

Country/entity	Indonesia Aceh
Region	Asia and Pacific
Agreement name	Provisional Understanding between the Government of the Republic of Indonesia and the Leadership of the Free Aceh Movement
Date	9 Jan 2001
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Indonesian Conflicts (1976 -)

Aceh Conflict (1976 -)

After a decade of increasing grievances against the centralist tendencies of the Suharto-government, the Free Aceh Movement (GAM) started a military campaign in 1976 for the independence of the province in the far northeast of the Indonesian archipelago. After near defeat in 1979, GAM regained strength with Libyan support and the heaviest fighting occurred during the late 1980s when the Indonesian military intensified its violent counter-insurgency policies. The devastating tsunami in December 2004 effectively destroyed Aceh's infrastructure and severely reduced the operational capabilities of GAM. This weakening led to a signed peace agreement in August 2005, facilitated by the Finish NGO CMI Peace Negotiations.

Indonesia-Moluccas Conflict (1999-2002)

The fall of Suharto in 1997 sparked off a number of conflicts across Indonesia. In the Moluccas region, the administrative division was divided into Moluccas and North Moluccas, thereby exacerbating a conflict characterised by communal and sectarian divisions. In part these divisions were a result of an official government transmigration programme running from late 1960s onwards that spurred conflict over resources, including land. Faith-based militias were generally responsible for the fighting from 1999 until 2002, including Laskar Jihad, and human rights abuses were committed by both sides. Opportunistic crime was also responsible for of the violence. The military campaign by Lashkar Islam was aimed to displacing Christian residents. One such event was the expulsion of the Christian residents of the Banda Islands in April 1999. The conflict ended with the signing of the Malino II Accord on 13 February 2002.

Close

Indonesian Conflicts (1976 -)

Stage	Pre-negotiation/process
Conflict nature	Government/territory

Peace process	Indonesia-Aceh peace process
Parties	Joint Forum (Indonesian Government; Free Aceh Movement)
Third parties	Facilitator: Henry Dunant Centre (signatory)
Description	Agree body to take forward substantive negotiations, and agreed list of issues to be addressed (annex). Parties agree to moratorium on violence, as humanitarian pause due to expire.

Agreement document	ID_010109_Provisional_understanding.pdf (opens in new tab) Download PDF
---------------------------	---

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	Groups→Elderly/age→Rhetorical Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Registration of all eligible adult electors in accordance with agreed standards;
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Substantive Page 1, II. The two parties came to a provisional understanding on the following: ... d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following: ... ii. A mechanism will be created for democratic consultations in Aceh on substantive issues. The Parties will each appoint an equal number of members to a joint committee, developed from the existing joint committees structures (of the JoU). This joint committee will organize a series of fora on various substantive issues, and invite various representatives and leaders of Acehnese society to participate.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS
... Freedom of expression for all non-violent political opinions, including independence, autonomy and other views;

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS
Democratic consultations;
Free and fair elections for Aceh government;
... An independent electoral commission acceptable to both sides;
Registration of all eligible adult electors in accordance with agreed standards;
Monitoring of the electoral process by independent and impartial bodies;

Electoral commission Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS
Democratic consultations;
Free and fair elections for Aceh government;
... An independent electoral commission acceptable to both sides;
Registration of all eligible adult electors in accordance with agreed standards;
Monitoring of the electoral process by independent and impartial bodies;

Political parties reform Governance→Political parties reform→Other political parties reform
Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS
... Arrangements to ensure that non party candidates may participate or that locally-based parties may be organised in Aceh;⁸⁹

Civil society Page 1, II. The two parties came to a provisional understanding on the following:
... d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following:
... iii. HDC will continue to play a facilitating role for the above.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 2, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
DEMOCRATIC PROCESS
... Respect for rule of law and creation of a functioning justice system.

