

Aceh Peace Monitoring Update

1 July – 31 August 2009

Center for Peace and Conflict Resolution Studies
Syiah Kuala University



In August 2009, upon the fourth anniversary of the Memorandum of Understanding (MoU) between the Free Aceh Movement (GAM) and the Indonesian government, violent incidents remained at their lowest sustained levels since 2006. Overall conflict figures (violent and non-violent) also remained at their lowest levels since early 2008.¹ On 8 July, President Susilo Bambang Yudhoyono was reelected, winning more than 93% of the vote in Aceh, more than in any other province in Indonesia. His landslide victory in Aceh has been widely interpreted as a vote for peace, but his pro-poor development policies and an informal political alliance with leaders from Aceh's ruling party Partai Aceh (PA) also appear to have contributed importantly to his victory.² Through the legislative and presidential elections, GAM completed its transformation into a political force accountable to voters. The election results also strengthened a central government that supports the peace process, thereby delivering a favorable political configuration to sustain and consolidate peace in Aceh. Following the elections, provincial and district governments in Aceh face a dual challenge. On the one hand, they will need to maintain the broad coalition of supporters that brought them into political office. On the other hand, they must pursue governance reform. Before the new PA dominated parliament was sworn in at the end of September, outgoing legislators focused more of their attention than usual on a long list of administrative issues that highlight poor performance in the executive branch. Tensions between provincial parliament (DPRA) and the executive reached their peak in September when the DPRA rushed into law a new and controversial *syariat*-based criminal code, the *Qanun Jinayat*, which Governor Irwandi has refused to sign.

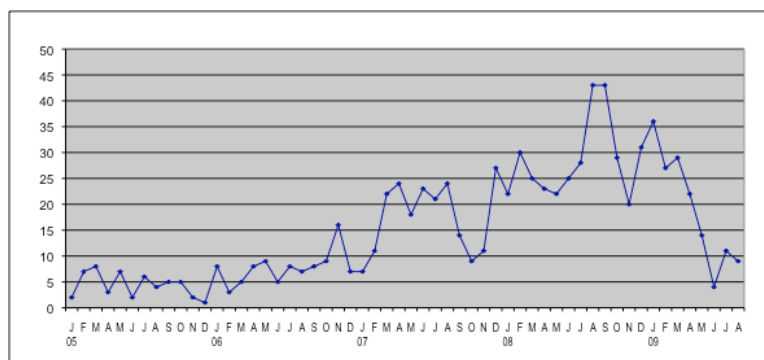
Violence remains low, sustaining the post-April decline

The period since the April legislative elections has seen the lowest sustained levels of violence since 2006 (see Figure 1). Violent incidents decreased dramatically after the April elections, and have remained consistently low through to the end of August. Before the election, there had been a steady and continuous increase in conflict and violence since the MoU, with yearly low points during the Islamic fasting month. The post-election period is the first time the data has shown a sharp and sustained decrease. This pattern is consistent across different forms of violence. Arson is at its lowest levels since mid-2008, and there have been only a few kidnapping or robbery incidents, with economic motives only, and no reported bombing or grenade incidents for three months.

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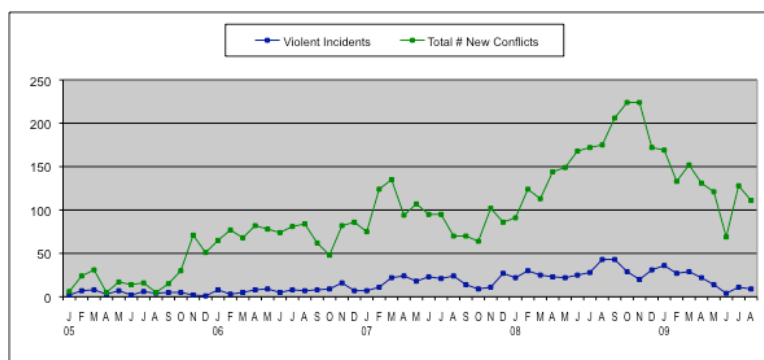
² Partai Aceh is the political party formed by GAM, Aceh's former separatist guerilla movement, in mid-2007.

Figure 1: Violent Incidents by Month



Not only have violent incidents decreased, but so have nearly all conflict types as well (see Figure 2). Despite a rise in the monthly total number of conflicts (violent and non-violent) in July following the record low in June, the numbers for July and August are still lower than any since early 2008. The July rise reflects a leap in administrative conflicts since the April legislative elections (more on this below), whereas political conflicts and vigilantism remain at below-average levels.

