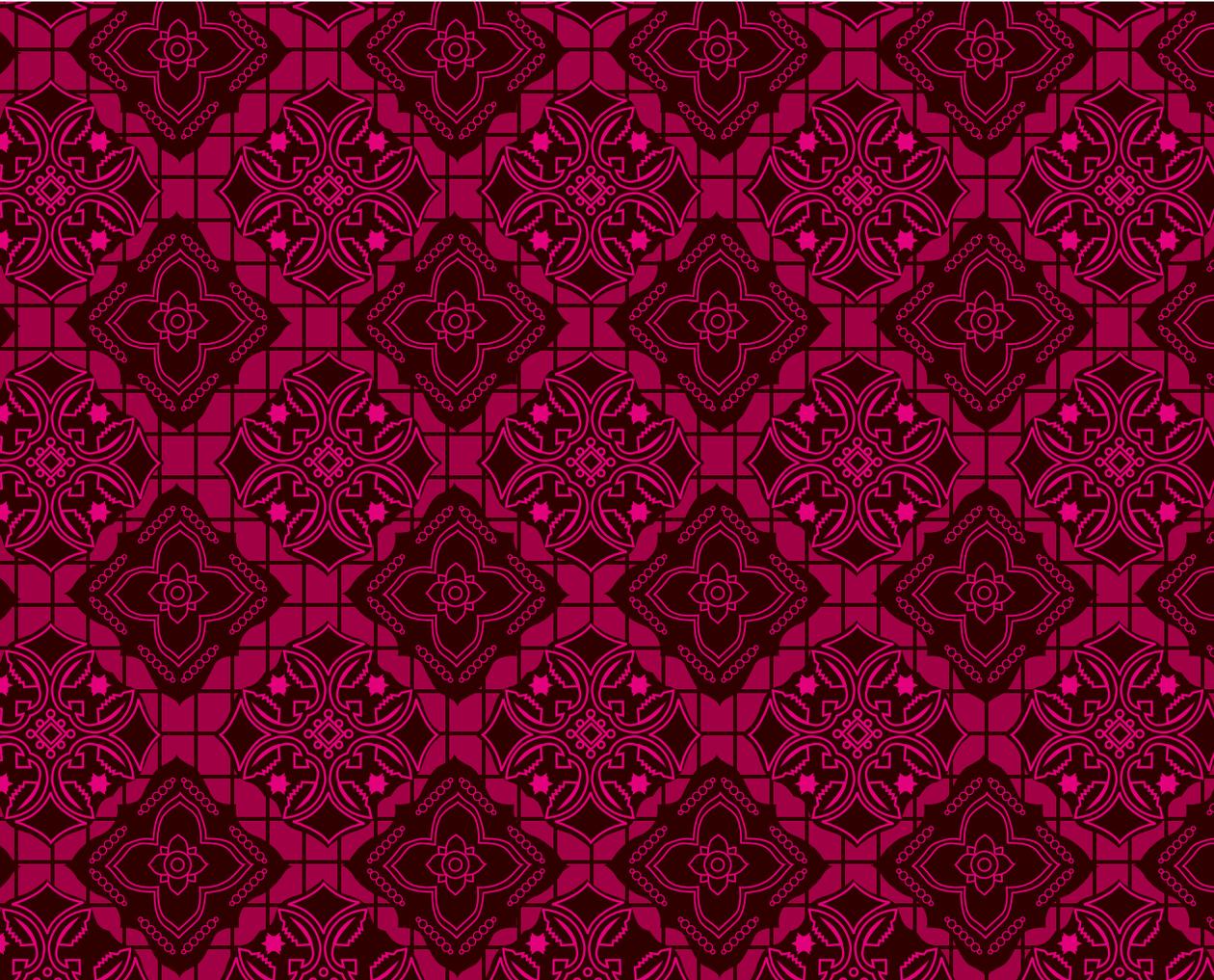
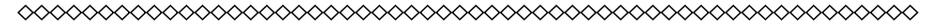
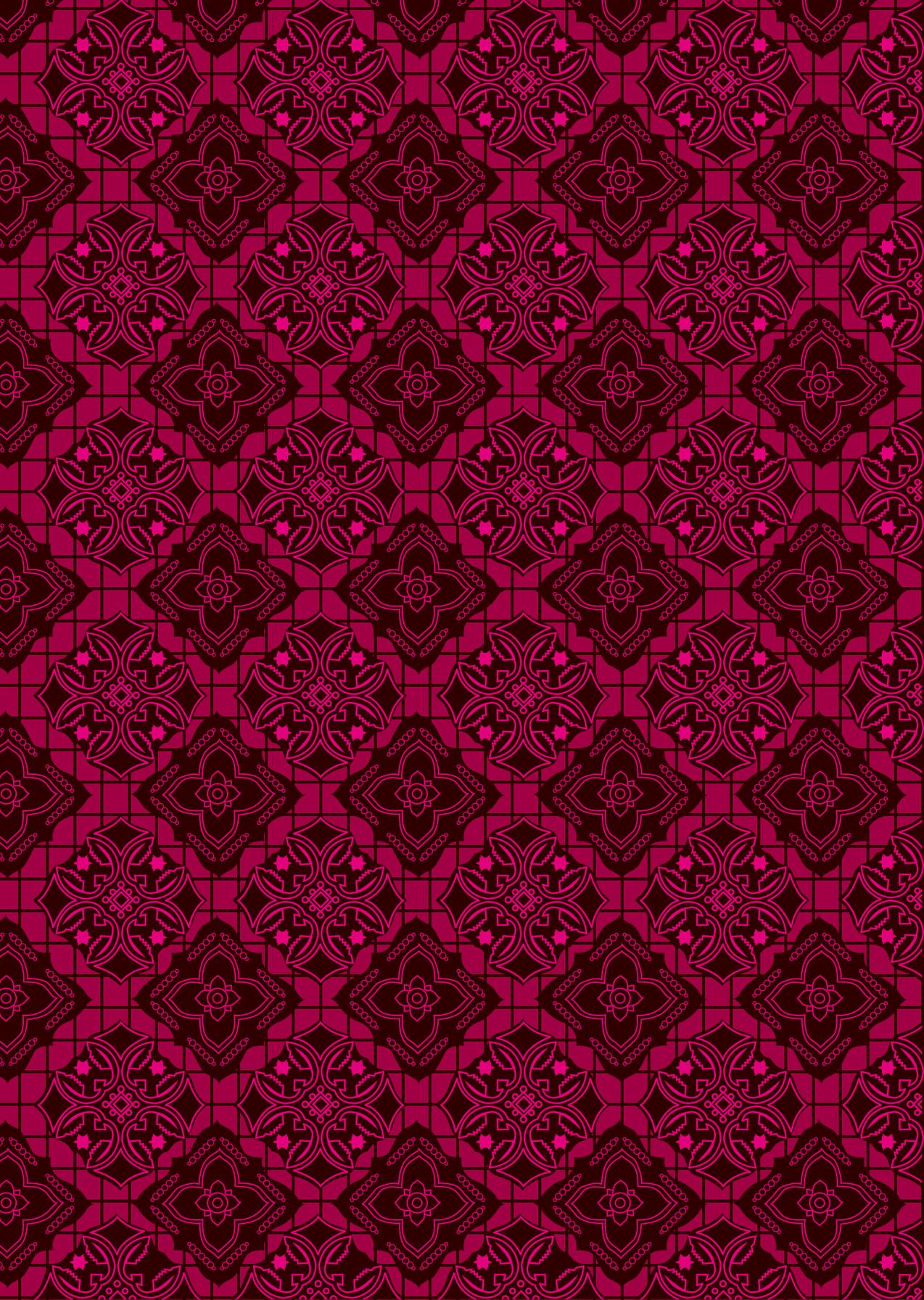




# REINTEGRATION

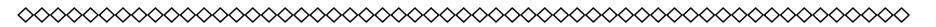
BRA's roles in the past and its future visions





# REINTEGRATION

BRA's roles in the past and its future visions



Leena Avonius

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## INTRODUCTION



This paper analyses to what extent the Helsinki MoU articles on reintegration have been implemented since the signing of the peace accord in August 2005 until late 2010.<sup>1</sup> Particular attention will be paid to the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA) that has since February 2006 carried the main responsibility for reintegration programs in Aceh. The paper does not cover various programs of donor agencies that have been conducted under the umbrella of ‘reintegration’ and/or ‘peace-building.’<sup>2</sup>

The first section analyses briefly BRA’s structural changes, which appear to reflect post-conflict political developments as well as international donors’ activities in Aceh. Government funding for reintegration purposes will then be summarised, providing the reader with an overall picture of government funding allocated to reintegration. BRA’s expenditure as well as its perceived future needs will also be outlined. The following section turns to examine BRA’s activities, and the question to what extent the reintegration needs that were envisaged in the MoU – rehabilitation of public and private property, as well as farming land, employment and/or sufficient social security for former GAM combatants, amnestied political prisoners and conflict victims – have already been satisfactorily addressed. BRA has also had some intentions to go beyond the MoU-stipulated reintegration programs. These will be discussed, paying particular attention to their impact on the sustainability of peace. The overall aim of this paper is to assess how well BRA has responded to reintegration needs in post-conflict Aceh.

