

Aceh: Now for the Hard Part

I. OVERVIEW

Just past the half-year mark of the agreement to end the conflict in Aceh, several long-anticipated problems are surfacing. None by itself is grave enough to derail the 15 August 2005 accord between the Indonesian government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM); the peace process remains very much on track. But their convergence means that more than ever, President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla will have to exert leadership, and international donors will have to constantly assess the political impact of their assistance to prevent any backsliding.

The problems include differences between Jakarta and Aceh over the concept of self-government; efforts to divide the province; questions over who can run in local elections and when those elections take place; urgent employment needs of returning GAM members; and oversight of funding for reintegration programs.

The most contentious issue is the draft law on governing Aceh that is supposed to incorporate the provisions of the 15 August memorandum of understanding (MoU) and replace a 2001 law that gave Aceh “special autonomy” within the Indonesian republic. The ministry of home affairs watered down a draft produced in Aceh through a wide public consultation and submitted the diluted version to the Indonesian parliament. Concern over the weakened bill is not confined to GAM but is shared among all in Aceh – and there are thousands – who took part in the original drafting or in subsequent discussions. Intensive efforts are underway to restore key provisions of the Aceh draft, and there is still a chance a reasonable compromise could emerge.

The campaign to carve two new provinces out of Aceh remains an irritant but appears to have no support from the Yudhoyono government.

Another issue, repeatedly flagged by Crisis Group, is the reintegration of GAM members. Securing adequate livelihoods for the 3,000 combatants mentioned in the August agreement was going to be difficult enough, given the massive needs in Aceh after the tsunami. It has become increasingly clear, however, that there are more GAM members needing and expecting reintegration assistance than was previously thought. How to allocate reintegration

payments budgeted for 3,000 among a much larger number is as much an issue for GAM as for the government and international agencies, but the program set up to address this in Aceh may cause as many problems as it solves.

A final issue is the role of the European-led Aceh Monitoring Mission (AMM) if local elections are delayed, as now seems inevitable. Originally scheduled for 26 April 2006, they are now likely to be postponed until late July or August, given both delays in passing the above law and the logistics of post-tsunami registration. This means they will almost certainly take place after the AMM’s newly-extended term expires. The AMM is now scheduled to leave Aceh on 15 June 2006. Many Acehnese are concerned because the pre-election period is precisely when clashes requiring a neutral arbiter may erupt.

II. THE LAW ON ACEH GOVERNMENT

From the beginning, it was clear that the process of incorporating the provisions of the 15 August MoU into a new law would be difficult, since many politicians in the Indonesian parliament were unhappy with the agreement.¹ Many felt they had been excluded from discussions about its contents, and it had been thrust upon them by the president and vice president as a *fait accompli*. Others felt that the MoU had given away too much to GAM, and unless those concessions were whittled back, they could prove to be the wedge in the door to Aceh separating from Indonesia. There were also legal and bureaucratic reactionaries, well-meaning but obstructionist in their backward-looking zeal and unwilling to countenance any language or idea that had not already appeared in existing legislation.

The problem was that the drafting process set up a potential confrontation not just between Jakarta-based lawmakers and GAM, but between Jakarta and Aceh, because so many Acehnese supported the local version of what came to be known as the Bill on the Government of

¹ For earlier analyses of the peace process, see Crisis Group Asia Briefings N°44, *Aceh: So Far, So Good*, 13 December 2005; and N°40, *Aceh: A New Chance for Peace*, 15 August 2005.

Aceh (*Rencana Undang-Undang Pemerintahan Aceh*, RUU-PA). In September 2005, the local government in Aceh initiated a highly consultative process of drafting, with public hearings all over Aceh and among Acehnese communities in the North Sumatran capital, Medan, and Jakarta. In December, it sent its final proposal, incorporating the modifications that emerged from these hearings to the ministry of home affairs, which had to sign off on the draft before it could formally go to the parliament. It had some flaws and inconsistencies, but it was a consensus that everyone from local politicians to GAM could live with.

