clandestine visit to Tripoli before his election to solicit the backing of Libya once he would go for the resumption of talks with the MNLF in the event he would become president. Both of them brought on board the peace process the military. JK had the former military commander in Bandah Aceh in his team, and FVR chief negotiator was a respected former chief of staff. The process in which decisions were made was simple. The GRP chief negotiator can call FVR, and in the Aceh negotiations, the Indonesian government negotiators in Helsinki can call JK, who has the full authority of SBY, and there and then decisions were made.

If President Arroyo can personally take interest in handling the on-going GRP-MILF negotiations, probably it will hasten the process because the peace talks will be free from the gridlock of bureaucratic decision making. A reciprocal action on the part of the MILF

to simplify its decision making process is also necessary.

3. It is still too early to tell if the Helsinki Agreement will be the answer to the grievances of the Acehnese and put an end to the violent conflict that gripped the Indonesian province for decades. However, the gains from the implementations of the MoU are indeed encouraging and the Mindanao peace process can benefit from these experiences.

- The Helsinki Agreement has provision on timeline of implementation, which the 1996 GRP-MNLF peace accord did not have. It is not yet too late for the OIC, GRP and MNLF to set down and draw a timeline on what have not been implemented. In the on-going GRP-MILF negotiations, it is helpful to remind both panels to include in their discussions a proposed road map and benchmarks of implementation once both parties can come out with an agreement.
- The MoU provides for a monitoring institutional mechanism. The Aceh Monitoring Mission was immediately deployed on the ground after the signing of the agreement. The 1996 Peace Accord also provides a Joint Monitoring Committee (JMC) composed of representatives of the GRP, OIC and MNLF but remain inactive. In a future OIC-GRP-MNLF tripartite meeting it will be worthwhile to consider activating the JMC with clear mandate and operational guidelines. A GRP-MILF

agreement has to have institutional mechanism to monitor implementation of agreements.

- The status of the MNLF is not clear as of the moment. When it signed the 1996 peace accord, it cannot remain a revolutionary movement. In the case of GAM, it is given an option to become a political party that can participate in the political process, or organize a political party that can articulate its political agenda. The leaders of the MNLF have to make up their mind what they want MNLF to be.
- The MoU provides for demobilization of GAM weapons. This was not true for the MNLF. While in Aceh only the security forces and GAM were the armed groups; in Mindanao there are the MILF, warlords, Abu Sayyaf, communist insurgents, vigilantes, drug lords and syndicated criminal elements who also possess many weapons. Demobilizing the MNLF would unnecessarily expose their members to security risks. Demobilization will only be possible if all armed groups are demobilized at the same time. In a future GRP-MILF agreement, instead of demobilization some sort of participation in security aspects has to be explored.
- GAM is aware that not all of what they think should be included in the LoGA are there, but the thinking is to continue to work, at this time through the political process, for the translation of

their desire into legislations. When the MNLF signed the 1996 Peace Accord, it accepted the fact that it had to pursue its goals in a new political environment and through a new political process. There are loopholes in Republic Act 9054 (New Organic Act for the Autonomous Region in Muslim Mindanao) but they can be remedied through amendments. There are improvements that can be done not necessary through the national congress but through the Regional Legislative Assembly. Being elected, or appointed to positions, does not necessarily translate to reform. Even not being holder of positions, reforms can still be achieved playing the right way in the political process.

Afterthought

A peace agreement is not the end but the beginning of a continuing process of finding ways to address grievances of people and in discovering meanings to their aspirations. It should not limit the explorations of new ideas and creative ways, but should open the vista of thinking to work further for the people's security and well-being.

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SALIENT PROVISIONS OF THE LOGA AND RA 9054

The “Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement” signed in Helsinki on August 15, 2005 provides that “a new Law on the Governing of Aceh (LoGA) will be promulgated”. In compliance to the agreement the Indonesian Parliament passed the Law on the Governing of Aceh on July 11, 2006.

The Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) signed on September 2, 1996 in Manila provides that in the implementation of Phase 2 of the agreement, the Organic Act (Republic Act No. 6743) of the Autonomous Region in Muslim Mindanao (ARMM) had to be amended or repealed by Congress and approved by the people in the concerned areas in a plebiscite. On February 7, 2001 Congress passed Republic Act No. 9054, which lapsed into law on March 31, 2001, and was ratified in a plebiscite on August 14, 2001.

| | Law on the Governing Aceh (LoGA) | Republic Act 9054 Organic Act for the Autonomous Region in Muslim Mindanao |
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| <i>Name</i> | <ul style="list-style-type: none"> • The name of Aceh as a Provincial Region and the titles of elected government officials will be determined by DPRA (House of People’s Representatives of Aceh) after the general election of 2009. (Chapter XXXVIII, Article 198) | <ul style="list-style-type: none"> • The name of the autonomous region shall be the Autonomous Region in Muslim Mindanao (ARMM) (Article I, Sec. 1) |
| <i>Political Sub-divisions</i> | <ul style="list-style-type: none"> • Aceh consists of regencies/cities • Regency/city consists of districts • District consists of mukim-mukim • Mukim consists of sub-districts and gampong-gampong • The formation, elimination and union of regencies/cities, districts, mukim and gampong/sub-districts are in accordance with the statutory regulations (Chapter III, Art. 2, 5) | <ul style="list-style-type: none"> • The ARMM consists of provinces/cities • Province consists of municipalities • Municipality consists of barangays • The Regional Assembly may create, divide, merge, abolish, or substantially alter boundaries of provinces, cities, municipalities, or barangay (Article VI, Sec. 19) |
| <i>Powers of the Regional Government</i> | <ul style="list-style-type: none"> • Manage and administer government affairs in all public sectors (Chapter IV, Art. 7 (1)) • Planning, utilization and supervision of space lay out; • Planning and controlling of development; • Administration of public order and community tranquility; • Providing of public facilities and infrastructure; | <ul style="list-style-type: none"> • The Regional Government shall exercise powers and functions granted by the Organic Act • Enacts its own administrative code • Enacts regional local government code • Exercise power of eminent domain (Art. IV, Sec. 1, 6) |