Figure 2: Conflict and Violent Incidents by Month



Aceh voters reelect SBY by a landslide

The sustained trend of decreased levels of conflicts and violent incidents is particularly impressive considering that the Indonesian presidential elections were held on 8 July. The election proceeded without incident, presenting a significant contrast to the high levels of violence and conflict that preceded the April legislative elections. That President Susilo Bambang Yudhoyono’s (SBY) won in Aceh was no surprise. He was the clear front-runner nationally and his political party, Partai Demokrat (PD), had performed strongly in Aceh in the April legislative elections. Partai Demokrat won the most votes among all parties competing for national level seats in the April elections, and came second only to a local party, Partai Aceh (PA), at the provincial and district levels. What surprised observers was the emphatic margin of SBY’s victory in Aceh. His ticket won 93 percent of the popular vote, the highest percentage of any province in Indonesia, with SBY’s victory in West Sumatra at 80 percent a distant second. Many observers attribute this victory as a vote for peace, acknowledging that peace in Aceh was achieved during SBY’s first term as president. A vote for peace was surely an important consideration, but is not sufficient explanation of the margin of SBY’s victory, given the electoral performance of his rival for the presidency, Vice President Jusuf Kalla. Kalla’s important role in the Aceh peace process is widely acknowledged, but his ticket earned only four percent of the popular vote in Aceh.³ Many expected him to perform better.

³ Former President Megawati Soekarnoputri, unpopular in Aceh because the 2003 military emergency in Aceh was declared during her presidency, came third with just 2.4 percent of the popular vote.

At least four reasons may explain the huge disparity between SBY and Kalla's vote count in Aceh. First, SBY's campaign had established an informal alliance with PA, well known by now for its ability to mobilize voters and deliver electoral victories. As an Aceh-based local party without any direct representation in Jakarta, an alliance with SBY suited PA because the party will have to rely on SBY and his party holding a plurality in the national parliament to consolidate the peace process over the next five years.⁴ PA's spokesperson, Adnan Beuransyah, consistently denied a formal alliance between PA and the SBY campaign or Partai Demokrat. Nevertheless, even Governor Irwandi joined SBY's campaign and many PA supporters at the grassroots level followed suit. Second, SBY presents a neutral and palatable choice for all groups in Aceh, including former adversaries during the conflict. Even in regions of Aceh where PA does not have political power much less a base of voters to mobilize, SBY still won by a landslide. SBY's lowest vote in Aceh was in Singkil district in the far southwest corner of the province. PA won zero seats in Singkil's district parliament, but SBY nevertheless won more than 87 percent of the vote. Third, weaknesses in Kalla's campaign may account for some of the margin. Kalla's political party, Golkar, suffered from fractious intra-party disagreements in the lead-up to the presidential election and still carries the stigma of its Soehartoera legacy. Kalla's vice presidential candidate, Wiranto, rose to Commander of the TNI during the final years of Soeharto's rule and posed a direct reminder to Acehnese voters of the human rights abuses perpetrated against civilians throughout the 1990s. Fourth, SBY's first term track record was perhaps the most important reason for his decisive victory in Aceh. In addition to delivering humanitarian assistance and peace to Aceh after the tsunami, SBY also initiated and implemented development policies that favored poor and rural communities. These policies include direct cash payments to the poor after fuel subsidies were cut, the community-driven PNPM village development program, and tuition subsidies for elementary and middle school students. Many villagers in remote areas cite such programs as some of the only direct assistance they have received from the government. Acehnese voters also supported SBY because of the extraordinary attention he gave to the rehabilitation and reconstruction efforts in the province after the tsunami, declaring it a "national" natural disaster and creating a ministerial position specifically for this effort that allowed for the delivery of humanitarian assistance from abroad.

The Aceh Elections Oversight Board (Panwaslu) registered only 31 violations associated with the presidential election, mostly minor administrative infractions.⁵ None of these registered violations were cited in a challenge to the presidential election results lodged with the Constitutional Court (MK) by the Kalla and Megawati campaigns. Indeed, their joint case contained no reference to cases in Aceh.

Aceh's political transformation meets its next challenge

The legislative and presidential elections mark an important turning point in Aceh's political transition and bring the peace process to its next challenge. Through the legislative elections, GAM completed its transformation from an armed insurgent group into a political organization accountable to voters. At the same time, SBY's reelection along with his party holding the most seats in the national parliament strengthens the central government's mandate to support the peace process. The decrease in conflicts since April suggests that the outcomes of both elections may present an ideal political configuration to sustain peace moving forward. On the other hand, past experience in Aceh could suggest the decrease may be only temporary. Elections not only realign the political constellation, but also reconfigure the pattern of access to resources. Elections for the governor and district heads in late 2006

⁴ PA will need SBY and PD as allies in Jakarta to fulfill their foremost campaign promise to Aceh voters: full implementation of the MoU, which (in the eyes of PA) may require revision of the Law on Governing Aceh.