### BRA structure

Aceh Reintegration Agency BRA is a ‘non-structural’ government body<sup>3</sup> that is directly under the Governor of Aceh. Thus, the Governor is ultimately responsible for BRA’s performance. BRA was first established by Governor’s Decision 330/032/2006 in February 2006 by the Interim Governor Mustafa Abubakar. Its first months were chaotic, as BRA became a forum for political battles of conflicting parties. In mid-2006, the representatives of Free Aceh Movement (GAM) and civil society representatives withdrew from BRA in protest at the Governor’s decision to include former militia leaders in the agency<sup>4</sup> and at their own narrow chances of participating in decision-making in BRA. It was apparent that without the support of these two groups, BRA would be unable to successfully and credibly perform its reintegration tasks. As a solution to this problem, in June 2006 BRA was again restructured by Governor’s Decision 330/213/2006. By then, BRA’s first Executive Director Usman Hasan had resigned, and Professor Yusny Saby, the Rector of Islamic University IAIN Ar-Raniry, was appointed as the new Di-

rector. In 2006 the Bupatis were also instructed to establish district-level BRA offices.<sup>5</sup> The Aceh Monitoring Mission (AMM) that monitored the process concluded that poor instructions from the provincial government led to diverse BRA structures in the districts.<sup>6</sup> Adding to the chaos, BRA had invited all individuals and groups that were considered eligible by the MoU to apply for economic empowerment assistance by submitting proposals. The agency was unprepared for and incapable to address the tens of thousands of proposals that flooded its Banda Aceh office, and it requested assistance from the World Bank. In 2006, the WB’s sub-district development program (KDP) was used to channel BRA’s ‘economic empowerment’ funds to communities rather than to individuals. BRA itself handled house-building and social security programs.

In April 2007, under the new leadership of Governor Irwandi Yusuf, BRA was again restructured by Governor’s Decision 330/145/2007. From then onwards, BRA’s newly-appointed Executive Director M. Nur Djuli was assisted by an Advisor,<sup>7</sup> as well as by the USAID-funded Aceh Peace Resource Centre (APRC).<sup>8</sup> The new leadership discontinued the cooperation with the World Bank as it was not satisfied with the community-based approach and decided to focus on developing programs that targeted individual beneficiaries. The revised BRA structure retained the two bodies – the Executive Body or *Bapel BRA*, and the joint forum or *Forbes Damai* – that had already existed in 2006.<sup>9</sup> BRA’s Executive Body consisted of a Secretary and three Coordinators (Economy, Socio-Cultural, and Data). The division of labour of Coordinators reflected the economic empowerment and social assistance programs that had been established already in 2006. *Forbes Damai* had 33 members, including representatives of GAM, the Indonesian and Aceh governments, Acehnese civil society, as well as international organisations involved in post-conflict work. BRA’s 2007 structure also included a separate monitoring council that consisted of two NGO representatives.

In August 2008, Governor’s Decision 330/438/2008 introduced some changes to the BRA structure that had been established in 2007: *Bapel* received its own Director,<sup>10</sup> and the number of Coordinators was increased from three to five (Coordinators for Human Resources and for Education/Training were added). A Secretariat was established under *Bapel* to take care of administrative matters. According to a BRA representative, the establishment of a Secretariat was merely a way to pool together all administrative staff that had previously been appointed to work under each Coordinator.<sup>11</sup> The total number of *Bapel BRA* staff members in 2008 was fifty. There were no remarkable changes in *Forbes*, the meetings of which were funded by USAID (via APRC).

A major restructuring of BRA took place in June 2009 by Governor’s Decision 330/320/2009. *Bapel* was erased, and *Forbes* was repositioned to function as an advisory body to the Executive Director. At this point the USAID-funded APRC was replaced by the UNDP-funded SSPDA.<sup>12</sup> The new structure, which was put into place with assistance from a UNDP-paid Consultant, resembled the one that had existed in 2006, with slightly renamed positions and job titles. The

1. I wish to thank Asmawati Hasan for her assistance in conducting the research for this assessment. The work was funded by Crisis Management Initiative’s Aceh Follow-Up program. Representatives of BRA, the Aceh Government, Acehnese civil society and former GAM combatants were interviewed for this research in October–November 2010.
2. Information on donor-funded post-conflict programs in Aceh, see for example Multi-Stakeholder Review (MSR), available online [http://www.conflictanddevelopment.org/msr/msr\\_page.php?id=4](http://www.conflictanddevelopment.org/msr/msr_page.php?id=4). MSR counted that by late 2008 some 38 government and non-government donors and 89 implementing agencies had been involved in 140 reintegration and peace-building programs in Aceh. Altogether these programs had provided approximately the same amount of funds as the Indonesian and Aceh governments by that time. The biggest donations have come from the EC, AusAID, USAID and the Government of Japan. Most funds were used for programs that assist governance and administration, p. 50.
3. ‘Non-structural’ meaning that it is not a part of the regular governmental structure, but an ad hoc, temporary body with limited authorities and tasks.
4. This was done by Governor’s Decree 330/106/2006 that was signed in May 2006.

5. Governor’s Instruction no. 2 in 2006 on “Establishing BRA in districts/towns of NAD Province.”
6. The author worked as an AMM peace monitor in 2005–2006.
7. Former Governor of Aceh Azwar Abubakar held the position of Advisor.
8. Key persons in the APRC were William Ozkaptan and Aguswandi.
9. In 2006 the mutual relation and the division of labour between *Bapel* and *Forbes* had been unclear. *Forbes* members representing international donors and aid organisations were particularly unhappy with the ways BRA functioned in 2006. They felt that they were not allowed to perform as an advisory body or think-tank as had originally been planned. All decisions were made within *Bapel*. However, some international organisations found ways to informally enter *Bapel* meetings and promote their views there.
10. Arhama Dawan Gayo was appointed as the Director of *Bapel BRA*.
11. Information from Asmawati Hasan.
12. SSPDA stands for Strengthening Sustainable Peace and Development in Aceh. A key objective of this program was capacity-building of BRA.



BRA Secretariat, headed by the BRA Secretary,<sup>13</sup> now supported the Executive Director who had three Deputy Directors under him. A Deputy Director<sup>14</sup> was in charge of all BRA's programs that had been running since 2006. Another Deputy Director<sup>15</sup> had the responsibility of designing policies and strategic questions, though in practice this position came to serve as an office that received complaints from recipients. The third Deputy Director<sup>16</sup> was in charge of strengthening the organisation and coordinating with the district offices. The BRA now also had Liaison Officers working with its key government partner, the Department of Social Affairs (*Dinsos*). The number of BRA staff remained similar to the previous year (57 staff members). There were no major changes in *Forbes*.

Fundamental changes were made in BRA in 2010. In early 2010, the Aceh Parliament – DPRA – put pressure on the Governor to replace BRA's Executive Director M. Nur Djuli. The Governor agreed to replace him in order to secure provincial budget funds to BRA, and on 1 April 2010 the new Executive Director T. M. Nazar took over. Soon after, on 12 April 2010, the Governor signed Governor's Decree nr. 8 in 2010 on Determining the Organisation and Tasks of BRA. Until then, BRA was based on a Governor's Decision (*surat keputusan, SK*) that must be annually renewed, while the Governor's Decree (*peraturan Gubernur*) is valid until the end of his term. BRA's overall position has remained unchanged: it is a non-structural body of Aceh Government that cannot handle budget funds by itself. Like before, all budget funds of BRA continue to be handled by the Department of Social Affairs.

Unlike the former decision letters, the 2010 decree does not provide a clear organogram of BRA. Determining from the enlisted organisational elements and interviews with BRA representatives one could conclude that the BRA management was renamed and repositioned. Under the Executive Director as the Head of BRA there was a Secretariat, Deputies, Directors and district-level BRA offices. The Secretariat now consisted of three offices (*biro*). The positions of three Deputies remained unchanged but the overall number of Directors had grown from three to nine as each Deputy now had three Directors under him. In 2010, the management of BRA consisted of twenty-six persons, while the total number of staff members – not mentioned in the decree – was according to BRA sources nearly doubled to 108. The number of staff members in BRA's district offices had also grown from five to ten per office.<sup>17</sup>

After some heavy criticism directed at the BRA leadership, T.M. Nazar was replaced in early 2011 by Haniff Asmara, who had previously worked as BRA's Secretary. The new Governor's Regulation no. 5/2011 has not provided remarkable changes in the structure: an advisory board has been added but the numbers of Deputies and Directors remains unchanged.<sup>18</sup> In 2011, the number of staff members in the Banda Aceh headquarters has grown to 131 persons, while each district office has four staff members. The increase in the HQ staff was deemed necessary in order to ensure that BRA's programs could be completed in 2011.<sup>19</sup> Haniff Asmara also seems to be willing to continue the practice established by his predecessor that the BRA district office

staff members are recruited following recommendations from the district KPA leader.<sup>20</sup> The Governor continues to hold remarkable authority over BRA, as he has the power to appoint the Head of BRA, Secretary, Deputies, Heads of offices and Directors without consulting the BRA leadership. The Head of BRA can only nominate candidates for the positions of district-level BRA Heads, who are also appointed by the Governor.

There has been some discussion in Aceh as to whether BRA should be based on a provincial bylaw (*Qanun*) rather than Governor's Decree. Opinions on this matter vary even within BRA. It is unclear how and when this idea first emerged, but a *Qanun* BRA was already enlisted in the former DPRA's legislative agenda for 2007–2012. The current DPRA, elected in 2009, does not appear to have such a priority. A major argument of supporters is that if BRA were based on *Qanun* it would be a 'structural' government body and thus eligible to handle its own budget, i.e. to bypass the Department of Social Affairs (*Dinsos*) that until now has handled all financial matters related to reintegration. Over the years, BRA has complained that cooperation with *Dinsos* is time-consuming and problematic, and that the department does not have sufficient capacity to handle the reintegration budget that is multiple when compared to *Dinsos*'s regular budget. BRA also has felt that in budget negotiations the *Dinsos* representatives have too easily agreed to cut down BRA's funding. The Department of Social Affairs does not share these views and considers that cooperation has been smooth.