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| | <ul style="list-style-type: none"> • Handling of health sector; • Organization of education and allocation of potential human resources; • Overcoming of cross-Regency/City-borders social issues; • Services of cross-Regency/City-borders working field provision and manpower sectors; • Facilitation for the development of cooperatives, small and medium scale business; • Environmental control; • Land affairs services; • Population affairs services and civil registry; • Government general administration services; • Capital investment administration services • Coordination of religious life in the form of implementing Islamic Syari'at • Coordination of customary law • Organization of high quality education • Role of the <i>ulama</i> in the determination of regional policy; • Organization and management of hajj religious service (Chapter V, Art. 15) • May enter into cooperation with offshore institutions or agencies; except for cooperation under authority of the Government • May directly participate in international art, cultural and sport activities (Chapter IV, Art. 9) • May form institutions, agencies and/or commissions; except those which become the authorities of the Government. (Chapter IV, Art. 10) | |
| <p><i>Powers of the Central Government</i></p> | <ul style="list-style-type: none"> • Foreign politics • Defense • Security • Justice • National monetary and fiscal • Certain affairs in religious sector • Other government affairs stipulated in statutes as authorities of the | <ul style="list-style-type: none"> • Foreign Affairs • National defense and security • Postal service • Coinage and fiscal and monetary policies • Administration of justice • Quarantine • Customs and tariff |

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| | <p>Government (national) <i>Chapter IV, Art. 7 (2)</i></p> | <ul style="list-style-type: none"> • Citizenship • Naturalization, immigration and deportation • General auditing • National elections • Maritime, land and air transportation • Patents, trademarks, trade names, and copyright • Foreign trade <p><i>Article IV, Sec. 3.</i></p> |
| <p><i>Relations between the National Government and the Regional Government</i></p> | <ul style="list-style-type: none"> • Plan for international agreement related to the specific interest of Aceh prepared by the Government is conducted in consultation with and by the approval of DPRA (House of People’s Representatives of Aceh) • Plan for the decision of the House of Representatives of the Republic of Indonesia related to the specific interest of Aceh is conducted in consultation and by the approval of DPRA • Administrative policies related to the specific interest of Aceh which will be prepared by the Government are conducted in consultation with and by the approval of the Governor (<i>Chapter IV, Art. 8</i>) • Administration of government affairs which become the authorities of the Government which are not within the authorities of Aceh, may be conducted through: <ol style="list-style-type: none"> a. Self-administration of a portion of government affairs; b. Delegate a portion of government affairs to the Governor as the Representative of the Government; c. Assign a portion of the affairs to Aceh Government based on assisting tasks principle. <p>(<i>Chapter V, Art. 11</i>)</p> | <ul style="list-style-type: none"> • The President of the Republic exercises general supervision over the Regional Governor to ensure that his/her acts are within the scope of his/her powers and functions • There shall be at least one member of the cabinet with a rank of a department secretary who is an inhabitant of the autonomous region to be recommended by the Regional Governor • Representation of the inhabitants of the autonomous region in the central government or national government may be done by appointment or election • At least one qualified inhabitant of the autonomous region recommended by the Regional Governor in consultation with the Regional Assembly and concerned sectors shall be appointed in each departments, offices or bureaus and constitutional bodies of the central government or national government that deal with the autonomous region • The Regional Governor shall be an ex-officio member of the National Security Council on matters concerning the autonomous region • The Regional Government shall be represented in the board of directors or in any policy-making bodies of government-owned-and- |

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| | | controlled corporations that operate business or through their subsidiaries in the autonomous region (Article V, Sec. 1-7) |
| <i>Principles of Administration</i> | <ul style="list-style-type: none"> • Aceh is a provincial region having specific characteristics and provided with special authority to regulate and manage by itself the governmental affairs and the interest of the local community in accordance with the statutory regulations in the system and principles of the Unitary State of the Republic of Indonesia (<i>Chapter I, Article 1 (2)</i>) • Self-managed and self-administered (<i>Chapter V, Art. 11 (2)</i>) • The administration of Aceh is guided by the following Governing General Principles - <ol style="list-style-type: none"> a. Islamic principle b. Legal certainty principle c. Public interest principle d. Government administration order principle e. Disclosure principle f. Proportionality principle g. Professionalism principle h. Accountability principle i. Efficiency principle j. Effectiveness principle k. Equality principle l. Free of corruption, collusion and nepotism principle (<i>Chapter VI, Art. 18</i>) | <ul style="list-style-type: none"> • The Autonomous Region in Muslim Mindanao shall remain an integral and inseparable part of the national territory of the Republic • Settlement of conflicts by peaceful means, renunciation of any form of lawless violence as an instrument of redress • Recognition, protection and guarantee of the beliefs, customs, and traditions of the people of autonomous region. (<i>Article III, Sec. 1, 2, 5</i>) |
| <i>Legislative Power</i> | <ul style="list-style-type: none"> • The legislative power of Aceh is vested in the House of People's Representatives of Aceh (DPRA) • The legislative body of the regency/city is vested in the House of People's Representatives of the Regency/City (DPRK) (<i>Chapter I, Art. 1 (12, 13)</i>) • DPRA and DPRK functions are for legislating, budgeting, supervising provincial/regency/city policy, and channeling of people's aspiration. • DPRA tasks and authority - <ol style="list-style-type: none"> a. Formulate Aceh Qanun b. Conduct supervision over the implementation of Aceh Qanun c. Conduct supervision over the policy of the Government of Aceh | <ul style="list-style-type: none"> • The legislative power of the autonomous government is vested in the Regional Assembly • The Regional Assembly is composed of Members elected by popular vote, with three members from each of the legislative districts • Sectoral representatives not to exceed 15% of the total elected members (<i>Art. VI, Sec. 1-3</i>) |

