

# GLOBAL EXCHANGE

## **Aceh: Peace after the Waters? Aceh: Challenges of Reconstruction and Peace One Year Later**

March 2006

December 2005 marked the one-year anniversary of the Indian Ocean earthquake and tsunami. The earthquake was the second most powerful ever recorded and it was followed in minutes by a tsunami wave, which destroyed and took the lives of coastal communities across Aceh's 800 km coastline – equivalent to the coastline from San Francisco to San Diego.<sup>1</sup> This natural disaster, the deadliest tsunami in recorded history, devastated twelve Asian and African countries along the rim of the Indian Ocean, leaving an estimated 167,000 dead and half a million people homeless in Aceh alone. The 2004 earthquake and tsunami generated an unprecedented outpouring of generosity; the estimated total of donations is US\$9 billion, which enables the largest humanitarian relief effort in human history. Undoubtedly the relief effort undertaken by governments, donors, international agencies and non-governmental organizations (NGOs), and local and national groups has saved lives and prevented epidemics and famine.

Compounding the tsunami's impact was the thirty-year long civil conflict between the Government of Indonesia and Gerakan Aceh Merdeka (Free Aceh Movement or GAM) an armed separatist group fighting for Aceh's independence. An estimated 15,000 lives have been taken and more than 1.4 million people have been displaced, on a battleground of torture, rape, and extra-judicial killings.<sup>2</sup> At the time of the tsunami in 2004 Aceh was already under civil emergency, the military and police were in charge and the province was at war. Hundreds of thousands of civilians had been displaced, Aceh was closed to foreign press and humanitarian aid after peace talks fell through in May 2003. This context made the relief effort in Aceh, the worst effected tsunami area more challenging than other affected countries.

The aftermath of the tsunami and the considerable international attention it drew presented an opportunity for a renewed peace effort. A Memorandum of

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<sup>1</sup> Aceh and Nias One Year After the Tsunami The Recovery Effort and Way Forward, BRR Dec. 2005 <http://e-aceh-nias.org/commemorate/press.php>

<sup>2</sup> <http://www.worldwatch.org/features/disasters/aceh-timeline>

Understanding was signed between the Indonesian government and GAM in Helsinki on August 15<sup>th</sup>, 2005, calling for disarmament of GAM, demilitarization of Aceh, and limited self-government.

In response Global Exchange organized a delegation of human rights advocates and researchers from Malaysia, Thailand, Bangladesh and the United States to travel to Aceh, Indonesia to witness and assess the situation one year after the disaster. The delegation goals included building networks between Acehnese civil society groups and the delegates and their organizations; to gather information and testimonials about how the civil conflict has impacted the recovery process; gauge the success of the peace process at the conclusion of the disarmament and demilitarization stage; assess the political space Acehnese civil society has in deciding on Aceh's reconstruction and rehabilitation; bring attention to Acehnese analyses of current reconstruction practices and proposals, and evaluate treatment of the tsunami and conflict internally displaced people's (IDPs).

## **Reconstruction & Rehabilitation**

“These events caused immense social, economic and environmental devastation to areas that were already poor, while sparking unprecedented emergency support. Before the tsunami, more than a third of the population of Aceh and Nias lived in poverty. Now, almost half live below the poverty line or are dependant on food aid. Full recovery will take years.”<sup>3</sup> While the earthquake and tsunami wrought tremendous destruction they also brought Aceh to international attention, which provided the necessary scrutiny to compel the conflicting parties to pursue credible peace. The combination of political transformation and international intervention has opened up enormous potential for popular empowerment and social betterment, but the visible optimism amongst Acehnese for these prospects contends with the diverse challenges and barriers outlined in this report.

Delegates traveled to Banda Aceh, Aceh Besar, Sigli, Bireuen, Lhokseumawe, and Meulaboh and met with three different sectors of civil society groups working on peace monitoring, rehabilitation and reconstruction. This included international and national agencies and NGOs, local NGOs, and affected communities, to fully understand the situation.

During the tsunami the Acehnese local government lost both extensive infrastructure and personnel, further weakening an institution that had already lost

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<sup>3</sup> Aceh and Nias One Year After the Tsunami The Recovery Effort and Way Forward, BRR Dec. 2005 <http://e-aceh-nias.org/commemorate/press.php>

the trust of the people because of the conflict. In April 2005 the Indonesian government created the BRR, Bureau of Reconstruction and Rehabilitation for Aceh & Nias, a ministerial-level agency mandated to coordinate the relief effort. Over the course of the next three years, the BRR plans to rebuild and strengthen the local government. The BRR will be phased out in 2009 when--according to the peace accord--the local Aceh government will be fully elected by the people of Aceh.