The ministry immediately embarked on revisions. Minister Muhamad Ma'aruf convened a working group of bureaucrats from the several ministries whose jurisdiction was affected by the law. He asked the ministry of defence to review the articles relating to the role of the military (TNI), the ministry of transportation to look at references to air and sea links, and so on. An Acehnese present reportedly expressed concern to Ma'aruf that each entity was looking at the law from its own narrow bureaucratic perspective and making revisions that were completely divorced from the overall intent of the law, which was to reinforce the peace agreement. No one seemed to understand the political context of the bill or its importance to Aceh. Ma'aruf listened, then instructed those present to restore some provisions of the Aceh draft, such as a clause permitting independent candidates – those not affiliated with national political parties – to run in local elections. The draft the home affairs ministry finally sent to the state secretary in mid-January 2006, nevertheless, was much weaker than Aceh's version. Among other things, it contained no reference to local political parties.²

The cabinet meeting on 18 January was noteworthy primarily for the absence of the one person who could have made a vigorous defence of the Aceh version: Vice President Yusuf Kalla, in many ways the architect of the peace process. Ironically, Kalla was en route to Brussels and Helsinki to thank the European Union (EU), former Finnish president Martti Ahtisaari and the Finnish government for their support of the Aceh peace process. There was some suggestion that MoU sceptics in the government's inner circle deliberately scheduled the meeting to take place when Kalla was away. But whatever the truth, in his absence, cabinet members, together with the police and military commanders, suggested a few more cuts. The ministries of home affairs and justice were then tasked with finalising the draft, taking the cabinet

suggestions into account. On 23 January, the revised draft went to the president for review, and on 27 January, the state secretary sent it to the parliament for deliberation. In this version, local political parties were back in, independent candidates were out, but most importantly, the authority of the Aceh government vis-à-vis Jakarta was much weaker than in the original draft from Aceh.

A. WATERING DOWN SELF-GOVERNMENT

In Helsinki, where the MoU was negotiated, GAM agreed to give up its armed struggle for independence in exchange for meaningful self-government within the Indonesian republic. The MoU deliberately avoided the word "autonomy" to underscore that the arrangements to be legislated would be different and more far-reaching than the "special autonomy" that the Megawati government had granted Aceh in 2001. It was in part on the promise of genuine self-rule for Aceh – from which they clearly expected to benefit – that GAM negotiators were able to persuade their colleagues to accept the agreement.

The government draft has not only excised the phrase "self-government" wherever it appeared in the Acehnese submission, but also seems to grant the Aceh government even less authority than it had under special autonomy. The reaction was swift in coming, not just from GAM but from a broad spectrum of the Acehnese public.

Partnership for Governance Reform, a donor consortium in Jakarta, has produced a useful document that compares the two drafts side by side.³ The dilutions and deletions are striking.

The Aceh draft refers to Aceh as "a territory granted the authority of self-government"; the government draft calls it "a province...with a special status".

Article 6 of the Aceh draft says:

1. Aceh has authority over all public sectors, except in those areas that remain the authority of the central government.
2. These areas are foreign policy, *external* defence, *national* security, monetary and fiscal policy, and justice [emphasis added].⁴

² Ma'aruf's rationale was that the MoU calls for the legal framework on political parties to be in place no later than eighteen months after 15 August 2005, so the government need not include this in the present draft law and has until early 2007 to work out details.

³ Partnership for Governance Reform, "Matriks Perbandingan RUU Pemerintah Aceh Versi DPRD/Masyarakat Aceh dan Versi Pemerintah", 6 February 2006.

⁴ Significantly, the Aceh drafters omitted from their version the clear statement in the MoU that the central government would retain control over religion. They also gave Islamic courts in Aceh jurisdiction over non-Muslims when the latter join with

3. The authority of the central government as outlined in (2) can be turned over in part or in whole to the Aceh government or to district governments in accordance with laws and regulations.