Most persons interviewed for this assessment saw little value in preparing a *Qanun* as, according to them, reintegration and BRA were temporary measures rather than regular government programs. Rather than making BRA a permanent body, they preferred to see its tasks gradually handed over to other government departments and agencies. There are also practical reasons for not pursuing a *Qanun*: to establish a new government structure at provincial level would demand not only the lengthy process of preparing a *Qanun*, but it would also need to receive approvals from the Minister of Home Affairs and several other central government agencies, and such a process would take months if not years. A *Qanun*-based BRA is also less appealing due to the fact that, unlike the current BRA, it could only employ civil servants. A more likely scenario seems to be that BRA will be closed down in the coming years, and its tasks handed over to relevant government departments.

13. Haniff Asmara took up this position.

14. Asmawati Hasan.

15. H. Abdullah Sani Usman.

16. M. Yakob Abdi.

17. Though previously the number varied as the district offices were under the Bupati rather than the provincial BRA.

18. Advisory Board of BRA consists of the Governor, the Chairperson of DPRA, Commander of Iskandar Muda, Aceh Police Chief and the Head of Aceh's High Court. Draft of Governor's Regulation on the Organisation and Functions of BRA. While structural changes are few, the draft regulation is remarkably clearer in tasking and responsibilities of each position in BRA.

19. Interview Haniff Asmara 10 May 2011.

20. Interview Haniff Asmara 22 February 2011. KPA is Aceh Transitional Committee (Komite Peralihan Aceh), an informal organisation that was established in late 2005 when the disarmament process of GAM had been completed, and, following the peace agreement, the second signatory party to the Helsinki MoU agreed to dismantle GAM's military structure TNA (Tentara Nasional Aceh). KPA's main task was to represent the second signatory party and ensure that, for example, reintegration of former combatants would run smoothly.

## BRA funding and expenditure

There are contradicting opinions on whether reintegration budget funds have been sufficient, how much will be needed for the future programs and for how long. Opinions also differ on the sources of funding. The table below summarises the funds allocated to BRA during the period 2005–2010 from the Indonesian national budget as well as from the Aceh provincial budget:<sup>21</sup>

| Source                   | 2005         | 2006         | 2007         | 2008         | 2009         | 2010          | TOTAL in IDR   | TOTAL in USD (million) | 2011 allocated |
|--------------------------|--------------|--------------|--------------|--------------|--------------|---------------|----------------|------------------------|----------------|
| APBN (national budget)   | 200 M        | 600 M        | 250 M        | 450 M        | 200 M        | 180 M         | 1880M          | 188                    | 150 M          |
| APBA (provincial budget) | 0            | 0            | 0            | 235 M        | 100 M        | 42.6 M        | 377.6M         | 37.8                   | 22.3 M         |
| <b>TOTAL in IDR</b>      | <b>200 M</b> | <b>600 M</b> | <b>250 M</b> | <b>685 M</b> | <b>300 M</b> | <b>222.6M</b> | <b>2257.6M</b> | <b>225.8</b>           | <b>172.3 M</b> |
| <b>% APBA of total</b>   | <b>0 %</b>   | <b>0 %</b>   | <b>0 %</b>   | <b>34 %</b>  | <b>33 %</b>  | <b>19%</b>    | <b>17%</b>     | <b>17%</b>             | <b>13%</b>     |

## How much is needed for reintegration?

There has never been a formal agreement between the parties on the total sum to be provided by the central government for the Reintegration Fund, the establishment of which was stipulated in the MoU article 3.2.3. It seems that an estimate of the total was put together in late 2005 by the Indonesian development agency Bappenas and other government stakeholders, with some suggestions and recommendations from the then Aceh Governor Azwar Abubakar and the Ministry of Welfare. AMM's Reintegration Officer at that time was Adam Burke, who remembers the government planning processes as top-down and with little consideration on the situation and needs in the field.<sup>22</sup> In early 2006, Vice President Jusuf Kalla stated at an event in Aceh that Jakarta will allocate Rp 1.5 trillion for reintegration purposes. Afterwards the sum was raised to Rp 2.3 trillion, though it is unclear by whom and when this happened. There is equally little information available on how this sum was determined.<sup>23</sup> Based on these promises, the central government nevertheless holds that its financial responsibilities in the field of reintegration will be completed in 2011. In 2011, the central government has allocated Rp 150 billion to the reintegration programs of BRA, which brings the total national allocation to Rp 2.03 trillion.

At the same time, the stakeholders in Aceh insist that reintegration programs require additional national budget funds. For example, Aceh Governor Irwandi Yusuf stated in a local daily, *Serambi Indonesia*, in August 2008 that reintegration needs exceed the then funding commitments and that there was a need to provide an independent assessment of the total needs.<sup>24</sup> No such assessment has been conducted and opinions on how much more funds would be needed

for reintegration purposes vary greatly. T.M. Nazar, who headed BRA in 2010, held an extreme view that reintegration would need an additional Rp 200 trillion, for a period of thirty years. This would have meant an annual budget of Rp 1.7 trillion for BRA over this period.<sup>25</sup> However, a BRA document prepared for a meeting with DPR members in Jakarta in October 2010 suggested a far lower though still high sum and estimated that an additional Rp 50 trillion would be needed to complete BRA's programs.<sup>26</sup> Neither these high sums nor the long timeframe receive much support from other respondents of this assessment. BRA's current Head, Haniff Asmara, assessed that while 35 years might indeed be needed to achieve the goals of reintegration, such a timeframe would be unrealistic for BRA as an institution. According to him, BRA will be reviewed by the new elected Governor in 2012, with a decision on its possible extension taken after that. Even if BRA would be closed down, Aceh's long-term RPJP plan envisions that reintegration will gradually transform into peace-building programs and a conflict-sensitive approach to regular government programs.<sup>27</sup>

Outside BRA, most respondents estimated that reintegration programs should be completed within 5–10 years. Most interviewees found it difficult to estimate what the funding needs would be. They all nevertheless agreed that the MoU commitments had not been fulfilled as yet. Civil society representatives pointed out that reliable data on the number of housing or economic empowerment needs in the regions was still lacking.<sup>28</sup> A KPA spokesman viewed it as irrational to raise expectations in the society, as additional funds for reintegration purposes were unlikely to emerge.<sup>29</sup> The representatives of Partai Aceh (PA), the biggest party of DPRA, expressed generally little interest in reintegration issues, though they also agreed that it has not been completed as yet. For the PA leaders, however, the major issues at stake in the peace process were related to politics and not to economy or welfare.<sup>30</sup>

Stakeholders in Aceh generally agree that reintegration funds should mainly come from the national budget (APBN) rather than from Aceh. This is usually justified by referring to the MoU article 3.2.3.<sup>31</sup> Partai Aceh representatives in DPRA insisted that the current system (2007–2010) should be upheld and the operational funds should be allocated from APBA, while program funds should come from APBN.<sup>32</sup> Some BRA representatives who were interviewed for this assessment agreed that reintegration funds should come primarily from the central government, but suggested that this could mean that Aceh's Special Autonomy Funds would be allocated for reintegration instead of continuing to have a special reintegration budget line in the APBN. The logic here is that, as the Special Autonomy Funds are a consequence of the Helsinki MoU, they should be seen as national government funds rather than Aceh's provincial

21. 2005–2009 data from BRA's presentation to CMI in December 2009. 2010–2011 data from BRA.

22. Email communication with Adam Burke.

23. In comparison, the World Bank-funded Multi-Stakeholder Review on post-conflict assistance in Aceh estimated that the conflict has caused damage worth Rp 107.4 trillion (USD 10.7 billion). The report points out, however, that it is very difficult to estimate reintegration needs, and the above sum refers to the conflict's overall economic impact (MSR 2010: 32).

24. MSR p. 32.

25. Interview with T.M. Nazar 27 October 2010. See also his interview in *Serambi Indonesia* on 22 July 2010, 'Berdayakan Korban Konflik, BRA Butuh dana Rp 200 T'.

26. BRA, 2010. Laporan Tinjauan Pelaksanaan Program BRA tahun 2005–2010 & Rencana Program Jangka Panjang BRA tahun 2010–2040. The head of BRA presented this report to the Minister of Law and Human Rights and DPR during a meeting on 14–15 October 2010 in Jakarta.

27. Interview Haniff Asmara 22 February 2011. RPJP draft is available at [http://jdih.acehprov.go.id/images/stories/Berita/Dennis\\_Uploaded/Raqan/1\\_Narasi\\_RPJP\\_Aceh\\_Final.pdf](http://jdih.acehprov.go.id/images/stories/Berita/Dennis_Uploaded/Raqan/1_Narasi_RPJP_Aceh_Final.pdf).

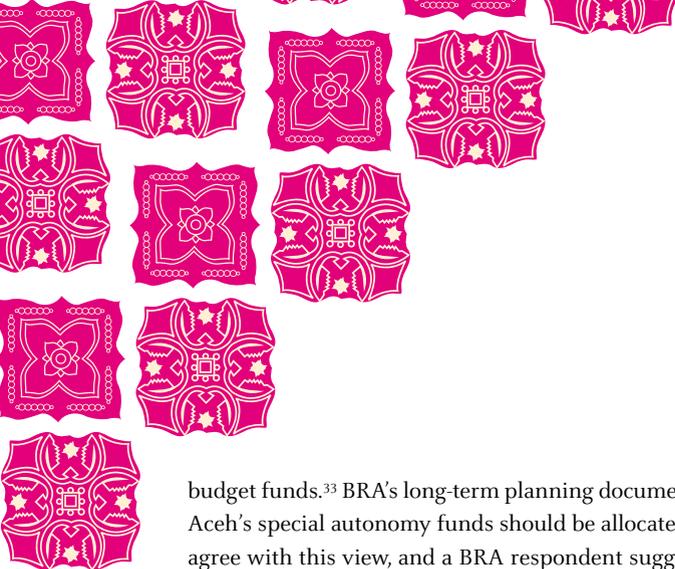
28. Interview with Forum LSM representatives 3 November 2010.