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| | <ul style="list-style-type: none"> d. Propose the dismissal of the Governor/Deputy Governor to the President through the Minister of Domestic Affairs e. Notify the Governor and KIP (election Independent Committee) regarding the expiry of term of office of the Governor/Deputy Governor f. Elect the Deputy Governor in case of vacancy g. Provide opinion and consideration over international agreement plan conducted by the Government of Aceh h. Provide considerations and approval over the draft of international approval prepared by the Government related to special interest of Aceh i. Provide considerations and approval over the draft of Decisions of the House of Representatives of Indonesia related to special interest of Aceh j. Provide considerations and approval over inter-regions cooperation plan and/or cooperation plan with the third party which is burdening the community and the region k. Request accountability statement report of the Governor in the governing for the assessment of government performance l. Form KIP and Election Supervisory Committee m. Conduct supervision and request the report on the activity and the budget utilization to KIP in the holding of election of the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy mayor (Chapter VII, Art. 21) | |
| <p><i>Executive Power</i></p> | <ul style="list-style-type: none"> • The Governor is the Head of Government of Aceh and assisted by the Deputy Governor • The Governor is responsible in determining the policy of the Government of Aceh in all sectors of public services including public tranquility and public order • He is the acting representative of the Government, and accountable to the President (Chapter VIII, Art. 35) | <ul style="list-style-type: none"> • The executive power is vested in the Regional Governor, elected by the qualified voters of the autonomous region • The Regional Governor is the chief executive of the Regional Government. He is assisted by a cabinet. (Article VII, Sec. 1-2) |

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| | <ul style="list-style-type: none"> • Tasks and authorities of the Governor – <ol style="list-style-type: none"> a. Lead the governing based on the policy determined by DPRA b. Submit draft of Qanun c. Stipulate Qanun that has been approved d. Implement and coordinate the implementation of Syari’at in a kaffah manner e. Provide accountability statement report f. Provide report on the governing of Aceh to the Government g. Convey information regarding the governing of Aceh to the public h. Provides considerations and approvals over the administrative policies stipulated by the Government related to the special interest of Aceh • Tasks and authorities of the Governor as representative of the Government – <ol style="list-style-type: none"> a. Foster and supervise the governing of regency/city b. Coordinates the administration of Government affairs in Aceh and regencies/city c. Coordinates the fostering and supervision over the organization of assisting tasks in Aceh • The Deputy Governor tasks – <ol style="list-style-type: none"> a. Assist the Governor in administering the government b. Assist the Governor in coordinating the activities of government vertical institutions, following-up the report and/or findings on the supervisory result of the supervising apparatus, implementing the empowerment of women and youth, the empowerment of customary law, Islamic Syari’at, striving for the development of culture and preservation of environment c. Monitor and evaluate the governing of regency/city government <i>(Chapter VIII, Art. 37-39)</i> | |
| <p><i>Customary Leadership Institution</i></p> | <ul style="list-style-type: none"> • Wali Nanggroe Institution is a customary law leadership as the community unifier which is | |

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| | <p>independent, respected as well as authorized to foster and supervise the administration of the life of customary law institutions, traditional customs, and the granting of title/degree and other customary law ceremonies</p> <ul style="list-style-type: none"> • Title is Wali Nanggroe • Elected for a term of 5 years by customs leaders, ulama, public figures representing the regencies/cities, and chairman of Aceh Customs Assembly (Chapter XII, Article 77) | |
| <p><i>Elections</i></p> | <ul style="list-style-type: none"> • The Aceh Election Independent Committee (Aceh-KIP) has the authority to hold the election of the Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor (Chapter I, Article 1 (14)) • Aceh KIP is organized by DPRA and recognized by the Governor with 7 members for a term of 5 years • Tasks and authorities of Aceh KIP <ol style="list-style-type: none"> a. plan and convene the election b. determine the procedure for the implementation of the election c. coordinate, convene and control all implementation stages of the election d. stipulate the date and procedure for the implementation of the campaign as well as the voting e. receive, examine and determine the pair of candidates f. examine the requirements of the candidates g. determine the pair of qualified candidates h. accept the registration and publicize the campaign team i. publicize report on the donation of campaign fund j. determine the result of the election and publicize the result k. conduct evaluation and provide report to DPRA on the conduct of election • Aceh KIP shall <ol style="list-style-type: none"> a. treat the pair of candidates fairly and equally b. determine the standardization as well as the necessity of goods and | |