The corresponding article in the government draft says:

1. Aceh and its districts have the authority to manage and take care of their own governmental affairs in all public sectors, except governmental affairs that are the authority of the central government.
2. Governmental affairs that are the authority of the central government are foreign policy; *defence, security*, justice, monetary and national fiscal [affairs] as well as certain issues in the area of religion [emphasis added].
3. In addition to the authority mentioned in (2), there are other government affairs that can be designated as coming under central government authority by law.

Not only has “external defence” in the Aceh version been changed to “defence” and “national security” to “security”, but the whole nature of Aceh’s relations with Jakarta have been reversed in (3). The Aceh draft suggests the local government may acquire more authority, while the government version suggests that local authority may be further reduced – not a stance, it could be reasonably argued, in the spirit of self-government.

In the Aceh version, the autonomous government supervises its own civil service; in the government draft, the ministry of home affairs coordinates supervision.⁵ The Aceh draft leaves it to the province to control exploration and management of its own gas and oil resources. In the government version, the provincial and district governments exert control “in accordance with their authority” – i.e. the central government retains a role.⁶ The Aceh draft calls for Acehnese enterprises to be given priority in processing the territory’s fuel resources but this clause has been excised from the government draft.⁷ The Aceh draft gives the local government authority to institute its own trade and investment policies, as long as it informs the central government and coordinates with it. The government draft says that trade and investment in Aceh has to observe “norms, standards, procedures and criteria operative at a national level”.⁸

Muslims in committing criminal offences. This provision was removed in the government draft.

⁵ Article 98 of the Aceh draft; Article 100 of the government draft.

⁶ Article 130(1) of the Aceh draft; Article 123(1) of the government draft.

⁷ Article 130(6) of the Aceh draft.

⁸ Article 137(4) of the Aceh draft; Article 128(2) of the government draft.

The Aceh draft relegates the Indonesian military’s role to external defence and says its deployment would have to be preceded by consultation with the local government and approval of the Acehnese parliament. The government draft says the military is responsible for “defending the state and other duties” in Aceh and eliminates the consultation/approval clause altogether.⁹ Other examples of efforts to put brakes on self-government abound throughout the Jakarta draft.

B. INDEPENDENT CANDIDATES

As noted, whether independent candidates will be able to run in Aceh elections has become a matter of hot debate. The Aceh draft said they could; the government draft, by removing any mention, implies that only candidates of political parties or coalitions of political parties will be allowed to compete.¹⁰ It appears there is still a chance the Indonesian parliament will reinsert the language from the Aceh draft but the politics of the issue changes daily.

Initially, allowing independent candidates was seen as critical to GAM’s stake in the peace process. A leading Acehnese intellectual said GAM needed a few early victories at the ballot box to convince its rank-and-file there was some political gain in giving up arms.¹¹ But if the government version were adopted, GAM members who wished to run for office in the local elections could do so only as members of existing national parties such as Golkar. In early March 2006, GAM leaders said they would not be interested even if the Aceh branches of national parties offered them slots. Either they would run independently or they would sit out the polls.¹² They also made it clear, however, that failure to allow independent candidates would not kill the peace process: it would not bode well for Jakarta’s good faith on other issues but it would not send them back to the hills. By the end of March, there were even indications that some GAM members were not so opposed to joining existing parties

⁹ Article 162 of the Aceh draft; Article 153 of the government draft.

¹⁰ Article 59 of the Aceh draft; Article 61 of the government draft.

¹¹ Crisis Group interview, Jakarta, 15 February 2006.

¹² Crisis Group interview, Tgk. Kamaruzzaman, Jakarta, 1 March 2006. In late 2005, as independent candidacies seemed like real options, several well-known Acehnese politicians flirted with “dream teams”: they would stand for governor, backed by all the resources of established parties, with a GAM member as a running mate to bring in large numbers of votes. The GAM leadership in Sweden, however, reportedly ruled that GAM would only take part in local elections if it could field separate slates for governor/vice governor and bupati (district head)/deputy bupati in the eighteen contested districts and municipalities.

but it was clear there was no single “GAM” view on the issue.