Page 2, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
... HUMAN RIGHTS and HUMANITARIAN LAW
Respect for human rights and humanitarian law by all parties;
Full and transparent investigation of past and present violations of human rights with
due process of law and bringing perpetrators to justice;

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights	<p>Human rights and equality→Civil and political rights→Freedom of association Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Freedom of assembly including the right to peaceful demonstrations; Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Freedom of expression for all non-violent political opinions, including independence, autonomy and other views; Human rights and equality→Civil and political rights→Other Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Freedom to conduct a political campaign without intimidation;</p>
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	<p>Page 1, II. The two parties came to a provisional understanding on the following: a. A commitment to the basic principles of using only non-violent means to achieve political objectives and to seeking a peaceful and democratic resolution to the conflict.</p> <p>Page 1, II. The two parties came to a provisional understanding on the following: ... d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following: ... ii. A mechanism will be created for democratic consultations in Aceh on substantive issues. The Parties will each appoint an equal number of members to a joint committee, developed from the existing joint committees structures (of the JoU). This joint committee will organize a series of fora on various substantive issues, and invite various representatives and leaders of Acehnese society to participate.</p> <p>Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS Democratic consultations; ... Conditions under which GAM would transform their means of achieving their political objectives in a democratic way;</p>
Detention procedures	No specific mention.

Media and communication	No specific mention.
Mobility/access	Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, ... HUMAN RIGHTS and HUMANITARIAN LAW ... Free and safe access for all local and international humanitarian workers to those in need.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
-------------	----------------------

Regional or international human rights institutions	No specific mention.
--	----------------------

Justice sector reform

Criminal justice and emergency law	No specific mention.
---	----------------------

State of emergency provisions	No specific mention.
--------------------------------------	----------------------

Judiciary and courts	No specific mention.
-----------------------------	----------------------

Prisons and detention	No specific mention.
------------------------------	----------------------

Traditional Laws	No specific mention.
-------------------------	----------------------

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction
Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SOCIO-ECONOMIC DEVELOPMENT
Reconstruction of properties, in particular schools and houses, damaged or destroyed during the conflict;

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SOCIO-ECONOMIC DEVELOPMENT
... Development of human resources (including, for example, encouragement of companies investing in Aceh to employ local workers and, where skills are not available locally, train local workers, particularly for the oil and gas industry);
Encouragement of new investment in a peaceful and stable Aceh;

Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SECURITY ARRANGEMENTS
... Security arrangements for vital projects, including, for example, the Exxon-Mobil complex.

Taxation Socio-economic reconstruction→Taxation→Reform of taxation
Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SOCIO-ECONOMIC DEVELOPMENT
... Measures to ensure equitable distribution of revenue and resources;

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SOCIO-ECONOMIC DEVELOPMENT
... The environmental effects of development, and, in particular, reforestation, forest reserves, penalties for pollution, and strict regulation of the disposal of industrial waste.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees Page 1, II. The two parties came to a provisional understanding on the following:
... c. To pursue and deepen the process of dialogue in order to find a solution to the conflict. In this regard, both parties have agreed to meet on 12-14 February 2001 in Switzerland to discuss and agree upon new security arrangements as well as the process for continued political dialogue.

Page 1, II. The two parties came to a provisional understanding on the following:
... d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following:
i. New security arrangements will be formulated through consultations between the appropriate commanders of both Parties.

Page 1, II. The two parties came to a provisional understanding on the following:
... d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following:
... iv. Finally, both sides have affirmed that adequate security will be provided for all people involved in any way with the HP.

Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SECURITY ARRANGEMENTS
... Prohibition of harassment or attack on any forces, or members thereof, not bearing or using their weapons;

Ceasefire Security sector→Ceasefire→General commitments
Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SECURITY ARRANGEMENTS
Cessation of all forms of violence, threats of violence, intimidation, and destruction of property;
Cessation of any offensive actions;