29. Interview Muksalmina, 8 November 2010. KPA is Aceh Transitional Commission (Komisi Peralihan Aceh), a body that was established in late 2005 to represent the former GAM combatants.

30. Interview with Partai Aceh representatives in DPRA on 2 November 2010.

31. "GoI and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established." MoU Helsinki, Article 3.2.3.

32. Interview 2 November 2010.



budget funds.<sup>33</sup> BRA's long-term planning document in 2010 states that annually at least 15% of Aceh's special autonomy funds should be allocated for reintegration purposes.<sup>34</sup> Not all in BRA agree with this view, and a BRA respondent suggested that, while the funds allocated for reintegration by the central government would indeed run out in 2011, there is a possibility that other funds could be allocated for 'peace-building purposes' by Bappenas in the coming years.<sup>35</sup>

An examination of the table above shows that during the 2005–2009 period, the funding responsibility moved from the national to the Aceh government. During the first three years, all reintegration funds came from the central government, while in 2008–2009, around one-third of funds were already provided by Aceh. However, in 2010, Aceh's share dropped again to around one-fifth of all reintegration funds. The drop resulted from the above-discussed dispute over BRA's leadership, showing how political struggles have been damaging to the reintegration programs in Aceh. Due to the dispute, DPRA allocated only half of BRA's proposed budget (cut from two hundred to one hundred billion Rupiah). This in turn led the national parliament DPR in Jakarta to halve its initial funding (to Rp 200 billion). DPRA made a further cut of 50% to its reintegration funds, leaving merely forty billion Rupiah for reintegration in 2010. Unrelated to these developments, the Minister of Domestic Affairs later decided to cut the allocated APBN funds by another twenty billion Rupiah – these funds were reallocated to a Jakarta street children project.<sup>36</sup> Due to all these cuts, the initially-applied Rp 600 billion reintegration budget was reduced to Rp 220 billion, leaving BRA with very limited funding in 2010.

In 2011, the allocation from APBA has dropped further and, unless additional funds will be allocated later in the year, merely 13% of reintegration funds will come from the province. According to a Bappeda document, BRA had requested Rp 392 billion for the budget year 2011.<sup>37</sup> But DPRA allocated merely Rp 22,3 billion for BRA, which is less than six per cent of what was requested. This illustrates that the provincial parliament in Aceh has remarkably little interest towards reintegration issues. The funds from the national budget were also cut. According to Bappenas, the remaining Rp 220 billion was initially reserved for the reintegration program in the APBN budget proposal. However, in January 2010, the budget allocation from APBN to BRA was merely Rp 150 billion.<sup>38</sup>

## BRA's expenditure

BRA has so far spent over two trillion Rupiah (USD 200 million) for reintegration. In the years 2005–2009, BRA has spent practically all allocated funds by APBN and APBA (98–100% annually). The total distribution of funds according to expenditure categories in 2005–2009 is as follows:<sup>39</sup>

| Category  | Expenditure (Rp) | %    |
|---|------------------|------|
| Operational funds                               | 186 M            | 9.1  |
| Housing   | 855 M            | 42.0 |
| <i>Diyat</i>                                    | 206 M            | 10.1 |
| Economic empowerment                            | 717 M            | 35.3 |
| Scholarships                                    | 29 M             | 1.4  |
| Medical assistance                              | 12 M             | 0.6  |
| Other assistance ( <i>sayam</i> ) <sup>40</sup> | 17 M             | 0.9  |
| Capacity-building, seminars                     | 12 M             | 0.6  |
| TOTAL   | 2,043 M          | 100  |

BRA's administration and operations have taken up around 9% of budget funds, which shows that during this period it worked pretty efficiently. In comparison, some government departments in Indonesia may spend 70–80% of budget funds on salaries and operational costs. BRA has spent 42% of budgeted funds for rebuilding houses and 35% for economic empowerment. The third largest program has been *diyat*, the compensation for families of persons killed or who disappeared during the conflict. None of these programs have been completed, as will be discussed in the sections below. While commonly believed that APBA funds are spent for BRA's operational purposes and APBN funds for its programs, in fact in 2008 some 90% of APBA funds were used on programs (economic empowerment and social assistance) and in 2009 around 77% of the provincial funds went to programs.

External and internal monitoring and evaluation reports have found BRA's performance relatively satisfactory during 2006–2009. BRA has been audited at least three times by the BPKP (*Badan Pengawasan Keuangan dan Pembangunan*, the auditing body of finances and development) in 2006, 2007 and 2008. The former Executive Director of BRA, Nur Djuli, informed that the first audit was only conducted in two districts, while the latter two covered almost all districts.<sup>41</sup> Unfortunately only one report – on the year 2007 – was available for analysis. The auditing report of 2007 brought up seven findings that varied from delays in payments of assistance to unclear receipts and shaving off assistance funds by PETA<sup>42</sup> leaders. BPKP stated that it had received a satisfactory response from BRA to all its findings.

BRA has also conducted an internal evaluation at least in the year 2008. The report concluded that the reintegration programs of BRA in Aceh had been running well, though there have been some minor problems in implementation. Twelve villages in six districts were included in the evaluation, and the respondents included village chiefs, prominent villagers (*tokoh masyarakat*), sub-district heads (*camat*) and the BRA district offices. There were four major com-

33. For further information on Special Autonomy Funds, see Islahuddin (2011): "Some Preliminary Notes on Aceh Special Autonomy Fund and Shared Oil and Gas Earning Fund." [www.cmi.fi](http://www.cmi.fi)

34. BRA 2010. Laporan Tinjauan... In 2011 Otsus funds for Aceh will be Rp 4.4 trillion.

35. Interview with a BRA staff member in November 2010.

36. Interview Hanif Asmara 26 October 2010.

37. BRA had provided their budget request directly to Bappeda and not via Dinsos. They had also done so only in September, while departments usually submit their funding requests already in June/July.

38. According to BRA, additional funds will be requested from the supplementary budget APBN-P. Interview with H Asmara 22 February 2011.

39. The data used to calculate the expenditure has been received from BRA.

40. Sayam is a category that includes all kinds of miscellaneous assistance given for local rituals, events or individuals who come to the office to ask for money. It is a common practice in Aceh.

41. Interview with Nur Djuli in October 2010.

42. PETA stands for Pembela Tanah Air. These were pro-Indonesia militia groups during conflict times.

ments in the report. Firstly, the respondents deemed the flow of assistance smooth, and that the re-verification of recipients was working well. Secondly, the management and administration of BRA offices functioned well, though there had been delays in paying the fees of field supervisors (*pendamping*). Thirdly, communication between provincial and district BRA offices worked quite well, but the district offices hoped for more formal instructions. And fourthly, non-BRA respondents were relatively satisfied with BRA's performance, though village chiefs stated that outside interference, poor coordination and lack of transparency often disturbed the process of delivering assistance. The report provided a number of recommendations to the Governor and the BRA leadership.

There are no auditing or evaluation reports available for the years 2009 and 2010. It seems that in those years BRA focused far more than before on housing. BRA's 2010 data shows that most funds were spent on housing programs, the total rising up to 75% of all BRA funds in that year. The same held true for 2009. According to BRA, it would have built over five thousand houses in 2009 and more than four thousand houses in 2010. In 2010, none of the other expenditure categories seem to have been significant; funds were spent on health, some trainings and seminars, and, as in previous years, some funds were allocated for organisational support for the central government's FKK office in Aceh and for the KPA.

BRA's performance under T. M. Nazar's leadership in 2010 stands in clear contradiction to the body's previous periods. BRA was notably inactive in 2010, and its strategic plans from that time were unrealistic, and poorly matching Aceh's reality, as well as with the peace agreement. While these plans that were drafted in 2010 will never be realised due to lacking budget funds and support, it is worthwhile discussing them here as they have had an impact on BRA's public image. BRA's 2011 budget proposal, prepared under T.M. Nazar, was to bring about some major changes in its program plans. The projected Rp 220 billion from the APBN was to be spent completely on housing and *diyati*. BRA's funding proposal to the provincial planning agency Bappeda for the APBA was 392 billion Rupiah. The APBA budget proposal was quite confusing as many operational costs as well as the costs of the 'reintegration village' program were scattered across the budget. In order to make the 2011 budget proposal comparable with previous years, the research team re-categorised the budget proposal as presented in the table below. It must be stressed that this is not BRA's 2011 budget, but a plan that failed to be realised.

| Category                                | Proposed Funds | %          |
|---|----------------|------------|
| Operational funds                       | 48 M           | 12.3       |
| Housing                                 | 123 M          | 31.4       |
| <i>Diyati</i>                           | 88 M           | 22.4       |
| Scholarships                            | 5 M            | 1.3        |
| Assistance to handicapped               | 9 M            | 2.3        |
| Other assistance ( <i>sayam</i> )       | 13 M           | 3.3        |
| 'Reintegration village'                 | 73 M           | 18.7       |
| Healthcare                              | 18 M           | 4.8        |
| Data-collecting                         | 2,4 M          | 0.6        |
| MoU Monitoring and Transitional justice | 4 M            | 1          |
| Capacity-building of BRA                | 7,4 M          | 1.9        |
| <b>TOTAL</b>                            | <b>390 M</b>   | <b>100</b> |

Similar to previous years, the largest sums of the APBA funds were reserved for rebuilding houses (31%) and *diyati* (22%). Assuming that the ABPN budget was completely spent on these

two categories, this would have meant that up to 70% of total budget funds were planned to be spent on housing and *diyati* in 2011 (in 2005–2010 it was 55%). Another remarkable change was that the economic empowerment programs that were running since 2007 but were not completed as yet (particularly targeted to conflict victims) were to be discontinued and replaced by a 'reintegration village' program that was to take up to 19% of the provincial budget funds in 2011 (or 12% if APBN funds are included). This program was planned to target former combatants and militia members as will be discussed below, and would also have included a portion of the funding for housing. Other program categories were not remarkable in terms of funding. To summarise the analysis of BRA's budget plan for 2011: the agency intended to increase the expenditure on housing and *diyati*; it planned to provide additional assistance to former combatants and militia groups; and, despite the common perception that the MoU commitment to conflict victims has not been fulfilled, its plan was to discontinue economic empowerment programs to conflict victims.