The debate, however, reveals much about lingering suspicions in Jakarta over GAM intentions. Indonesian intelligence (BIN) and many in the military believe that if permitted to do so, GAM would use political participation, first through independent candidates then a local party, to control “strategic areas” and pursue its independence agenda. BIN conveyed such concerns to the parliamentary commission that handles security issues in a closed meeting on 13 February. Both the essence of the message and the report it was based on were widely leaked.¹³ On 6 March, Defence Minister Juwono Sudarsono told the commission GAM was intensifying propaganda efforts to discredit the government.¹⁴ The next day, however, the military commander, Djoko Suyanto, told the press the TNI had seen no systematic efforts by GAM since the Helsinki accords to “twist facts”.¹⁵

One parliamentarian in Jakarta said the problem with GAM running on an independent ticket was that it would in effect turn the elections into a referendum on independence. Whether or not GAM candidates articulated that aim, that is how villagers would see it, he said, and in a free and fair election, a GAM slate could win several districts, perhaps even the governorship. The prospect could lead to intensified intelligence efforts to mobilise an opposition force. “Better for everyone if GAM waits to run as independents until the next local elections”, he said.

The official reason for dropping the clause, according to State Secretary Yusril Mahendra, was that the MoU did not mention independent candidates. This is true but disingenuous.¹⁶ The draft law is supposed to incorporate the basic MoU principles but no one ever said all other material had to be excluded. Moreover, local Acehese parliamentarians had already interpreted the earlier special autonomy legislation as giving them the right to pass local laws authorising independent candidates, and they had done so, in Qanuns [provincial regulations] no.2 (2004) and no.3 (2005). Enshrining the same principle in the new law, they say, would just reinforce the status quo. But

legal experts say that if the national parliament rejects independent candidates, the new law would trump the earlier Qanuns.¹⁷

Nothing is ever immutable in Indonesian politics, and the parliament may yet restore the disputed clause. Intensive advocacy by Acehese civil society is one reason. Another is that GAM members are not the only ones interested in running as independents. Djali Yusuf, the former military commander of Aceh and prominent member of Yudhoyono’s presidential campaign team, intends to stand for governor without party affiliation and is doing his own lobbying. A man who fought GAM for years no longer sees them as the enemy – he sees them as voters.

C. ECONOMIC PROVISIONS

The third major issue relates to central government allocations for Aceh. The Aceh draft states that in addition to revenue from taxes and natural resources, the government should make a special allocation of 5 per cent of the baseline general allocation grant (*dana alokasi umum*, DAU) due the provinces and districts under Indonesia’s regional autonomy laws. This would amount to an additional annual grant of about \$12 million. The government draft reduced this to 1 per cent for a maximum of five years.¹⁸

Many Acehese drafters saw the additional funds as compensation for years of hardship and destruction caused by the conflict. One alternative suggested was 3 per cent for 30 years, the length of that conflict, although that formulation was unlikely to appeal to Jakarta. Not only was the central government reluctant to acknowledge even implicitly any financial obligations stemming from the conflict, but it also appeared to worry that if Aceh received an extra allocation, other provinces would demand equal treatment. The worry is not unfounded: the association of local parliament leaders from across the country said it strongly supported the 5 per cent for Aceh, because it would be a model for other “special” areas such as Jakarta, Yogyakarta, and Papua.¹⁹

¹³ “Laporan Inteligen: Aceh Merdeka Tetap Diperjuangkan”, *Koran Tempo*, 14 February 2006.

¹⁴ “Menhan: GAM Giat Propaganda”, *Kompas*, 7 March 2006.

¹⁵ “DPRD Dukung Tambahan Dana 5%”, *Media Indonesia*, 8 March 2006.