Police	<p>Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Accountability of law enforcement agencies to the people;</p> <p>Page 3, Annex to the Provisional Understanding, Indicative Elements for Discussion, SECURITY ARRANGEMENTS ... As violence diminishes, commensurate reduction from Aceh of non-organic forces under TNI or POLRI; reciprocal deactivation by GAM of a commensurate proportion of its forces, including by their returning to their home areas and their civilian occupations; Cooperation between GAM, and TNI and POLRI on how to eliminate unidentified armed elements;</p>
Armed forces	<p>Page 3, Annex to the Provisional Understanding, Indicative Elements for Discussion, SECURITY ARRANGEMENTS ... As violence diminishes, commensurate reduction from Aceh of non-organic forces under TNI or POLRI; reciprocal deactivation by GAM of a commensurate proportion of its forces, including by their returning to their home areas and their civilian occupations; Cooperation between GAM, and TNI and POLRI on how to eliminate unidentified armed elements;</p>
DDR	<p>Security sector→DDR→Demilitarisation provisions Page 3, Annex to the Provisional Understanding, Indicative Elements for Discussion, SECURITY ARRANGEMENTS ... As violence diminishes, commensurate reduction from Aceh of non-organic forces under TNI or POLRI; reciprocal deactivation by GAM of a commensurate proportion of its forces, including by their returning to their home areas and their civilian occupations;</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, DEMOCRATIC PROCESS ... Conditions under which GAM and supporters of independence may participate fully in the political process; Conditions under which GAM would transform their means of achieving their political objectives in a democratic way; Cooperation between GAM, and TNI and POLRI on how to eliminate unidentified armed elements;</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts Transitional justice→Courts→National courts
Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SECURITY ARRANGEMENTS
... Full investigation, disciplinary actions, and legal proceedings regarding any crime
allegedly committed by members of the forces of the Parties;

Mechanism Page 2, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
... HUMAN RIGHTS and HUMANITARIAN LAW
... Creation of a truth and reconciliation commission;
Identification, accounting for, and reporting on all missing persons, using impartial
forensic expertise;

Prisoner release Page 2, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
... HUMAN RIGHTS and HUMANITARIAN LAW
... Release of all detainees who have not been charged with a criminal offence;

Vetting No specific mention.

Victims Page 2, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
... HUMAN RIGHTS and HUMANITARIAN LAW
... Compensation to victims or families and provision for post-traumatic rehabilitation,
counseling, and treatment;

Missing persons No specific mention.

Reparations	Transitional justice→Reparations→Material reparations Page 2, Annex to the Provisional Understanding, Indicative Elements for Discussion, ... HUMAN RIGHTS and HUMANITARIAN LAW ... Compensation to victims or families and provision for post-traumatic rehabilitation, counseling, and treatment;
--------------------	--

Reconciliation	No specific mention.
-----------------------	----------------------

Implementation

UN signatory	No specific mention.
---------------------	----------------------

Other international signatory	No specific mention.
--------------------------------------	----------------------

Referendum for agreement	No specific mention.
---------------------------------	----------------------

International mission/force/ similar	No specific mention.
---	----------------------

Enforcement mechanism	Page 1, II. The two parties came to a provisional understanding on the following: ... c. To pursue and deepen the process of dialogue in order to find a solution to the conflict. In this regard, both parties have agreed to meet on 12-14 February 2001 in Switzerland to discuss and agree upon new security arrangements as well as the process for continued political dialogue. They will constitute themselves as the Joint Council for Political Dialogue, which will meet regularly to reach agreement on substantive issues leading to a solution for the conflict in Aceh.
------------------------------	---

Page 3, Annex to the Provisional Understanding,
Indicative Elements for Discussion,
SECURITY ARRANGEMENTS
... Expansion of impartial monitoring teams to all affected districts of Aceh and their equipment with adequate logistics;
... Verification of all commitments by an impartial monitoring mechanism;

Related cases	No specific mention.
----------------------	----------------------

Source	Centre for Humanitarian Dialogue; http://www.hdcentre.org/fileadmin/user_upload/Our_work/Peacemaking/Aceh_Indonesia/Supporting_documents/Provisional-understanding-9-January-2001.pdf
---------------	---