Currently the BRR and the Indonesian Government manage the donations for Aceh. According to the BRR, US\$4.4 billion has already been allocated to reconstruction projects, US\$775 million has been spent as of November 2005, and US\$150 million is being spent every month on housing reconstruction. In spite of these sizable numbers we did not see monumental reconstruction underway during our visit.

We visited the Meuraxa sub-district, ground zero of the tsunami disaster. Sixteen villages make up Meuraxa, including the coastal villages of Lam Jabat and Ulee Lheue. People in Meuraxa were relatively well off before the tsunami. Of a pre-tsunami population of 35,000-40,000, only approximately 5,000 people remain. When we drove through, stopping here and there, it seemed like we were visiting not a year, but about a month or so, after the tsunami. There was no road to speak of, only gutted dirt strip replete with deep holes. Although there was some rebuilding activity being carried out by Javanese workers, on the whole it came across like an area that had been neglected and bypassed by international aid, rather than being the focus of the most generous aid effort in human history. Additionally we were told it will be 2-3 years before electricity and water are restored in Ulee Lheue.

### I. Effects of Poor Coordination

We found a lack of overall coordination among international agencies and NGOs, local NGOs and the communities affected. We were told several times that many international NGOs and agencies display an unwillingness to share information and coordinate efforts with local NGOs and community groups. This problem is compounded by the fact that meetings are conducted in English, no translation into Bahasa Indonesia (the national language) is provided even after much protest from locals, and local villagers are expected to formulate project proposals for relief and rehabilitation services in English. Such practices lead to divisiveness. Some of the people we spoke with perceived international workers as acting superior to locals, noting that internationals have all the funding, and control decision-making. We found that this treatment has caused some villagers to distrust the international aid operation, and convinced some local NGOs to prefer working on their own, refusing to work with or receive funding from international groups. The effective

exclusion of affected communities at every level of decision-making and implementation renders information sharing, collaboration, and culturally sensitive approaches extremely difficult.

This lack of coordination has allowed international NGOs to pick and choose which villages they will work with, causing saturation of aid in certain villages, while leaving others with no services at all. These actions have led to a growing feeling among villages that they have to compete for resources against each other, and convincing the have-nots that they are regarded by the international community as unworthy of aid. We were told several times by local NGOs that the culture of handouts promoted by emergency-phase NGOs has turned communities into beggars no longer thinking of their future or self sufficiency but waiting for the next cash-for-work program or food drop. Local NGOs said this culture is very new to Acehese society which, although poor, never knew the phenomenon of beggars.

A senior manager from Oxfam said that one reason for the lack of coordination in Aceh is that there is a lack of any concerted pressure on the international agencies and NGOs to coordinate. In Afghanistan and the Sudan, military threats and political conflict compel the international agencies to create a united front in order to continue their work. By contrast, in Aceh the political situation is now more stable, agencies have tremendous budgets to spend, and there is little incentive for them to work together.

The BRR and UN OCHA (Office for the Coordination of Humanitarian Affairs) are responsible for coordination, avoiding duplication of services and gaps in aid. But the BRR is still a young organization and the UN has limited power. The BRR has recognized the lack of coordination and has prioritized 'working together' in 2006. But in the absence of pressure by donors and the media, there is little hope that greater coordination will materialize. Coordination is all the more important because of the huge number of agencies in Aceh, their lack of expertise in housing reconstruction in particular, and the high turnover in both staff and management. There are 124 international NGOs and 430 local NGOs. International NGOs in Aceh grew overnight from zero to offices with 400-600 staff.

According to the BRR's estimated figures, there are 67,500 people still living in one-year old tents, and 50,000 people housed in Government-built temporary barracks. The barracks are made up of a series of individual rooms or 'units', as they are called measuring about 13 x 9 feet each intended for a maximum of five inhabitants. This setup has led to cases where families comprising more than five

people are split up in different rooms.<sup>4</sup> And an estimated 110,000 houses are still needed. As of January 2006 16,200 houses have been built, and 13,200 houses are under construction. Fuad Mardadital, Deputy Director for Social Affairs at the BRR explained the slow pace of reconstruction as being due to the fact that “coordinating agencies and Government [have] to respond to an abnormal situation using normal regulations.” He explained that this is a result of both the current governing law in Aceh and Indonesia and the political transition that Aceh is in the middle of. Current laws and bureaucracy create legal barriers to addressing a disaster of this magnitude.