¹⁶ Article 1(2)(2) of the MoU says merely that “the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter”. Article 3(2)(1) says that all amnestied persons will have full restoration of their rights “as well as the right to participate freely in the political process both in Aceh and on the national level.”

¹⁷ Article 201 of the government draft says the method of electing the governor, bupati (district heads) and deputies will be in accordance with Qanuns 2 and 3, “as long as it does not contradict the provisions of this and other laws”. This indicates the new law would take precedence over earlier law. Crisis Group correspondence with Alan Wall, Indonesia Country Director for Democracy International, 9 March 2006.

¹⁸ Article 150(4) of the Aceh draft; Article 142(1) of the government draft.

¹⁹ “DPRD Dukung Tambahan Dana 5%”, *Media Indonesia*, 8 March 2006.

It now looks as if the parliament may increase the allocation beyond 1 per cent, if not to the Aceh draft's 5 per cent.

D. HUMAN RIGHTS

The government version dilutes the human rights provisions of the Aceh draft by removing any reference to past abuses, being studiously vague about a separate human rights court for Aceh, and eliminating the possibility that UN special rapporteurs could be invited to investigate allegations of human rights violations. But while human rights groups raised concerns, these provisions did not appear to be make or break for the law, and several Acehnese said privately this might not be the time to press for them.²⁰

The changes, nevertheless, were instructive. The Aceh draft said the government at all levels was obliged to uphold human rights standards as laid down in international covenants. The government version mandated upholding only "those human rights standards in international covenants that have been adopted as [Indonesian] law".²¹

The Aceh version states that a Truth and Reconciliation Commission, "derived from" the National Truth and Reconciliation Commission would formulate the nature of reconciliation efforts and also "clarify past human rights violations". The government version says the National Commission will establish the Aceh Commission and restricts the latter's functions to reconciliation – as did the MoU. Since the National Commission does not yet exist and may not any time soon, the matter may be moot. But for many Acehnese, the issue of past abuses centres on demands for compensation, and those may increase as groups from tsunami victims to former combatants are seen as receiving economic benefits while victims of the conflict are not. A neutral, thorough, well-documented record of the past is essential if claims for compensation are to be addressed fairly.

The Aceh draft calls for a human rights court in Aceh, although an ad hoc human rights court in Medan, with the ability to hear cases of serious human rights violations from the provinces of North Sumatra, West Sumatra, Riau, Jambi and Aceh, was established in 2000. The government

language says a court will be established not "in Aceh" (implying a separate institution), but, more ambiguously, "for Aceh". In any case, the court would not have retroactive jurisdiction, so it could only hear cases dating from after the law's passage.²²

Finally, the government was clearly unhappy with a clause in the Aceh draft that "in the event there is no guarantee that a fair investigation of serious human rights abuses can be conducted in the territory, the government may give the opportunity to a special rapporteur or other official of the United Nations to enter Aceh". It deleted the entire clause.

E. THE REACTION

The reactions of Acehnese to the government draft should please anyone looking for signs that Indonesian democracy is alive and well. While GAM's response was muted, virtually all sectors of Aceh came out in support of the original version, not through street protests, although there were a few, but through what one parliamentarian called very sophisticated lobbying. "I've never seen Acehnese so united", an Acehnese leader commented with pride. From local parliamentarians through academics, Muslim school heads and traditional customary leaders, to women's groups, the message was loud and clear: the Aceh draft was not about concessions to GAM but about giving Acehnese the chance to govern themselves and live their lives in peace.

In Jakarta, Acehnese members of the political elite from a variety of institutions quietly met with members of parliament to talk through disputed provisions. In Banda Aceh, the provincial capital, hundreds came to public seminars to urge passage of the original draft. The parliament set up a special committee (*panitia khusus* or *pansus*) to take inputs from all sides before putting the bill to a vote. Twenty of its members went to Aceh on 10 March and heard the same refrain repeatedly over three days. A Muslim leader reportedly told its head: "Think of this like cooking a meal. We're doing the cooking, and we know what spices we like. If you put your spices in, we won't eat it". On 15 March, a province-wide congress of hundreds of ulama (religious authorities) called on the government to leave the original draft intact because it represented Acehnese aspirations.²³

²⁰ Crisis Group interviews, Jakarta, 13-14 March 2006. See "Pernyataan Sikap No: 13/KontraS/II/2006 tentang Mendesak Pansus Dpr Hindari Pasal-Pasal Karet HAM di RUU PA", KontraS (human rights organisation), 27 February 2006.