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| | <p>services in conducting the election</p> <ul style="list-style-type: none"> c. convey report over each implementation stage to DPRA d. maintain the election archives and documents e. account for the utilization of budget to the Governor f. implement all stages of the election <ul style="list-style-type: none"> • The Governor and Deputy Governor are elected in one pair directly by the people for a term of five years • The election process is by stages: preparation, nomination, election, ratification of election and inauguration • Residents of Aceh may form local political party <i>(Chapter IX, Article 50 -53)</i> | |
| <p><i>Administration of Justice</i></p> | <ul style="list-style-type: none"> • The Islamic Syar'iat Court in Aceh is part of the national judiciary system • The authority of the Syar'iat Court applies to Muslims • The authority of the Syar'iat Court covers ahwal al-syakhsiyah, mu'amalah and jinayah • Aceh Syar'iat Court is the final court for marriage, talaq, divorce and reconciliation cases • Other cases may be submitted to the Supreme Court for cessation • Dispute over the authority between the Syar'iat Court and other courts becomes the authority of the Supreme Court in the first and final level <i>(Chapter XVII, Art. 101-105)</i> | <ul style="list-style-type: none"> • The judicial powers is vested in the Supreme Court and in lower courts, including the Shari'ah Courts • One justice in the Supreme Court and two justices in the Court of Appeals shall come from the autonomous region to be recommended by the Regional Governor • Consultant to the Judicial and Bar Council to be recommended by the Regional Government • Creation of the Office of the Deputy Court Administrator for the autonomous region • The Regional Assembly shall provide for the establishment of Shari'ah courts, Shari'ah Public Assistance Office, and Office of the Jurisconsult in Islamic Law • The powers and functions of Shari'ah courts and Shari'ah Public Assistance Office shall be defined by the Regional Assembly • The Shari'ah courts shall have jurisdiction over cases involving personal, family and property relations, and commercial transactions, in addition to their jurisdiction over criminal cases involving Muslims (Art. III, Sec. 5) |

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| | | <ul style="list-style-type: none"> • Creation of tribal courts for the indigenous cultural communities, the functions of which are to determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the indigenous cultural community • It shall provide for the codification of indigenous laws and compilation of customary laws of the Muslims and the indigenous cultural communities • In case of conflict between the Muslim code and tribal code, the national law shall apply; conflict between the Muslim code or the tribal code on one hand and the national law on the other hand, the national law shall prevail <i>(Article VIII, Sec. 1-5, 19-24)</i> |
| <p><i>Customary Law Institution</i></p> | <ul style="list-style-type: none"> • Customary law institution shall be used for community participation in governing Aceh in the sectors of public security, tranquility, harmony and order • Settlement of community social problems shall be conducted through customary law institution • The determination of the tasks, authorities, rights and obligations of customary law institutions, the empowerment of customs and traditions shall be stipulated by Aceh Qanun • The fostering of the customs and traditional life in accordance with the development and specialty of Aceh based on Islamic Syar'iat values is conducted by Wali Nanggroe <i>(Chapter XIII, Article 80-81)</i> | |
| <p><i>Human Rights</i></p> | <ul style="list-style-type: none"> • The Government and the Government of Aceh are obliged to comply with, promote and enforce human rights as provided in the international covenants • The obligation includes acknowledgement and protection of minority and ethnic groups in Aceh | <ul style="list-style-type: none"> • Regional Human rights Commission composed of a chair and two commissioners to be appointed by the President upon the recommendation of the Regional Governor • It shall perform within the |

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| | <ul style="list-style-type: none"> • The Government shall establish a Human Rights Court in Aceh • The Indonesia Commission for Truth and Reconciliation shall establish a commission for Truth and Reconciliation in Aceh (Chapter XXXIV, Art. 176-179) | <p>autonomous region the functions of the commission of the human rights of the central government (Article III, Sec. 16)</p> |
| <p><i>Fiscal Matters</i></p> | <ul style="list-style-type: none"> • Sources of Aceh income – <ol style="list-style-type: none"> a. Aceh original revenue <ul style="list-style-type: none"> - Aceh taxes - Aceh retribution - Proceeds from Aceh owned enterprises and capital participation - Zakat - Other legitimate Aceh original revenue b. Equilibrium fund <ul style="list-style-type: none"> - taxes profit sharing <ol style="list-style-type: none"> 1. portion of income from land and building tax, 90% 2. portion of income from land and building acquisition tax, 80% 3. portion of income from personal income tax, 20% - Non-tax state income profit sharing derived from hydrocarbon and other natural resources <ol style="list-style-type: none"> 1. forestry, 80% 2. fishery, 80% 3. general mining, 80% 4. geothermal mining, 80% 5. oil mining, 70% 6. natural gas mining, 70% - General allocation fund (amount determine by law) - Special allocation fund (amount determine by law) c. Additional fund – income of Aceh Government intended for financing of development and maintenance of infrastructure, empowerment of communal economy, education, social and health, which amounts to 1% of the plafond of the national allocation fund for 5 years d. Aceh loan e. Other legitimate income <ul style="list-style-type: none"> • The Government of Aceh may acquire loan from domestic or | <ul style="list-style-type: none"> • The Regional Government shall enjoy fiscal autonomy in generating and budgeting its own sources of revenue, its share of the internal revenue taxes and block grants and subsidies remitted to it by the central government or donor • Has the power to create its own sources of revenues and to levy taxes, fees, and charges • The taxing power shall not extend to the following <ol style="list-style-type: none"> a. Income tax b. Documentary stamps tax c. Taxes on estate, inheritance, gifts, legacies, and other acquisitions mortis causa d. Customs duties, registration fees of vessels and wharfage on wharves, tonnage dues, and all other kinds of custom fees, charges and dues e. Taxes, fees, or charges and other impositions upon goods carried into or out of, or passing through the autonomous region f. Taxes, fees, or charges on agricultural and aquatic products when sold by marginal farmers or fisherfolk g. Taxes on business enterprises certified by the Board of Investment h. Excise taxes on articles enumerated under the national internal revenue code, and taxes, fees, or charges on petroleum products i. Percentage or value-added tax on sales, barter, or exchanges or similar transactions on goods or services |