It is clear that the above plans will not be implemented in 2011. Firstly, the new leadership of BRA does not share the views presented in the plan, and secondly, the dramatic budget cut from the proposed almost four hundred billion to a mere twenty-two billion Rupiah from APBA will mean that BRA can hardly cover its operational costs from the provincial budget in 2011. According to Haniff Asmara, BRA's priority is in completing the ongoing programs like housing and *diyati*, and in providing support to establishing transitional justice institutions (Human Rights Court and Truth and Reconciliation Commission) as well as the Joint Claims Settlement Commission.<sup>43</sup> After 2011, BRA would only be running economic empowerment and social support programs, but these are conditional on whether there will be funding available for such programs.

## BRA programs

The MoU stipulations in the field of reintegration were in the first period of BRA in 2006 translated into three program areas: housing (Art. 3.2.4), economic empowerment (Art. 3.2.5.), and social security (Art. 3.2.5.). Reconstruction of houses that were destroyed during the conflict has taken priority, with over 40% of all of BRA's budget funds. Over a third of reintegration funds have been allocated to economic empowerment while much less has been spent on social security measures. This section outlines BRA's achievements in these areas together with current views on the extent to which MoU articles have already been satisfactorily implemented. BRA's future program plans will also be discussed.

## Rehabilitation of Public and Private Property – Housing

BRA has until now focused on rebuilding private houses, while the rehabilitation of other types of private property (for example business premises) or public property has been less prominent in its programs.<sup>44</sup> There seems to be a general assumption in Aceh that the Joint Claims Settlement Commission, an MoU-stipulated body that has not yet been established, would be the right agency to handle other unmet claims regarding private property. There is hardly any discussion

43. Interview with Haniff Asmara on 22 February 2011.

44. BRA has assisted in the repair or construction of 499 units of infrastructure including 292 places of worship, 43 sanitation facilities, 43 km of roads and 17 bridges. Donors and NGOs have repaired or constructed 1,964 units of infrastructure, including 462 sanitation facilities, 162 health centres, 16 schools, seven irrigation channels, and the clearing of 1,286 hectares of agricultural land. The clearance and rehabilitation of an additional 399 hectares of land, repair of 24 km of road, and the repair or construction of six irrigation systems is currently underway. MSR, pp. 63–64.

on the rehabilitation of public property, though much has been done through other programs.<sup>45</sup>

The government rebuilt conflict-destroyed private houses already in the pre-MoU period. This reconstruction is commonly seen to have been biased, and having produced houses of poor quality (either temporary or semi-permanent houses). In 2005, for example, some 3,503 houses were built, but this was not done under BRA as the agency was only established in February 2006. The rebuilt houses were of poor quality and there were many complaints from the recipients who saw better quality, permanent BRA houses being built in their villages. Later, in 2008–2009, BRA made a decision that the rebuilding of such houses could be done with BRA funds if so requested by the inhabitants.<sup>46</sup>

The Aceh Government estimated back in 2006 that 9,419 houses were needed.<sup>47</sup> Soon after, BRA came to realise that the estimate was far below real needs, and no less than 39,936 housing claims were received by BRA district offices. In 2006, BRA rebuilt 1,725 houses, with particular focus on the districts of Bener Meriah and Aceh Tengah. It was soon found out that there were serious flaws in the distribution of funds to beneficiaries. In July–September 2007, BRA, with support from UNDP, developed a mechanism to verify the eligibility of those who had already been provided housing assistance and of the applications they had received. According to Nur Djuli, BRA's verification efforts cut the claims by some 25%. After some public criticism concerning the data used for verification, BRA organised a re-verification process at the sub-district level in 2008 that resulted in the currently-used data on housing needs that puts the total at around 33,000 houses.

The unit price of BRA houses has been renegotiated a couple of times. In the pre-MoU period, houses were built with as little as eight million Rupiah per unit. In 2005, it was suggested by the Governor that fifteen million Rupiah would be spent per house. This was strongly criticised by the Bupatis as the sum did not match the real costs and was remarkably smaller than the unit price used in post-tsunami reconstruction. The Aceh Government agreed to raise the unit price. In 2006–2007, thirty-five million Rupiah was allocated per unit. In 2008, a joint decision was made by BRA and the Governor to raise the unit price to forty million, due to the rising prices of building material. In addition to that, a one million Rupiah administration and supervision fee was added to cover the BRA's costs.<sup>48</sup>

In BRA's 2005–2009 Activity Report,<sup>49</sup> as well as in the 'Survey Report of BRA Program Implementation in 2005–2010 and Long-Term Program Plan 2010–2040'<sup>50</sup> the number of houses that needs to be rebuilt is 29,378.<sup>51</sup> The realisation of rebuilding of houses has been as follows, showing some three hundred houses less than the earlier estimate:

| Year                 | Nr of Houses  | Funds used (bln Rp) |
|----------------------|---------------|---------------------|
| 2005                 | 3,253         | 114                 |
| 2006                 | 1,725         | 61                  |
| 2007                 | 3,075         | 109                 |
| 2008                 | 8,415         | 345                 |
| 2009                 | 5,488         | 225                 |
| 2010                 | 4,069         | 167                 |
| <b>TOTAL REBUILT</b> | <b>26,025</b> | <b>1,021</b>        |
| remaining needs      | 3,053         | 125                 |

Houses have been rebuilt in all but two districts: Banda Aceh and Simeulue have not received BRA houses. Both these districts have, however, been target areas for BRR's post-tsunami reconstruction efforts, and any houses destroyed in the conflict would have been rebuilt by these programs. According to MSR, some 2,670 conflict-damaged houses have been rebuilt by agencies other than BRA.<sup>52</sup> During the conflict, the destruction of houses was concentrated largely in the GAM heartland areas in the northern and eastern parts of Aceh, while the highlands (Aceh Tengah and Bener Meriah) as well as the Subulussalam area in the south were also heavily affected. The rebuilding of houses is still ongoing in most districts, and particularly in the districts with highest rebuilding needs<sup>53</sup> BRA also continues to receive claims from persons who feel eligible to receive a house, particularly in the districts of Pidie, Aceh Utara, Aceh Timur and Aceh Tamiang. The agency has developed a verification system to handle any such claims by sending representatives to the location.<sup>54</sup> There are, however, rumours in some districts that in 2010 the actual number of houses rebuilt would have in fact been lower than requested and that the misuse of housing funds is a common practice. As all data on the realisation of the housing program comes from BRA itself, it is very difficult to assess these claims, but it is possible to provide some information on the type of problems in this program.

In 2010, BRA identified two problem areas for the housing program. The sub-district of Nisam Antara in Bireuen and a remote highlands sub-district Semai in Aceh Tamiang had experienced difficulties in benefiting from the BRA program. BRA verification teams had been unable to reach these areas. Unverified information received from local former combatants informed the research team that a powerful broker was active in Nisam Antara demanding up to ten per cent of house values, which had hindered the rebuilding process. Furthermore, in Nisam Antara the conflict was also horizontal, and houses were destroyed both by the military and by GAM, and the conflict divisions continue to affect the enlisting of recipients by village heads. The problem in Tamiang, according to unconfirmed information from a local resident, seemed to concern only one village (Desa Sungai) where thirty houses were burned down by GAM. The reason why these houses were not rebuilt remained unclear, but in late 2010 BRA was in the process of including this village in the recipient list.

BRA representatives readily admit the existing problems in the housing program. A BRA representative viewed that it is likely that in 10–30% of cases a house had been given to a non-eligible person. The percentage varies from one district to another and is said to be particularly high in Aceh Tengah and Bener Meriah. The methods of misusing housing funds are com-

45. MSR estimates that over half of the rural infrastructure in Aceh was directly or indirectly damaged by the conflict, p. 37. The report provides detailed information on private and public property other than housing that was destroyed or damaged in the conflict.

46. Communication with Asmawati Hasan who was in charge of housing in BRA in 2007–2009.

47. Information from AMM.

48. In fact, the rationale behind including the fee included paying back BRA's debt from 2007 that had resulted from a rather ill-informed decision by the Governor to create a Task Force to speed up house-building (SK 330/417/2007). The Task Force was supposed to supervise and monitor the house-building and provide policy advice. It ended up dubbing BRA's own housing team's work, and internal conflicts followed. The Task Force was discontinued, but it left behind a bill to be paid by BRA. Communication with a BRA staff member.

49. BRA, ND: Laporan Kegiatan Pemulihan Kondisi Sosial dan Pemberdayaan Masyarakat dalam Rangka Reintegrasi di Provinsi Nanggroe Aceh Darussalam.

50. BRA, 2010. Laporan Tinjauan Pelaksanaan Program BRA tahun 2005–2010 & Rencana Program Jangka Panjang BRA tahun 2010–2040. The head of BRA presented this report to the Minister of Law and Human Rights and DPR during a meeting on 14–15 October 2010 in Jakarta.

51. An MSR survey that was conducted in 2006 came to the conclusion that around 33,000 houses had not been rebuilt during that time. MSR, p. 40. The report is somewhat confusing as it also claims that some 165,000 houses were damaged during the conflict, and that the BRA housing program would thus cause jealousies. The report, however, does not offer clear information on what was considered as 'damage' in the survey and whether the damage was verified or the information was just based on claims made by informants.