²¹ In the original MoU, the government had agreed to adhere to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without any qualifications about only those provisions adopted in Indonesian law.

²² Retroactivity was a major issue during the 2005 Helsinki negotiations. GAM insisted the human rights court should be able to look at past human rights abuses; the government and Martti Ahtisaari, the mediator, took the opposite view.

²³ "Ulama Minta RUU-PA tak Dipangkas", *Serambi Indonesia*, 16 March 2006.

The mood in Aceh is now more optimistic that the parliament will ultimately produce a law all can live with. However, the process is taking longer than expected. The MoU called for the law to be finalised by 31 March; the target is now 15 April.

III. DIVIDING ACEH?

Among Acehnese, the only solid bloc opposed to the local version of the draft law appeared to be the group of local officials campaigning for creation of two new provinces, Aceh Leuser Antara (ALA) and Aceh Barat Selatan (Southwest Aceh, ABAS).²⁴ Their campaign gathered steam in December 2005 and January 2006, coinciding with public seminars on the draft law. The night before the government version was submitted to parliament, posters appeared as if by magic across South Aceh with messages like “ABAS province belongs to the people”; “ABAS province represents the aspirations of the people of the southwest”; “You are entering the territory of ABAS”; “Don’t let there be enmity among us, let’s support ABAS”; and “ABAS province is the realisation of democracy”.²⁵

But senior officials of the Yudhoyono administration made clear that dividing Aceh is not government policy, and there appears little chance the campaign will succeed, at least in the short term.

The politics of the campaign were complex. Local activists claimed ALA and ABAS supporters, such as those who demonstrated on 6 February in the South Aceh district capital of Tapaktuan, had received money from intelligence sources. In Bener Meriah district, the leader of the ALA campaign was also a leader of the anti-GAM front set up during the military emergency, further fuelling suspicions of Jakarta involvement. The similarities were striking to the efforts to divide Papua in 2002-2003, when the Megawati government’s interests in weakening the independence movement coincided with those of the local elite in personal enrichment.²⁶

Local officials leading the campaign for ALA and ABAS argued their case in terms of improving government

services, much as was done in Papua, but they added the argument that since Indonesian independence, provincial government jobs had always gone to Acehnese from the north and east coasts, while those from the central, west, and southwest had faced systematic discrimination, and this was the opportunity to change matters.²⁷ A local official in South Aceh also raised a security argument: he and his colleagues did not trust GAM, and if ABAS were created, it would have its own district military command (KODIM) and police station so as to secure it better from GAM depredations. He suggested that the new province would not be bound by the numbers of military and police specified in the 15 August 2005 MoU.²⁸

The Indonesian parliament did not appear particularly sympathetic to the ALA-ABAS campaign. In early March, when the special committee finalising the Aceh bill received a delegation representing local parliaments nationwide, it refused a group representing the “secessionist” districts the chance to speak to it separately.²⁹

One possibility is that the districts concerned – ten of Aceh’s 21 – might try to render the elections for governor illegitimate by a coordinated boycott. It is unlikely they would succeed.

IV. REINTEGRATION: THE NUMBERS PROBLEM

It has been evident for some time that the figure of 3,000 combatants stated in the Helsinki accords vastly underestimated the real numbers involved. It may have been an accurate estimate of those who actually carried guns but it did not reflect the true size of the Acehnese National Army (*Tentara Nasional Aceh*, TNA), let alone those involved in logistic support and “civilian” roles such as GAM “police” and administrators, all of whom began returning home after August 2005. Nor did it factor in the widows and other dependents of deceased GAM fighters or the many GAM members who surrendered or were captured during the military emergency of 2003-2005.³⁰

Immediately following the signing of the August 2005 MoU, when the government announced reintegration

²⁴ For background, see Crisis Group Briefing, *Aceh: So Far, So Good*, op. cit., pp. 10-11.