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| | <p>foreign sources with the approval of the Finance Minister</p> <ul style="list-style-type: none"> • The Government of Aceh may directly receive aid from foreign sources with the obligation to notify DPRA • The Government of Aceh is authorized to manage profit sharing fund • Zakat is managed by the Government of Aceh • Zakat paid becomes deduction factor over the amount of outstanding income tax of the taxpayer <i>(Chapter XXIV, Article 139-150)</i> | <ul style="list-style-type: none"> j. Taxes on the gross receipts of transportation contractors and persons engaged in the transportations of passengers or freight by hire and common carriers by air, land, or water k. Taxes on premiums paid by way of reinsurance or retrocession l. Taxes, fees, or charges on countryside, barangay business enterprises and cooperatives m. Taxes, fees or charges of any kind on the central government, its agencies and instrumentalities, and local government units <ul style="list-style-type: none"> • Sources of revenues – <ul style="list-style-type: none"> a. Taxes, fees and charges imposed by the Regional Government b. Taxes, fees, or charges for the registration of motor vehicles c. Shares and revenues generated from the operations of public utilities d. Appropriations, shares in the internal revenue taxes, block grants, and other budgetary allocations coming from the central government e. Block grants derived from economic agreements or conventions, donations, endowments, foreign assistance, and other forms of aid • Sharing of internal revenue taxes, fees and charges, and taxes imposed on natural resources <ul style="list-style-type: none"> a. 35% to the province/city b. 35% to the regional government c. 30% to the central government • The Regional Government is authorized to contract foreign or domestic loans • Issue treasury bills, notes and other debt papers • Enter into economic agreements and trade |
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| | | <p>compacts to generate block grants (Article IX, Sec. 1-2, 7-12, 14)</p> |
| <p><i>Economy</i></p> | <ul style="list-style-type: none"> • Aceh is an open economy with no barrier to investments • The Aceh economy is based on the dogma of familial relationship and economic democracy, and on the principles of togetherness, efficiency, justice, sustainable and environmental perspective • Economic activities are conducted on the principles of sustainable development and preservation of environment, respect over the rights of local people, providing opportunity and access to funding to businesses of women groups, and providing legal assurance to entrepreneurs and workers • The aim of economic activities is to improve productivity and competition for the prosperity and welfare of the people by revering Islamic values, justice, equality, people’s participation and efficiency in a sustainable development pattern • The process of utilization of natural resources and human resources shall be able to create value added as great as possible • The Government of Aceh shall simplify regulations to create a conducive climate for investment and other economic activities (Chapter XXII, Article 121 -122, • The Government and the Government of Aceh should ensure internal trade in Aceh and other territory in Indonesia is free from any barrier • Residents in Aceh may engage in trade and investment internally and internationally • The Government of Aceh is entitled to grant - <ol style="list-style-type: none"> a. general mining exploration and exploitation license b. forest territory conversion license c. fish catching license for 12 sea miles d. fishing boat operational utilization license e. license for the utilization of surface water and sea water | <ul style="list-style-type: none"> • The Regional Assembly may enact laws pertaining to the regional economy and patrimony that are responsive to the needs of the region • The Regional Government recognizes the private sector as the prime mover of trade, commerce, and industry. It shall encourage and support the building up of entrepreneurial capability, and recognize, promote and protect cooperatives • Adopt policies to promote profit sharing and broaden the base of ownership of business enterprises • The Regional Assembly may grant incentives for investors in businesses that contribute to the development of the autonomous region • The Regional Government shall promote and protect cottage industries • Give priority to establishment of transportation and communication facilities • In the delivery of power services, priority shall be given to provinces and cities that do not have direct access to such services • The Regional Government shall encourage establishment of bank and financial institutions, and off-shore banking units of foreign banks • The Bangko Sentral ng Pilipinas shall establish an Islamic Bank and authorize the establishment of its branches in the autonomous region • The Regional Government shall regulate traditional barter trade and counter-trade with Indonesia, Malaysia and Brunei • Regulate and exercise |