⁵ By far the most common administrative violation was setting up polling stations on the grounds of houses of worship. Village communities throughout Aceh have a longstanding tradition of holding public events at the nearest mosque.

were also followed by a brief period of decreased violence, but by March 2007 violent incidents and all other conflict types sharply increased to levels not seen since before the peace agreement. Much of this conflict was generated from within KPA itself, as new elites displaced old ones, and many rank-and-file ex-combatants found they could not access the spoils of political office that their leaders now enjoy.⁶ For the legislative elections in April, PA managed to use the promise of the benefits for all that a PA victory would bring to overcome previous internal tensions and mobilize all GAM components. As of late-September and early-October, the newly elected legislators have now been inaugurated into office. The decrease in conflict may indicate that stakeholders in the peace process, including potential spoilers, are still waiting to see how PA distributes the spoils of their victory.

As with PA executive branch heads elected in 2006 and 2007, PA parliamentarians will now face a similar set of pressures to distribute benefits to those who ensured their victory while also trying to pursue their political agenda. They may also face resistance from pre-existing patronage networks that no longer have access to government largesse. Furthermore, local PA cadres wanting to distribute patronage benefits may come into conflict with the party's top leaders, who are more eager to demonstrate improved governance in Aceh. Concessions to pressure for patronage may guarantee continued peace in the short term, but governance reform has the potential to sustain and consolidate peace in Aceh's new representative democracy well beyond PA's current five-year term.

Tensions between outgoing legislators and the executive branch contribute to the rise in administrative conflicts since April

The four months of post-election monitoring data currently available to CPCRS reveal a remarkable rise in administrative conflicts since the legislative elections during a period when all other conflict types remained at below-average levels.⁷ In a typical month, administrative disputes are most commonly initiated by civil society groups, such as NGOs, mass organizations, and beneficiaries of humanitarian assistance, who draw attention to corruption and other governance issues. But since the legislative elections, government institutions have initiated the largest share of administrative disputes. In July and August, 40 percent of administrative disputes were initiated by government institutions, and more than half of these reports (38 out of 64) emanated from provincial (DPRA) and district parliaments (DPRK). Admittedly, one function of the legislative branch in the Indonesian political system is to routinely monitor policy and the performance of the executive branch, including the line agencies under executive purview. Nevertheless, the performance of the legislative branch of government since the elections is atypical - it has rarely identified such a large proportion of administrative disputes in the past.

⁶ The World Bank's Aceh Conflict Monitoring Updates throughout 2007 and 2008 covered many of these issues as they arose, available at <http://www.conflictanddevelopment.org>

⁷ Conflicts coded as administrative include disputes over government procedures and budget management, public services and utilities, political boundaries, labor issues, as well as similar issues in the private and non-profit sector. Corruption cases are also coded as administrative conflicts.

As some of the cases in Box 1 illustrate, complaints lodged by the DPRA and DPRK across Aceh have increased as incumbent legislators reach the end of their term in office. All of the outgoing parliamentarians in Aceh are from national parties, nominated and elected into office during a military emergency, prior to both the tsunami and the MoU, and thus under dubious democratic circumstances. Many of these legislators were deeply entrenched in patronage networks, partaking of and distributing the spoils of political office, complicit in some of the egregious problems in local governance in the executive. Most were voted out in April, to be replaced by local party legislators from PA. With little left to gain before they stepped down at the end of September, outgoing legislators had several months' opportunity to make full use of their role as monitors of the executive branch. In this context the increase in complaints by outgoing legislators is not purely 'administrative,' but political as well, and may explain the escalation of administrative disputes initiated by DPRA and DPRK across Aceh. Few of these disputes in July and August are covered more than once in the press, a testament to their lack of traction before the legislators stepped down.

Box 1: Select Administrative Disputes Raised by DPRA & DPRK Against Executive Branch in July & August