52. MSR, p. 59.

53. There are seven districts that have still plenty of houses to be rebuilt. Subulussalam appears to have even 65% of the houses still to build, while Aceh Tengah, Aceh Selatan, Abdya, Bener Meriah, Bireuen and Aceh Timur have around one third of houses still to be rebuilt.

54. Interview with Hamid Zein 1 November 2010.

monly known, and do not differ much from other government programs in Aceh that suffer from corrupt practices. The three most common methods in use are: an individual gives false data in order to get a house even though his/her house was not destroyed in the conflict; there are brokers (*calo*) in action who organise houses for non-eligible persons in return for compensation, and/or; a village head (*keuchik*), either out of his own initiative or under pressure, falsifies data and allocates houses to non-eligible persons.<sup>55</sup> Complaints that have been brought up during the rebuilding process have been handled reasonably well by BRA. For example, demonstrations by residents of Bener Meriah and Aceh Tengah, which were facilitated by a Banda Aceh-based NGO Aceh Judicial Monitoring Initiative (AJMI) in 2007–2008, were settled with the assistance of the Governor.<sup>56</sup>

There is no reliable, independent estimate on the remaining housing needs. The BRA estimate is around three thousand, as shown in the table above, but, as mentioned, the number may actually be higher. The number of houses to be rebuilt in the two above-mentioned problem areas might add a few hundred to the remaining needs.<sup>57</sup> Furthermore, there are incoming claims by individuals in other districts that continue to push the overall estimates higher. However, there does not seem to be reason to believe that a remarkably high number of eligible persons would have been left without houses. According to the BRA Head, Haniff Asmara, the housing program will be completed in 2011. Any further claims should be handled through programs other than reintegration or by the JCSC, once it has been established.

## Economic Empowerment

Since 2006, BRA has had a program area – ‘Economic Empowerment’ – that aims to address the MoU article 3.2.5, according to which suitable farming land and employment should be provided for former combatants, pardoned political prisoners and all civilians who have suffered a demonstrable loss due to the conflict. As will be brought up in this section, this article of the MoU has not been satisfactorily fulfilled, and particularly the issue of farming land remains as one of the outstanding issues of reintegration and the peace process at large. In the period 2006–2009, the program largely followed a common Indonesian practice of cash assistance with little attention to sustainable results in reintegration or long-lasting effects of aid. It also focused mainly on providing assistance to those who actively participated in the conflict and sidelined the conflict victims.

The roots of some of the problems in BRA’s economic empowerment program go back to the early months of the peace process. It was agreed in late 2005 that the 3,000 former GAM combatants mentioned in the MoU would receive Rp 25 million per person, while other eligible categories would all receive ten million Rupiah per person. There is unfortunately no proper documentation on the agreement. The non-transparency of early agreements has left uncertainty over what the additional Rp 15 million for each former combatant was supposed to cover. Some interpret the extra funds to be compensation for farming land, while others insist that former combatants would still have the right to demand land based on the MoU article on reintegration.

BRA’s 2010 ‘reintegration village’ plan that will be discussed below illustrates that the land issue is unsettled and that there is a need for open discussion on how to deal with it.<sup>58</sup>

Despite the agreement, economic empowerment assistance to former GAM combatants was a disputed topic throughout 2006, as GAM – appealing to security reasons – refused to provide the names of eligible combatants. After some time it was agreed that, in order to receive assistance, the former combatants whose eligibility was confirmed by the KPA had to form groups and present project proposals. The first group of 965 former combatants received assistance in May 2006 and their proposed projects varied from purchasing fishing boats to establishing farming and transportation enterprises. The remaining 50% of funds were to be given after the project had been verified by BRA. There were several problems in running the program: money had been distributed in cash to the group instead of starting a project in some cases, for others the KPA had provided lists of invented names and BRA in return refused to channel further instalments of funds. In November 2006, AMM brokered a settlement, and BRA handed over cheques to the KPA leadership to be channelled to eligible former combatants.<sup>59</sup> The economic empowerment payments to former combatants were thus completed in 2006.

The MoU indicates only three eligible categories for reintegration assistance: former GAM combatants, amnestied political prisoners, and civilians affected by the conflict. But since the signing of the agreement, several additional recipient categories were created by BRA, particularly due to pressure from the anti-GAM militia groups whose role in the conflict had been ignored in the peace agreement and the former GAM members who had surrendered before the signing of the MoU (the two categories often merged together). GAM also soon realised that they had made a mistake in the peace talks by pushing the number of combatants too low, and requested an additional GAM non-combatant category to be included in reintegration programs. An examination of the numbers included into each category gives an impression that these are likely to be a result of bargaining rather than reflecting the real situation, as both ‘pro-GAM’ and ‘anti-GAM’ numbers seem to match with each other.<sup>60</sup> In the table below are the total numbers of those who have received assistance in 2006–2009 and the remaining needs:<sup>61</sup>

| Recipient Category         | Total         | Already received | Remaining needs |
|----------------------------|---------------|------------------|-----------------|
| Former GAM combatants      | 3,000         | 3,000            | -               |
| Amnestied pol. prisoners   | 2,035         | 2,035            | -               |
| Remissioned pol. prisoners | 1,500         | 913              | 587             |
| Conflict victims           | 62,000        | 36,574           | 25,426          |
| GAM non-combatants         | 6,200         | 6,200            | -               |
| Pre-MoU surrendered GAM    | 3,704         | 3,704            | -               |
| PETA                       | 6,500         | 6,500            | -               |
| <b>TOTAL</b>               | <b>84,939</b> | <b>58,926</b>    | <b>26,013</b>   |

It can be concluded that the parties that had actively participated in the conflict have received the promised assistance (though not necessarily matching with their actual needs). The funds for these groups were channelled in quite non-transparent ways during the early days of rein-

55. Interview with Haniff Asmara 26 October 2010.

56. In the case of Bener Meriah, the houses that had been built by a contractor were lower quality than intended, and BRA provided compensation for the communities to cover the gap between the budgeted sum and the estimate of how much had actually been spent per unit there. The claim from Aceh Tengah held that houses had not been built, but it transpired after a BRA verification team visited the place that many claimants were fictitious.

57. Interview Haniff Asmara 26 October 2010.

58. The MoU states that suitable farming land or employment should be provided not only to former GAM combatants, but also to amnestied prisoners and affected civilians.

59. AMM Press Statement on the CoSA meeting on 4 November 2006.

60. Pro-GAM would include ‘former GAM combatants’ and ‘GAM non-combatants’ while anti-GAM would include ‘PETA’ and ‘pre-MoU surrendered GAM’ categories. Political prisoners are mixed groups, though most likely closer to GAM. The number of former prisoners is, of course, based on court and prison documents.

61. Source: Dinsos and BRA Activity report 2005–2009.

tegration. Funds for former GAM combatants and non-combatants were channelled via KPA offices as explained above, while funds for PETA and pre-MoU surrendered GAM members were channelled via the office of Kesbanglinmas.<sup>62</sup> Only a small number (500 persons) of the pre-MoU surrendered GAM who received funds in 2008 were verified by BRA before the assistance was given.

Contrary to the other groups, the promised assistance to affected civilians has not been successfully delivered. The assistance given to conflict victims until now is also problematic due to changes in BRA programs. The total number of sixty-two thousand is an estimate rather than based on any actual data-collecting.<sup>63</sup> The largest number of conflict victim recipients (22,500 persons) occurred in the year 2006 when the World Bank's Kecamatan Development Program (KDP) was utilised to channel 'community-based' assistance to conflict victims. The assistance was given to village communities and not to individual victims. In most communities the funds were either distributed equally to all households – each receiving a very small sum – or used for building a community hall or some other public infrastructure. Thus, the number of recipients in the table does not refer to the real number of individual beneficiaries, but was calculated afterwards (by BRA) by dividing the total sum spent by the agreed ten million Rupiah per person. Consequently, while the highest amount of economic empowerment funds have been spent on the category of 'conflict victims', the funds have not had much effect on the situation of individual conflict victims.

For 2007–2009, the numbers are more reliable as assistance was given directly by BRA to individuals (to 14,074 persons in total, most of them in 2008). Victims who had experienced physical violence, including sexually-abused female victims,<sup>64</sup> widows and other vulnerable groups were given a priority. In order to receive the first 60% of the funds, the selected recipients had to prepare a plan of how they would use the funds to establish their own enterprise. BRA supervisors (*pendamping*) assisted in the planning, and they also monitored the use of funds. After a progress report was submitted, the remaining 40% was paid. A problem encountered by BRA in this program was that its budget funds were only received towards the end of the budgetary year, which did not allow enough time for supportive action to ensure that the enterprises established were sustainable. This is a common problem in Indonesian government funding schemes and is not caused by BRA itself.

In 2009, a small number of recipients were also given vocational training in welding, carpentry and embroidery in the districts of Pidie, Pidie Jaya, Aceh Besar, Aceh Jaya and Aceh Utara.<sup>65</sup> One such training was organised in 2010. Despite modest budget funds, BRA intends to organise some more training in 2011.<sup>66</sup> These trainings have been the only effort by BRA to provide new skills to recipients. In post-conflict programs in Aceh, such trainings have generally speaking been extremely rare. People have been given capital, but no tools and skills to make the best out of it. IOM has been amongst the few providing vocational training, particularly focusing on amnestied prisoners but also some former combatants.<sup>67</sup> A KPA spokesman as-

sessed IOM's programs as very good, and expressed that there is a need for vocational training for former combatants rather than cash assistance.<sup>68</sup>

## Farming land and reintegration

The economic empowerment programs of BRA have so far been not been very successful. In 2006, the World Bank-run economic empowerment program distributed funds efficiently, but there was little connection to the MoU-intended aims of reintegration that was to be targeted to 'affected civilians who have suffered a demonstrable loss due to the conflict.' There is hardly any information on how many of the enterprises established with BRA funding during 2006–2009 have managed to survive, let alone grow. Considering this, as well as the fact that the MoU article on farming land and employment is not perceived as having been implemented, there is a need to come up with new efforts in reintegration, or alternatively admit the failures and seek to achieve the goals through other means, for example regular development programs.