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| | <p>f. license related to the management and exploitation of forest</p> <p>g. local operator license in telecommunication sector</p> <ul style="list-style-type: none"> • The Government may provide taxation facilities in the form of tax relief, exemption of income duty, exemption of taxes in import of capital goods and raw materials to Aceh and export of finished goods from Aceh, investment facilities (<i>Chapter XXII, Art. 126-128</i>) • The Government and the Government of Aceh may develop sea port and airport in Aceh • The Government of Aceh shall manage sea ports and airports that it developed • The Government of Aceh is authorized to stipulate additional requirements for bank and non-bank financial institutions in relation to distribution of credit in Aceh • The Government of Aceh is entitled to determine the level of interest which is different from the level of interest rate stipulated by Bank Indonesia • Foreign banks may open branches in Aceh • The Government of Aceh may make capital participation in State Owned Enterprises, as well as private companies domiciled or operating in Aceh • The Government of Aceh is authorized to issue license for the establishment of business entity engaging in worker recruitment service for overseas jobs • Workers are entitled to protection and acquire welfare • The Government of Aceh may stipulate the protection and welfare of workers • Every worker has the right to a decent occupation in Aceh • The Government of Aceh shall provide opportunity and protection for workers from outside Aceh, but they must be registered at the manpower institution • Every worker is entitled to form and become a member of labor union, the Government of Aceh may stipulate | <p>authority over foreign investments <i>(Article XII, Sec. 1, 2, 16, 18-19, 26-29,31,34)</i></p> |
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| | <p>special facilities regarding the organization and membership in labor union (Chapter XXIII, Art. 133-137)</p> | |
| <p><i>Natural Resources</i></p> | <ul style="list-style-type: none"> • The Government of Aceh is empowered to manage natural resources in Aceh both inland and in the territorial sea of Aceh • Natural resources covers – <ol style="list-style-type: none"> 1. Mining – mineral, coal and geothermal 2. Forestry 3. Agriculture 4. Fishery and oceanic • Management of the natural resources includes planning, arrangement, utilization and supervision over business activities engage in exploration, exploitation and cultivation • The conduct of business activities should empower the community by involving local human resources and other resources existing in Aceh • The authority to manage natural resources in the territorial sea covers – <ol style="list-style-type: none"> 1. conservation and management 2. administration and licensing for catching and breeding of fish 3. arrangement of lay out for sea territory, coastal area and small island 4. legal enforcement of regulations 5. maintenance of sea customary law and sea safety 6. participation in the maintenance of the sovereignty of the Unitary State of the Republic of Indonesia • The management of natural resources should observe the principles of sustainable development and preservation of the environment (Chapter XXII, Article 123-125) • Share of Aceh from incomes derived from natural resources - <ol style="list-style-type: none"> a. forestry - 80% b. fishery - 80% c. general mining - 80% d. geothermal mining - 80% e. oil mining - 70% f. natural gas mining - 70% <p>(Chapter XXIV, Art. 141)</p> | <ul style="list-style-type: none"> • Control and supervision over the exploration, utilization, development, and protection of the mines and minerals and other natural resources are vested in the Regional Government, except strategic minerals such as <ol style="list-style-type: none"> a. Uranium b. Petroleum and other fossil fuels c. Mineral oils d. All sources of potential energy e. National reserves and aquatic parts f. Forest and watershed reservations already delimited by central government • Sharing of revenues, taxes, or fees derived from the use and development of strategic minerals - <ol style="list-style-type: none"> a. regional government – 50% b. central government – 50% • The Regional Assembly has the authority to grant franchises and concessions, and may empower the Regional Governor to grant leases, permits and licenses over agricultural, forest and mineral lands • Regional Government regulates small-scale mining • Inhabitants of the autonomous region have preferential rights over the exploration, utilization, and development of natural resources of the autonomous region. (Article XII, Sec. 5, 6, 9) |

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| <p><i>Land</i></p> | <ul style="list-style-type: none"> • The Government of Aceh is authorized to manage and arrange the allotment, utilization and legal relationship relating to rights over land by acknowledging, honoring and protecting the existing rights including customary law rights • I is obliged to protect <i>wakaf</i> land and other religious assets • It is authorized to grant license for right to build and right of exploitation for domestic and foreign investors (Chapter XXIX, Art. 161-162) | <ul style="list-style-type: none"> • Regional Government shall undertake measures to protect the ancestral domain and ancestral lands of indigenous cultural communities • All lands and natural resources in the autonomous region that have been possessed or occupied by indigenous cultural communities since time immemorial, except when prevented by war, <i>force majeure</i>, or other forms of forcible usurpations, shall form part of the ancestral domain • Lands in the actual, open, public, and uninterrupted possession and occupation by any indigenous cultural community for at least thirty years are ancestral lands • The Regional Assembly may enact an agrarian reform law suitable to the special circumstances prevailing in the autonomous region (Article X, Sec. 1-8) |
| <p><i>Public Order and Security</i></p> | <ul style="list-style-type: none"> • The Indonesian National Army is responsible for the defense of the state and other tasks in Aceh – defending, protecting and maintaining the unity and sovereignty of the state in Aceh • Members of Indonesian National Army on duty in Aceh must revere the universal principles of human rights and honor the culture and traditional customs of Aceh • Criminal offence committed by the Army will be tried in accordance with statutory regulations, and conducted openly and disclosed to the public • The Aceh Police Department is part of the State Police Department of the Republic of Indonesia • The tasks of the Aceh Police Department are to maintain the security and public order and enforce the law in Aceh • The Head of the State Police | <ul style="list-style-type: none"> • The defense and security of the autonomous region shall be the responsibility of the central government. • There shall be a regional command of the Armed Forces of the Philippines (AFP) for the autonomous region • The central government has the authority to station and deploy in the autonomous region such elements of the AFP as may be necessary • The Regional Governor may request the President to call upon the AFP to – <ol style="list-style-type: none"> a. To prevent or suppress lawless violence, invasion, or rebellion b. To suppress the danger to or breach of peace when the Regional Police force is not able to do c. To avert any imminent danger |