## II. Ramifications of the International Aid Operation

The lack of accountability and transparency leaves local Acehnese not understanding why reconstruction is so slow, and wondering what has happened to all the generously donated money. They are beginning to lose faith in both international NGOs and in the traditional village committees (made up of the most respected villagers to help govern and advocate for the village) acting as intermediaries between the INGOs and the villagers. In many instances, Acehnese villagers -- who previously trusted in these traditional leaders when they insisted that reconstruction assistance was forthcoming -- are turning against them as more and more time passes and the promised help never arrives. We learned of one case in which a local leader experienced such loss of face and a sense of humiliation that he felt compelled to flee the area. Some aid agencies have claimed that budgetary problems are responsible for their failure to deliver, but this does not address deficiencies in planning; it is significant that they have largely failed to recognize the downstream socio-cultural implications of their actions (or inactions). This problem struck us as a neglected dimension that has the potential to create new, and possibly long-term tensions and dysfunction among already traumatized and devastated communities.

These feelings have become so common that when we registered with the BRR Immigration Office, the Director explained the villager’s situation and made us agree before he granted our IDs not to make promises to his people. He said he feels it is his responsibility to make all new internationals coming to Aceh agree to stop making promises because it is causing his people more suffering.

Villagers often do not know who is making decisions about the reconstruction of their villages. The experience of seeing foreigners from powerful agencies visit them and make unfulfilled promises has led to resentment and blame. Openness and transparency in the reconstruction process is often more façade than reality. Communities are left to advocate for themselves vis-à-vis a daunting international

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<sup>4</sup> Tsunami Response A Human Rights Assessment, Action Aid; pg 26 and 28.  
[http://www.actionaid.org.uk/wps/content/documents/tsunami\\_HR01.pdf](http://www.actionaid.org.uk/wps/content/documents/tsunami_HR01.pdf)

bureaucratic system. There are a few local NGOs providing strong advocacy training and advocating directly for villagers, such as Yayasan Lam Jabat (Foundation of Lam Jabat Village) and Internally Displaced People (IDP) Forums organized by KMPD, The Peace and Democracy Monitoring Committee, but these small programs do not meet the huge need.

### III. Employment and Inflation

We were told repeatedly that construction contracts go to Jakarta-based companies who hire Javanese laborers to come to Aceh to rebuild. Meanwhile unemployment in Aceh is on the rise and many Acehnese men are unable to find work. Many men are therefore compelled to leave their homes everyday in search of work, or to stay home watching these imported workers rebuilding their houses.

As in East Timor and many other poor, disaster-afflicted countries where international aid operations establish themselves, the inflow of large amounts of money and the presence of free-spending agencies has brought staggering inflation. Prices have been forced up and the poor are forced out. In Banda Aceh, the provincial capital, houses today cost typically 10 times as much to rent as they did prior to December 2004. Those who are fortunate to own undamaged houses or other desired commodities are benefiting more economically than ever before. Overall, this inflation is causing deep inequalities within Aceh.

### IV. Women

Women and children are in highly vulnerable situations in post-tsunami, post-conflict Aceh. After the tsunami some Ulama - religious leaders - began spreading the message that the tsunami was caused by women's sins, insisting that Acehnese women must now conform to strict Islamic laws to avoid another disaster. These leaders point to the fact that more women and children were killed by the tsunami than men and that most women found dead or alive after the tsunami were less covered by clothing than permitted by Shariah law. One-year later, the conservative Ulama still promote this message during Friday prayers at many mosques throughout Aceh, turning women into scapegoats for the disaster and burdening them with feelings of guilt. It is common in Aceh to find banners on the side of roads sponsored by conservative Ulama saying, "Disaster has happened, so women cover yourselves up." Although widely accepted at first, this message is now being questioned, and local and international NGOs have sought to counter it with scientific evidence of the tsunami's origins and earthquake education. NGOs have begun to counter these messages with roadside banners of their own thus helping to break the guilt and shame forced upon Acehnese women.