In 2010, BRA discontinued former economic empowerment programs and initiated an alternative program that was to address the farming land issue. In the current situation, the plan is unlikely to ever be implemented, but as it illustrates some key challenges that need to be met in the future it is useful to discuss it here. A program called 'reintegration village' (*pergampongan reintegrasi*) was developed under the leadership of T. M. Nazar, and was to be launched in 2011. Over seventy thousand recipients were supposed to receive 2.5 hectares of farming land and a house through this program. Eligible recipients were to consist of former GAM combatants, former militia members and former political prisoners.<sup>69</sup> Conflict victims were, by and large, excluded from the program plan. In 2010, the BRA had ordered a design for 'reintegration villages,' which looked remarkably similar to Indonesia's controversial transmigration program settlements. Preparations were ongoing in five districts: Aceh Utara, Bireuen, Nagan Raya, Aceh Tengah and Aceh Timur. In BRA's 2011 budget proposal, some Rp 73.3 billion were allocated to this program, taking almost one fifth of the total budget.<sup>70</sup>

The 'reintegration village' plan must be seen as a misled effort to address some real problems in the implementation of reintegration articles of the MoU. The current BRA leadership has informed that the plan will not go ahead, but discussions are being held to find better ways to implement the MoU article 3.2.5. The problems with the plan are helpful for discussing the wider issues at stake. Firstly, the 'reintegration village' program was to channel additional funds to former combatants and militia group members, and ignore the fact that the ones who have not received assistance as yet are in fact conflict victims. According to BRA, over twenty-two thousand persons who actively participated in the conflict have been given economic empowerment assistance, but due to the non-transparency of the payment system it is difficult to identify the recipients. At the same time, it is well known that amongst the former combatants there are many who have not received assistance, or received very little. Many of them do not even want cash assistance, but assistance in building a sustainable source of livelihood. Some have taken the initiative themselves, like a group of former combatants and conflict victims

62. Kesbanglinmas (office for national unity and protection of society) was known to be a government office that served the interests of military and intelligence.

63. Interview with Nur Djuli 5 November 2010.

64. In 2006 there had been strong criticism from women's organisations towards BRA's criteria of conflict victims that ignored sexual violence.

65. The total number of participants in these trainings was 90, divided into seven groups. Some enterprises were involved in training efforts. Source: BRA Activity report 2005–2009.

66. Interview with Haniff Asmara 10 May 2011.

67. From 2005 onwards IOM was in charge of assisting released political prisoners. They received aid from both IOM and BRA funds.

68. Interview with Muksalmina 8 November 2010.

69. The numbers given by T.M. Nazar were 50,000 former GAM combatants, including all persons who had participated in the GAM struggle since 1976 either in the Aceh Merdeka or GAM; 16,200 Forkab (Forum Koordinasi Anak Bangsa, former militia group) members; 3,535 amnestied and remissioned political prisoners; and some two thousand rape victims.

70. The budget proposal is complicated, and the funds allocated for the 'reintegration village' program have been 'hidden' under several budget categories. The sum here is based on careful examination of the budget plan details.

in Bireuen where a former transmigration area has been turned into an agribusiness area. The farmers' group called *Gabungan Kelompok Tani Asoe Nanggroe* consists of three hundred households that jointly farm three hundred hectares of land in the Simpang Mamplan sub-district. The project is partly funded by the participating households.<sup>71</sup> The Bireuen district government is assisting them by providing seeds and allocating government land for the farming, but the farmers are well aware that their skills are still insufficient both in farming and in selling the products in the market. Without training and supervision their efforts are likely to fail, which would lead to continued poverty, frustration, and potentially lead to conflicts in the future.<sup>72</sup>

The second problem is the number of affected civilians. The Helsinki MoU is a quite exceptional peace agreement in the sense that it opens up reintegration assistance to conflict victims. As the MoU did not define in any detail what was meant by 'affected civilians who have suffered a demonstrable loss due to the conflict', it has been left to BRA to determine the eligibility of recipients. So far BRA has failed to do so. The estimate that BRA is currently using is mostly based on a theoretical calculation of how much funds have been spent so far (for communal assistance) and not on the real needs in the society. A ten-point criteria that was put together in 2006 by BRA is problematic, but so far it is the only effort to define who would be eligible to receive assistance. Another solution that was tried was to provide assistance to the communities and not to individuals, but this is equally problematic as it fails to address the needs of individuals. Furthermore, both previous efforts were providing mostly cash rather than 'farming land or employment' that were promised in the MoU. If farming land will be allocated to affected civilians in the future, it is essential to provide a clear mechanism to verify eligible recipients.

This leads to the third vital dilemma of the farming land. The promise of 2.5 hectares of farming land, as put forward by the 'reintegration village' plan, was based on a common measure of land provided by Indonesian resettlement programs. But how much land would be sufficient to provide livelihood depends highly on what type of farming land is in question: the land area needed for wet rice-farming is different from land needed for oil-palm, coffee or cocoa plantation. The price of land varies from land type, and it also varies from district to district in Aceh, as some districts have more available land than others. The Aceh Government does not have readily available data on how much land area there would be available for BRA's economic empowerment program. In order to prepare such data, a full-scale survey would be needed to collect data from the districts on land ownership documentation, and combine that with the data on land type. Such a survey should also address the common problem of lacking land certificates in Aceh, the existence of customary adat land, and the fact that there are numerous land disputes in the province, some of which date back to the conflict years while others have emerged during the post-conflict period. As providing farming land to potentially tens of thousands of people in Aceh through a reintegration program would in fact mean a major land reform in the province, the preparation of such a program should be done carefully and by involving all relevant government and non-government stakeholders in the process.<sup>73</sup>

71. Serambi Indonesia 9 April 2010 Wagub Minta Bantuan BRA Tetap Sasaran. AcehProv.Go.Id 9 April 2010 Kawasan Bireuen Agro Centre Diresmikan. Rakyat Aceh 9 April 2010 Eks Kombatan dan Korban Konflik Buka Kawasan Pertanian.

72. Interviews with the former combatants in Simpang Mamplan 6 March 2011. A problem here is also that in 2010 BRA staff had promised to include the group in the 'reintegration village' plan and by doing so pushed expectations much higher than would be rational.

73. The handover of the government land agency BPN from the central government to the Aceh provincial government is a challenge related to the farming land issue. The negotiations about BPN are still ongoing between Jakarta and Aceh.

## Social Security and Non-MoU programs of BRA

According to the MoU article 3.2.5, social security is to be guaranteed for those former combatants, pardoned political prisoners and affected civilians who are unable to work. This stipulation has been interpreted in BRA's programs quite broadly and some programs like *diyati* and scholarships to conflict orphans can only vaguely be related to the MoU. Below is a short description of each program.

*Diyati* is a program that was initiated in 2005 by Aceh's then Acting Governor Azwar Abubakar.<sup>74</sup> The program is based on the Quranic principle that compensation of one hundred camels should be paid to the victim's family in the case of intended or unintended murder. The dilemma of how to calculate the number of camels in Indonesian Rupiah has characterised the *diyati* program throughout its existence. Initially, three million Rupiah was paid per household. In 2005, the *diyati* program focused on assisting the families of village chiefs, *mukim*, and civil servants who had been killed during the conflict. This assistance was given via Kesbanglinmas. In the following year, 2006, Interim Governor Mustafa Abubakar included *diyati* in BRA programs. The numbers have grown rapidly since then and the current number of verified eligible recipients is almost 30,000 families. In order to clarify how much and for how long each family would need to receive *diyati* assistance, the BRA Head Nur Djuli organised in early 2009 a consultative meeting with government departments and experts on the matter. The meeting came up with a recommendation that the total sum paid per family should be fifteen million Rupiah, to be paid over a five-year period.<sup>75</sup> This was to be confirmed by a decision letter from the Governor, but such a letter has never been released by the Governor's office.

In 2010, the *diyati* program became headline news in Aceh's media. It turned out that, due to the budget deficit, the then Head of BRA made a decision not to pay *diyati* that year. In late September and early October 2010, hundreds of conflict victims from Aceh Besar, Bener Meriah and Aceh Tengah demonstrated in front of the Governor's office, at DPRA as well as at BRA in Banda Aceh, demanding payments. Some of them had received only partial payments while others had received nothing. The demonstrations were again facilitated by the Aceh Judicial Monitoring Institute (AJMI), which in previous years has facilitated demonstrations by conflict victims over housing issues. Initially the demonstrations were dealt with extremely poorly by the Governor and the Head of BRA who stated that there are no funds and that the widows should simply stop asking for money. This caused a public uproar in the media. The Chairman of DPRA, Hasbi Abdullah, responded swiftly and promised that DPRA would call a meeting with the Governor and BRA to demand explanation and to find a solution.<sup>76</sup> According to *Dinsos*, since the uproar BRA had asked for additional funds from the Aceh's supplementary budget APBA-P for the *diyati* program in 2010. Furthermore, DPRA, BRA, *Dinsos* representatives as well as the Vice Governor discussed the matter in Jakarta, as it is perceived that in the future the funds should primarily come from APBN.<sup>77</sup> It is not clear how much, if any, funds were eventually spent on the *diyati* program in 2010, but at least no provincial budget funds were used for this purpose.<sup>78</sup> BRA's current leader, Haniff Asmara, nevertheless stated that the

74. According to Azwar Abubakar, the program had already existed since 2002. Santunan Korban Konflik Tetap Diperjuangkan, Serambi Indonesia 30 September 2010.