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| | <p>Department of the Republic of Indonesia will appoint the head of the Aceh Police Department with the approval of the Governor</p> <ul style="list-style-type: none"> • The policy on the tranquility and public order in Aceh is coordinated by the Head of Aceh Police Department • The selection of applicants as bintara (soldier in the lowest grade) and perwira (officer) of the State Police Department of the Republic of Indonesia in Aceh shall be conducted by the Aceh Police Department • Assignment of police from outside to Aceh shall be decided by the Head of the State Police Department of the Republic of Indonesia (Chapter XXV, Article 153 -157) | <p>to public order and security in the area of autonomy</p> <ul style="list-style-type: none"> • The President may on his own accord send the Armed Forces into the autonomous region if the Regional Governor does not act within 15 days after the occurrence of the above events. (Article XIII, Sec. 11-12) • A Philippine National Police Regional Command (Special Regional Security Force – SRSF or Regional Police Force) shall be organized in the autonomous region • The Regional Assembly shall enact laws to govern the Regional Police Force • Members of the MNLF integrated into the Regional Police Force may be deployed in the autonomous region or elsewhere • The Regional Police force shall be composed of existing PNP units, MNLF elements, and other residents of the area • Functions – <ol style="list-style-type: none"> a. Enforce laws b. Maintain law and order c. Investigate and prevent crimes, arrest criminal offenders, bring criminal suspects to justice, and assist in their persecution d. Effect other arrests, searches, and seizures e. Detain persons for a period not exceeding what is prescribed by law f. Process applications for the licensing of firearms g. Initiate drives for the licensing or surrender of unlicensed firearms; confiscate unlicensed firearms • The Regional Police Force shall be civilian in nature and character • The scope of operation is regional • Powers of the Regional Governor over the Regional Police force |
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| | | <ul style="list-style-type: none"> a. Act as deputy of the National Police Commission in the region b. Exercise operational control and general supervision and disciplinary powers c. Employ or deploy the elements of and assign or reassign the Regional Police Force through the Regional Director of the Regional Police Force d. To recommend to the President the appointment of the regional director e. Oversee the preparation and implementation of the Integrated Public Safety Plan f. Impose, after due notice and summary hearings of the citizen's complaints, administrative penalties on personnel of the Regional Police Force • Regional Police Commission, which shall perform the functions of the National Police commission in the autonomous region, shall be created <i>(Article XIII, Sec. 2-10)</i> |
| <p><i>Education</i></p> | <ul style="list-style-type: none"> • Education in Aceh is the same with the national education system, adjusted to the characteristics, potential and the necessity of the local community • Every Aceh resident is entitled to acquire high quality and Islamic education in line with the development of science and technology • Education is based on the principles of democracy and justice by revering human rights, Islamic values, culture, and nation's plurality • Aceh Government is obliged to allocate adequate funds to finance basic and intermediate education • The Government of Aceh is responsible for – <ul style="list-style-type: none"> a. organization of education at all levels, lines and types b. formulation of policy regarding the | <ul style="list-style-type: none"> • The Regional Government shall establish, maintain, and support a complete and integrated system of quality education and adopt an educational framework that is meaningful, relevant, and responsive to the needs, ideals, and aspirations of the people of the region • The educational system of the Regional Government is a sub-system of the national educational system • Educational policies and principles – <ul style="list-style-type: none"> a. Perpetuate Filipino and Islamic values and ideals, aspirations, and orientations. It shall develop the total spiritual, intellectual, social, cultural, scientific, and |

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| | <p>organization of formal education, dayah education and other non-formal education</p> <p>c. formulation of policy for the development of universities, curriculum and quality standard of education at all levels, lines and types</p> <ul style="list-style-type: none"> • The Government of Aceh provides extensive opportunity to qualified religious institutions, communal organization, non-government and business community to have role in the education sector • The Government of Aceh is obliged to strengthen the functions and role of Regional Education Assembly, the formation, composition, tasks and functions to be determined by Aceh Qanun <i>(Chapter XXX, Article 163 -157)</i> • Regional language may become introductory language in the elementary school level of education <i>(Chapter XXXI, Art. 70)</i> | <p>physical aspects of the people to make them God-fearing, productive, patriotic citizens, and conscious of their Filipino and Islamic values and cultural heritage</p> <p>b. Inculcation among the citizenry and students of their commitment to the peaceful settlement of disputes and grievances and the avoidance of the use of lawless violence</p> <p>c. Inculcation of the values of patriotism and nationalism, appreciation of the role of national and regional heroes in the historical development of the country and region, foster love of humanity, respect for human rights, and the rights and duties of citizenry, and the cultures of the Muslims, Christians, and tribal peoples</p> <ul style="list-style-type: none"> • Religious instruction in public schools shall be optional • The regular public and Madaris schools shall be the primary vehicles for the preservation, enhancement, and development of the culture, mores , customs, and traditions of the Muslims, Christians and indigenous people • A regional language may be evolved from the different dialects in the region • Filipino and English shall be the media of instruction, regional languages may be used as auxiliary media of instruction • Arabic shall be taught as a subject in all grade levels as required for Muslims and optional to non-Muslims • Filipino and Islamic values shall be incorporated in the social studies subjects • Regional education shall develop consciousness and appreciation of one's ethnic identity |
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| | | <ul style="list-style-type: none"> • The Regional Government shall develop curricula that are relevant to the economic, social, political, cultural, moral, and spiritual needs of the people • Textbook preparation, writing, revision and printing shall be the joint responsibility of the Regional Government and the central government • The management, control, and supervision of the regional educational subsystem shall be the primary concern of the Regional Government • The Regional Assembly may create a tribal university system to address the educational needs of the indigenous communities • It shall enact legislation for the strengthening and development of the Madrasah Educational System • Arabic shall be the medium of instruction in <i>madaris</i> and other Islamic institutions • Accredited <i>madaris</i> shall be supervised by the Regional Department of Education • The Regional Government shall provide scholarships to qualified poor but deserving students in all levels of education <p>(Article XIV, Sec. 1-14)</p> |
| <p><i>Culture</i></p> | <ul style="list-style-type: none"> • The Government and the Government of Aceh shall protect, foster and develop Aceh culture as well as Aceh arts based on Islamic civilization; • Acknowledge, honor and protect cultural arts inheritance of Aceh ethnic groups • Protect and preserve sites, literatures, historical documents, tsunami marks, culture and civilization of Aceh • Are obliged to research and return missing or moved historical assets and maintain them as Aceh cultural | <ul style="list-style-type: none"> • The cultural heritage of the people of the autonomous region shall be an integral component of regional development • The Regional Government shall recognize, respect, protect, preserve, revive, develop, promote, and enhance the culture, customs, traditions, beliefs, and practices of the people of autonomous region • It shall encourage and |