The situation for women in the temporary barracks is dismal. The barracks are made of thin plywood on all four sides and corrugated metal roofs. The plywood

walls that separate each unit do not even reach the ceiling by a foot or so, offering no privacy. Toilets and bathing areas are not separated for men and women and are a walk away. Some barracks do not have any bathing facilities and residents have to walk to rivers nearby, making women and girls more vulnerable to abuse and sexual assault. There have been many accounts of domestic violence spreading from unit to unit in the barracks and many rumors of prostitution. We were told of one confirmed case where a husband was forcing his wife to prostitute herself for money. Luckily this incident was brought to the attention of a women's NGO forum and they were able to end the forced prostitution and get the woman assistance.

## **Peace Process**

### VI. Background

The Memorandum of Understanding (MOU) was signed on August 15, 2005, seven months after the tsunami by the Government of Indonesia and Gerakan Aceh Merdeka (Free Aceh Movement or GAM). The peace accord was mediated by former Finnish President Martti Ahtisaari. The signing of the MOU officially began Aceh's political transition toward peace after a bloody conflict of thirty years.

### VII. Political Transition Timeline According to the MOU

- September 15, 2005 – June 2006 Aceh Monitoring Mission, overseeing disarmament and demilitarization with 200 monitors from EU and ASEAN.
- December 2005 drafting of the New Aceh Law by the people of Aceh, drafted by a team of Acehnese intellectuals and lawyers (including two women) and sent to the Indonesian Parliament.
- December 31, 2005 completion of the disarmament of GAM's armed wing, the Aceh National Liberation Front and the removal of all non-organic military and police forces.
- March 31, 2006 promulgation of the New Law by the Indonesian Parliament. Final ratification of the MOU.
- April 2006 general election of the head of the Aceh Administration.
- January 2007 Indonesian Parliament due to ratify legal conditions for the establishment of local political parties.

- 2009 final election of Aceh legislature.

### VIII. Monitoring

The Aceh Monitoring Mission, AMM, has an office in every district of Aceh staffed by unarmed monitors from the EU and ASEAN. Monitors have various backgrounds including military, police, and human rights specialists. For the first three months the mission focused on meeting with local administrations, villagers, police and the public. In Pidie District, AMM met with 5,000 people in four months. AMM's mandate is to address only those instances of brutality and human rights violations that have occurred after August 15, 2005. Each AMM office conducts weekly meetings with the highest-ranking GAM leaders, the Chief of Police, and military officials to discuss the transition and resolve any conflicts. In Pidie District five GAM members, five TNI (Indonesian military) and five POLRI (Indonesian police) plus the chief of police and the head of the TNI attend the weekly meetings. Common discussion topics are extortion, previous local conflicts, GAM reintegration and implications of the peace agreement; the issues covered in these meetings are localized. The AMM is facilitating public talks about the MOU by the heads of GAM and the police and or military in each district. These talks are part of the larger effort to socialize the peace agreement to general Acehnese villagers. They provide a mechanism for local leaders to prove to their communities their commitment, accountability and understanding of the peace agreement and in turn give the villagers an opportunity to question both GAM and the armed forces on the MOU.

There have been very few incidents of reported violence and abuse since the MOU was signed. The disarmament and demilitarization phase was completed successfully. The MOU provides for the reintegration of GAM fighters into civilian life. The Indonesian Government has asked GAM to disclose a list of its members, so the exact number of GAM members who deserve assistance can be established. But GAM is reluctant to divulge that information for fear of possible retaliatory acts. As of now, GAM has been telling its members not to let money and politics divide them. The Government of Indonesia and the International Organization for Migration are managing the reintegration of ex-combatants, conflict IDPs, and released political prisoners. Assistance is divided into 3 phases over 6 months. Assistance includes a monetary payment, medical checks, skills building and a future needs assessment.

The majority of Acehnese we met with said the peace process is going well, but that they do not yet entirely feel safe nor are they sure that peace will last. Several people we spoke with said, "The point of no return to war has not yet been reached." It is hard to say when peace will become irreversible, but the next three

years of political transition will demonstrate the level of commitment on both sides.

#### IX. Internally Displaced Peoples

Persons displaced by both the tsunami and the decades of conflict need equal assistance for housing, food, health care and economic support. One population's houses were destroyed by earthquakes and water, the others by fires started by the military or GAM. It is dangerous to treat these victims differently because it sends a message saying only victims of natural disasters are worthy of support, or that families affected by the conflict are supporters of one side or the other and hence being punished for their political views. The decision to support one group and not the other also divides them economically because one group now has assistance to rebuild their lives whereas the other languishes in poverty.