- 3-Jul DPRK Aceh Barat complains to the district government about an incomplete bridge construction project in Woyla Barat sub-district
- 9-Jul DPRK Aceh Selatan urges the district inspector to resolve the case of a middle school English teacher in Meukek sub-district who retired four years ago but still receives his monthly salary
- 9-Jul DPRA complains that the provincial government and all district governments have yet to submit their budget accountability reports
- 9-Jul Education subsidies allocated for one hundred thousand orphans in Aceh not disbursed by 9 July target date. DPRA requests that the officials responsible for the delay be fired
- 10-Jul DPRK Sabang requests that the city government speed up their review of the annual budget to ensure it is completed before the DPRK's term finishes at the end of August 2009.
- 13-Jul DPRK Pidie Jaya complains about the slow delivery of furnishings for recently constructed schools
- 14-Jul DPRK Nagan Raya complains that the district hospital is unable to conduct blood tests
- 15-Jul DPRK Nagan Raya complains about a Department of Highway Construction and Maintenance project worth Rp 3.3 billion that did not undergo an open tender process
- 21-Jul DPRA criticizes the performance of the forestry department in handling forest fires despite increase in annual budget to Rp 38 billion
- 23-Jul DPRA calls for special audit of the Aceh Scholarship Commission after TAKPA, the provincial anti-corruption agency, discovered improper health insurance procurement procedures for scholarship recipients
- 27-Jul A special commission from DPRK Lhokseumawe complains about the performance of three line agencies: the Dept. of Health; the Dept. of Industry, Trade, and Cooperatives; and the Fisheries Dept.
- 28-Jul The head of the village governments alliance in Bireuen district claims that the distribution of village budgets will be late because only 50 out of 609 village heads submitted proposals. DPRK Bireuen accuses him of lying and deceiving the public.
- 31-Jul DPRK Sabang complains about the city government's poor performance in improving health care
- 31-Jul DPRK Pidie complains about the District Budget Team's carelessness in neglecting to budget for 15 percent back pay for more than 12,000 district civil servants
- 4-Aug DPRA asks the Governor to fire his staff if they are incapable of managing changes in the 2009 budget
- 7-Aug DPRK Aceh Besar highlights the district government's poor performance
- 13-Aug DPRA evaluates the Health Department's infectious disease program and concludes that an excessive travel budget has resulted in inefficient implementation
- 16-Aug DPRA expresses doubts over the Director General of Financial Administration's report which reports that disbursement of 2009 special autonomy funds has reached 45 percent
- 19-Aug DPRK Sabang complains about the slow delivery of the city government's budget resulting in postponement of many projects
- 23-Aug DPRA urges the Governor to replace line agency heads with poor performance records

In mid-September, however, just two weeks before the end of their term, outgoing DPRA legislators made international headlines and brought their tensions with the executive branch and the incoming PA parliament into stark relief when they rushed through a new and radical criminal code based on *syariat* Islamic law, that includes stoning-to-death for married

Box 2: Outgoing DPRA Passes Controversial *Syariat* Legislation Two Weeks Before the End of Their Term

Called the *Qanun Jinayat*, this legislation employs a strict interpretation of Koranic law that allows for the stoning-to-death of married adulterers, 100 cane-lashings for homosexual behavior or pre-marital sex, and similar corporal punishments for other kinds of vice. The new law builds upon some *syariat* criminal offences first formally introduced in Aceh in 2001 during the GAM conflict, when Jakarta allowed the introduction of Islamic law as part of a limited autonomy package, hoping it would end the war, as if GAM was waging a religious struggle. GAM leaders always referred to this as the “unwanted gift” from Jakarta, bearing in mind that at its foundations their struggle was ethno-nationalist, not religious. As such, the outgoing DPRA's new *jinayat* legislation lays down the gauntlet before the incoming PA-dominated DPRA and former GAM leaders who now hold executive office. Many religious leaders and their followers support the law, setting up PA executives and parliamentarians for a political battle that could see them branded as anti-Islamic. However, some religious scholars argue that the formulation of *syariat*-style legislation requires extensive consultation with them, and that it is not appropriate for legislators of a secular parliament to have designed such laws so hastily. Human rights and gender activists in Aceh and across Indonesia have protested the legislation, the national government has condemned it, and the press has widely covered sensational aspects of the law. As new PA parliamentarians assume office, they are reluctant to revoke the *jinayat* legislation, citing their own dense legislative agenda. Instead, they assert that the *jinayat* legislation rushed through by their predecessors is only a draft, leaving its status wide open for interpretation by Aceh's diverse social groups.

adulterers (see Box 2). Governor Irwandi refused to sign the law, calling it unconstitutional and a violation of human rights. The outgoing DPRA claimed that after 30 days without signature, the law automatically goes into effect. New parliamentarians from PA as well as some legal experts argue that the 30-day rule only applies if the law was planned in a collaborative and consultative process. Critics argue that the outgoing DPRA legislators have left behind a legacy that damages Aceh's standing in the international community and guarantees future conflict within Acehnese society and with Jakarta. While the chances of formal implementation are slim, Aceh's recent experiences with *syariat* legislation suggest that such laws implicitly sanction over-zealous vigilante behavior.

As PA parliamentarians begin their new term, there is no guarantee that administrative disputes between the legislative and executive branches of Aceh's provincial and district governments will decrease. The previous legislatures represented entrenched national party interests that were at odds with a new generation of executive leaders elected with GAM's political support. However, the main source of pressure on these new executives thus far has arguably been from GAM's grassroots, contributing to many of the documented conflicts from 2007 until early 2009. Now that a lot more former GAM leaders have gained political office as parliamentarians through the legislative elections, conflicts internal to the organization that were once expressed through violence may now transform into administrative disputes worked out through local governance procedures. In this context, an increase in administrative disputes at the expense of violence and other forms of conflict would be a welcome next step in Aceh's ongoing transition to peace.