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| | <p>inheritance</p> <ul style="list-style-type: none"> • The Government of Aceh may form Aceh cultural institution and/or arts (<i>Chapter XXXI, Article 170-171</i>) | <p>undertake the recovery, collection, collation, and restoration of historical and cultural properties for posterity</p> <ul style="list-style-type: none"> • The Regional Assembly may create a bureau on cultural heritage that shall plan, initiate, implement, and monitor cultural programs, projects, and activities that preserve and enhance the positive elements of the indigenous culture of the inhabitants of the autonomous region (<i>Article XIV, Sec. 25-27</i>) |
| <p><i>Social Services</i></p> | <ul style="list-style-type: none"> • The Government and the Government of Aceh are obliged to – <ol style="list-style-type: none"> a. provide social protection and service to people having social problems; b. provide services that will ease the lives of Aceh residents having social problems; c. assist victims of natural and social disasters; and d. rehabilitate public facilities and assist in the rehabilitation of individual assets destroyed by disaster • Establish social institutions for people having social problems (<i>Chapter XXXII, Article 172</i>) • Every Aceh resident is entitled to physical and mental health and nutrition improvement services • Every orphan, and poor and needy person, is entitled to free comprehensive health service • The Government of Aceh is obliged to provide Islamic health services • The Government of Aceh shall prevent and overcome all types of endemic, epidemic, pandemic diseases, and/or diseases endangering the sustainability of the residents • It shall provide opportunity to religious institutions, social organization, customary law institutions, social organization, women organization, professional organization, non-government organizations and qualified business | <ul style="list-style-type: none"> • The promotion of social justice includes the commitment to create social, political, and economic opportunities based on freedom of initiative, resourcefulness, and self-reliance • The Regional Assembly shall enact measures to provide and promote social services • It shall establish and maintain and effective food and drug regulatory system • It shall enact legislation on child health and development; protection and development of the rights of women and of the indigenous population; registration of birth; and fixing of regional holidays • The Regional Government shall evolve housing program • The Regional Government recognizes – <ol style="list-style-type: none"> a. The Filipino family as the foundation of the nation. It shall strengthen its solidarity and actively promote its total development b. The role of women in nation building and regional development c. The vital role of the youth in nation building; the Regional Assembly may create the |

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| | <p>to have role in the health sector (Chapter XXXIII, Art. 173-175)</p> | <p>Office of Youth Affairs</p> <p>d. Shall protect and promote the rights of people's organizations</p> <p>e. Labor as a primary social economic force for development (Article XV, 1-9)</p> |
| <p><i>Urban and Rural Planning</i></p> | <ul style="list-style-type: none"> • Development planning in Aceh shall be carried out as part of the national development planning system within the framework of the Unitary State of the Republic of Indonesia, and shall observe– <ul style="list-style-type: none"> a. Islamic values b. Social culture c. Sustainability and environment perspective d. Justice and even distribution e. Necessity • The planning process should ensure connectivity among planning, budgeting, implementation and supervision • Community involvement in the planning process • Observance of sustainable development and preservation of the environment • The objective of development is to improved the standard of life and prosperity of the people • In the preparation and implementation of sustainable development plan, the Government and the Government of Aceh are obliged to observe, honor, protect and comply with the rights of the people of Aceh • Adoption of integrated environment management • People's involvement in the preparation and implementation of sustainable development plans and environmental protection. (Chapter XX, Article 114-119) | <ul style="list-style-type: none"> • The Regional Government shall promote and formulate comprehensive and integrated regional urban and rural development polices, plans, programs, and projects responsive to the needs, aspirations, and values of the people • It shall initiate, formulate, and implement special development programs and projects responsive to the particular aspirations, needs, and values of the indigenous cultural communities (Article XI, Sec. 1-4) |
| <p><i>Flag, Seal and Hymn</i></p> | <ul style="list-style-type: none"> • The Red and White Flag is the crest of national flag which is applicable to Aceh in the Unitary State of the Republic of Indonesia | <ul style="list-style-type: none"> • The Regional Assembly is empowered to pass a law adopting an official regional emblem, seal, and hymn. The |

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| | <ul style="list-style-type: none">• The Government of Aceh may determine and stipulate an Aceh flag, but it is not a symbol of sovereignty and will not be treated as a sovereignty flag in Aceh• The Government of Aceh may determine a crest as symbol of specialty and specific characteristics• Indonesia Raya is the national anthem having national characteristics for Aceh in the Unitary State of the Republic of Indonesia. The government of Aceh may determine an Aceh Hymn (<i>Chapter XXXVI, Art. 193-195</i>) | <p>regional emblem and seal shall be displayed along with the national emblem and seal. The regional hymn shall be sung after the national anthem in official proceedings. (<i>Article XVI, Sec. 1</i>)</p> |
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