We found conflict IDPs are still being neglected by INGOs and international agencies. The only international group we heard of working with conflict IDPs was the International Organization for Migration. But this will certainly not address the tens of thousands of conflict IDPs and refugees needing support and safety for their repatriation. Local NGOs such as RPUK (Women Volunteers for Humanitarian Action), and Yasindo (Community Rural Development Foundation) work with conflict IDPs, providing them with counseling and some livelihood and education programs but they have limited resources for these programs as the majority of international groups at the time of our assessment still don't fund support of conflict victims.

On December 10<sup>th</sup>--International Human Rights Day--5,500 conflict IDPs began a long march from Sigli and Bireuen, East Aceh, back to their villages in Takengon, Central Aceh. Marching 127 miles to homes they had left in 2001, they did not receive any support and ended up sleeping in tents and mosques. The total number of IDPs from Central Aceh in 2001 is 9,000; those remaining in East Aceh are expected to return home for the first time soon. But we were told the security situation in Central Aceh and Aceh Jaya is still un-stable. This movement of IDPs illustrates the culmination of the demilitarization and disarmament phase and the growing faith that this is the end of the conflict.

#### X. Human Rights

Past human rights abuses are not being discussed at this stage. The AMM can only address abuses that occurred after August 15<sup>th</sup> 2005—the date the MOU was signed. The MOU stipulates that a Human Rights Court and Truth and Reconciliation Commission be established in Aceh. All of the local human rights groups we met with expressed their support for the peace process, but feel past

abuses must be addressed in order to secure lasting peace and reconciliation. They were adamant that in order for true reconciliation of the conflict to happen current laws need to be bolstered in order to provide full justice for victims and fair binding sentences for abusers. Human Rights groups want to see the Indonesian government taking real responsibility to stamp out impunity of human rights abusers in Aceh unlike how they handled prosecuting abusers in East Timor.

## **Recommendations**

Respectfully to the Government of Indonesia and the Bureau of Reconstruction and Rehabilitation for Aceh & Nias, we believe enactment of the following recommendations would make for a smoother and stronger reconstruction and rehabilitation process.

### Reconstruction

1. The president and Dr. Kuntoro Mangkusubroto, Director of BRR should ensure all post-tsunami recovery plans are informed by a human rights framework, as outlined in the International Covenant on Economic, Social and Cultural Rights, and the Guiding Principles on Internal Displacement. Basic human rights to housing and land for all must be protected and fulfilled. Livelihood restoration must be undertaken in a spirit of equality and non-discrimination. Relief and rehabilitation must be gender-sensitive and recognize women's human rights.
2. Take all necessary steps to ensure at the highest level of decision-making that governments, and international NGOs and agencies are working together and are working with local NGOs and community leaders.
3. Local civic participation must be prioritized. Ensure reconstruction coordinating meetings are adequately publicized and open to local NGOs and affected communities. Require that these meetings are conducted in the language of the majority, and that proceedings are translated into English and Bahasa Indonesia.
4. Persuade international NGOs and their staff to refrain from making promises to villages that they cannot deliver, and to fulfill legally-binding promises already made. In general international NGOs should not promise more than they can deliver.

5. Require that international NGOs initiate mandatory training for their non-Acehnese staff, instructing them in matters of Acehnese culture, Islam, and Adat society.
6. Mandate all international bodies working in Aceh in 2006 assess gaps in aid distribution, reconstruction, rehabilitation, local capacity building, and self-sufficiency. Require that upon completion of such assessments all rehabilitation and reconstruction plans be re-evaluated to eradicate remaining gaps.
7. Ensure that tsunami and conflict IDPs are accorded equitable treatment by government, international and local NGOs and international agencies.

Respectfully to the international community (governments, UN agencies, and human rights advocates) we believe implementation of the following recommendations will promote peace and human rights in Aceh.

#### Peace Process

1. Ensure that both GAM and the Indonesian government adhere to the spirit and letter of the MOU.
2. Support independent monitoring of the 2006 and 2009 elections for the leadership of the Aceh Government.
3. Extend the mandate of the Aceh Monitoring Mission until 2009, when political transition of Aceh's leadership will be complete.

#### Human Rights

1. Ensure the safety and personal security of both Acehnese local and Indonesian national organizations working to document and advocate justice for past and present human rights abuses in Aceh.
2. Support building the capacity of both Acehnese local and Indonesian national organizations working to document and advocate justice for past and present human rights abuses in Aceh.
3. Lobby for an international Human Rights Court and Truth and Reconciliation Commission in Aceh that will provide full justice to victims and fair, but binding sentencing for abusers.