75. Minutes of BRA meeting on *diyati* on 5 February 2009.

76. Terkait Penghentian Dana Diat DPRA Segera Panggil Gubernur dan Ketua BRA. Serambi Indonesia 29 September 2010.

77. Interview with *Dinsos* Head Nasir Mahmud, 26 October 2010.

78. BRA data on the expenditure of APBA 2010 budget funds. In 2010, DPRA passed the supplementary budget APBA-P so late that it was deemed impossible to include any other funds than allocations for already ongoing multiyear programs. Thus, it is likely that no additional funds were allocated to the BRA programs.

agency aims to complete its *diyath* program in 2011. From its current national budget funds it can spend some 25–30 billion Rupiah for this, and it plans to request an additional 150 billion Rupiah from the national supplementary budget for this purpose.<sup>79</sup> Furthermore, a *Qanun* on *diyath* is under preparation, which would turn it into a permanent provincial program, beyond reintegration and post-conflict needs. The bylaw is drafted by the Department of Sharia Law and local universities.

BRA has also provided financial assistance to persons who have become handicapped due to the conflict. The total number of recipients in this program is 14,932 persons. The assistance is similar to the economic empowerment assistance given to conflict victims in 2007–2009, but handicapped persons are not required to prepare project plans or open an enterprise. Their condition is verified by a statement from a medical doctor and a support letter from the village chief. In 2006–2007, the assistance was funded from ABPN, while in 2008–2009 it has been covered from Aceh’s provincial budget. No assistance was given in 2010. The number of unassisted recipients is 8,571. While the program is welcome and is clearly responding to the MoU article 3.2.5., it can be asked whether it would not make more sense to provide a lifelong pension to persons who are handicapped and thus not able to work, rather than offer them a one-time cash payment.

Some thirty thousand conflict orphans have also been identified by BRA. In 2007–2008, the agency provided around half of them an educational scholarship that covered primary or secondary school fees. However, in 2009 the Aceh Government launched a general scholarship program through the Department of Education, and BRA’s scholarship program was discontinued. This is a good example of how many of BRA’s assistance programs could actually be handed over to permanent government departments. BRA has also provided some scholarships for higher education purposes, but there is very little information available on the beneficiaries of this program. In 2008–2009, the number of recipients was just seventy persons. According to BRA, there is also an unaddressed educational need amongst former combatants: some former combatants joined the movement before finishing school and have poor reading and writing skills. They are too embarrassed to attend the regular government programs that provide opportunities to complete primary education. An alternative program should be developed to serve this particular group, which is not likely to be high in numbers.<sup>80</sup>

BRA’s healthcare program has taken care of persons who were seriously injured during the conflict, have bullets or shrapnel in their bodies, and are in need of surgery or other medical treatment. Some operations for the most urgent cases were already organised in 2005 with the help from AMM and IOM. There is very little information on BRA’s healthcare program; the cases have been handled as they come. A problem in the healthcare program has been that many cases have demanded very costly medical treatments, requiring repeated operations etc. Due to this, in 2006–2007 BRA spent more on healthcare than was budgeted, and then had to pay the accumulated debts to local and Malaysian hospitals in 2008–2009. This may have been caused by a peak in healthcare demands in the early period, and is unlikely to reoccur in the future. According to a former BRA staff member, some who have asked for assistance have health issues unrelated to conflict. A KPA representative shared this view, and stated that it is unlikely there would be more ‘real’ cases in need of medical treatment. It seems reasonable to

allocate some funds for healthcare, though it would make more sense to address these needs by the Health Department, for example through the Aceh provincial health program JKA (*Jaminan Kesehatan Aceh*) that covers over 60% of Aceh’s population. The Health Department has the necessary medical expertise, while BRA could play a role in providing data.

### Joint Claims Settlement Commission

The MoU article 3.2.6 states the following: “The authorities of Aceh and GoI will establish a Joint Claims Settlement Commission to deal with unmet claims.” Despite some efforts initiated by AMM<sup>81</sup> in 2006, no steps were taken to establish or even to design such a commission in the post-AMM period until very recently. A common understanding is that this commission would handle claims that are not covered by BRA’s programs. Most people interviewed for this report brought up examples of destroyed business premises as claims that could be addressed to the JCSC. Another common expectation is that the JCSC would handle complaints about BRA’s failures and gaps. There is little information on what was discussed about the aims and form of the JCSC during the peace talks in Helsinki. Many interviewees outside BRA had apparently given very little thought to the matter. BRA representatives informed that the JCSC is under preparation, but it turned out that they referred merely to a public discussion that was organised in November 2010, rather than an actual plan. BRA interviewees brought up some ideas and concerns over the JCSC. It was suggested, for example, that the JCSC should include civil society representatives and expert members, and not involve BRA. It was pointed out that the central government and Aceh government were reluctant to take any steps towards establishing a JCSC at the moment, as they could not foresee from where the additional funds to cover the claims accepted by the JCSC would be taken. It was even suggested that a public apology might be sufficient instead of establishing a JCSC. As the MoU clearly states that the JCSC should be established jointly by the Aceh Government and the Government of Indonesia, the way forward is to build up the political will of these parties to do so. Some estimates on the remaining needs might be of help in the process.

### BRA’s overall performance

BRA’s almost five years of existence has had its ups and downs. After the first chaotic months in 2006, its performance gradually improved. The involvement of international donor agencies like USAID, the World Bank and UNDP have unfortunately not been able to provide clear guidance to BRA. Their mutual competition has even contributed to periodic restructuring of BRA and redesigning of its programs that has taken time from implementing the programs. The years 2007–2009 under Nur Djuli were the most organised and some efforts were taken to introduce programs that were not solely focused on providing cash assistance. But the 2010 poor performance and the unrealistic future plans of the then leadership showed that the agency may well become a liability to the peace process rather than a beneficial actor in reintegration and supporting the sustainability of the peace process. Despite the corrective action of changing the Head of BRA that was taken by the Governor in late 2010, some major problems still remain. It seems that BRA has become a playing card in a struggle between the Governor and the Partai Aceh-led DPRA (and potentially KPA). DPRA’s decision not to allocate even sufficient funds for BRA’s operational needs for 2011 clearly shows that they have little interest in rein-

79. Interview with Haniff Asmara 10 May 2011.

80. Interview with Hanif Asmara 26 October 2010.

81. The issue was raised in the CoSA meeting on 22 July 2006, when it was agreed that the GoI and GAM would discuss the matter. A tri-partite committee was established that prepared an initial plan. BRA Strategy Paper: The Way Forward, presented to CMI in December 2009.

tegration. The Governor appears equally reluctant to put much energy into improving BRA's performance. Instead, the plan is to bring the current programs to an end in 2011 and close down the agency in 2012.

The problems of reintegration in Aceh are wider than those of BRA, however. On the one hand, they are related to general problems of reintegration processes, and on the other hand, they are a consequence of systematic failure in the Aceh peace process to clearly determine the aims and limits of reintegration. Scholars analysing post-conflict reintegration processes have grown increasingly critical of the concept itself, as it is seen as too ambiguous and apt to controversial interpretations in highly political situations. Reintegration programs are often envisioned to serve multiple and not necessarily compatible ends – political, socio-economic, humanitarian, as well as security – and due to this the programs are bound to fail unless the intended goal and strategies of reintegration are clearly defined in the local post-conflict context.<sup>82</sup> Discussion on goals has never happened in Aceh, which has led to a situation where instead of reintegration BRA has mostly provided economic assistance, in cash payments. Already during the peace talks in Helsinki the parties appear to have thought more in terms of economic compensation (GAM side) or regular government assistance (GoI side). The transformative aspects of reintegration that would bring about socio-economic changes or even introduce deeper psycho-social changes amongst former combatants have never been openly discussed.<sup>83</sup>

In many other post-conflict contexts, reintegration programs have been implemented by non-governmental agencies, but this has not been possible in Aceh where the role of international organisations has been limited to providing 'technical expertise' and where local organisations with sufficient capacities are lacking. AMM was rather weak in the field of reintegration, and the mission had no mandate to become involved in implementation.<sup>84</sup> International organisations that have been supporting BRA have not even made much effort to push the limits of 'technical expertise' and chosen to avoid any political issues, even though the latter ones have been in the core of Acehnese society and the peace process.<sup>85</sup> It is not possible to nullify the developments that have taken place until now, and it is much better to acknowledge the problems and to take a forward-looking approach to reintegration in Aceh. Instead of merely closing down BRA, it would be important to bring key actors together to discuss the core issues: remaining needs, realistic timeframe that is needed to address them, as well as goals and strategies that are acceptable to parties. Without a clear consensus on how to move from reintegration to regular development programs, it may well be that Aceh will be stuck with reintegration without an end.

82. Kathleen Jennings, "Unclear Ends, Unclear Means; Reintegration in Post-War Societies – The Case of Liberia," *Global Governance*, 2008, vol 14: 327-345. Leena Avonius, "From Reintegration to Reintegrasi," forthcoming.

83. Nur Djuli admitted that in Helsinki GAM was only interested in getting compensation from GoI, and had little interest to consider what reintegration might mean. Only during his term in BRA did he start to study reintegration.

84. AMM reintegration was handled only by one or two persons at a time, the author of this report having been one of the monitors focusing on reintegration. The others were Adam Burke, Renate Korber and Lina Frödin. None had previous expertise on reintegration.

85. On the role of international organisations in reintegration, see Adam Burke, "Peace-building and rebuilding at ground level: Practical constraints and policy objectives in Aceh," *Conflict, Security & Development*, 2008, vol. 8 (1): 47-69.

## APPENDIX



### 3.2 Reintegration into society

3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.

3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.

3.2.3 GoI and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.

3.2.4 GoI will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.

3.2.5 GoI will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:

- a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

3.2.6 The authorities of Aceh and GoI will establish a joint Claims Settlement Commission to deal with unmet claims.

3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