²⁵ Propinsi ABAS Milik Rakyat Sendiri; Propinsi ABAS Adalah Aspirasi Masyarakat Barat Selatan; Anda Masuk Wilayah Aceh Barat Selatan; Jamgan Ada Dusta Antara Kita, Mari Kita Dukung ABAS; and Propinsi ABAS Adalah Realisasi Demokrasi. Crisis Group observation, Tapaktuan, South Aceh, 1 February 2006.

²⁶ Crisis Group Asia Briefing N°24, *Dividing Papua: How Not to Do It*, 9 April 2003.

²⁷ Crisis Group interviews, Tapaktuan, 1-3 February, 2006.

²⁸ Ibid.

²⁹ “Draf DPRD Dinilai Tak Wakili Seluruh Aceh”, *Kompas*, 8 March 2006. The delegates were Burhan Alpin, secretary general of the ALA campaign, and the district parliament heads Tjut Agam, Aceh Barat Daya; Umuruddin Desky, Aceh Tenggara; Chalidin Munte, Aceh Singkil; Syukur Kobat, Central Aceh; and Hasbi Machmud, Simeulue.

³⁰ Crisis Group Briefing, *Aceh: So Far, So Good*, op. cit., pp. 4-5.

packages of Rp.1 million (about \$100)³¹ a month for six months per returned combatant, it expected GAM to list 3,000 names, each of whom would receive cash payments. But the GAM leadership had a real problem: who, among the larger number of people dependent on the guerrilla movement, would receive those funds, and how would it manage expectations?

It gradually became clear that this was one reason GAM refused to turn over 3,000 names to the government – it was not just a security issue, a worry that those persons would be targeted first if the agreement collapsed. Choosing 3,000 recipients was a genuine conundrum. Eventually, the government agreed that it would give the first three months' payments to local commanders, based on GAM's own calculation of how many of the 3,000 were to be demobilised district by district. Bireuen, a GAM stronghold, was thus determined to have 330 of the 3,000 fighters; South Aceh had 220.

But GAM may have boxed itself into a corner by making such low estimates of its strength. The TNI commander gave its real numbers in South Aceh as 1,124. "We know how many there are", he said, "but it's their problem if they've got more, not ours".³²

The GAM commander in South Aceh said if everyone involved in the movement was taken into account, the true figure was over 2,500.³³ Many had been supported by "war taxes"; with the war stopped, he said, all faced economic problems. Moreover, GAM had to take seniority into account; one could not treat a fighter with ten years' experience the same as a new recruit. Of the promised Rp.1 million per person, then, some in South Aceh got Rp.300,000, others Rp.50,000 and many nothing.³⁴

Whether GAM ever turns over 3,000 names has become almost irrelevant. The question is what to do with a larger number of returnees than anyone anticipated, many of whom expect some form of assistance. Rumbles are already beginning to be heard within GAM about unfair treatment, favouritism and – more rarely, corruption. The points to note are these:

- ❑ it is critical to start quick impact projects to address economic needs of demobilised guerrillas and their supporters, whether or not they carried guns;
- ❑ in many areas, there are no jobs for ordinary people either, so the problem goes beyond even this "extended GAM"; and

- ❑ as reintegration funds flow to GAM, more victims of earlier phases of the conflict are beginning to demand justice or compensation, and it is not clear how these tensions are to be managed.

A program that is being set up to address some of these problems could end up making things worse unless very carefully monitored. On 11 February 2006, the governor of Aceh created a body known as the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA).³⁵ It immediately received the unspent balance of Rp.200,000,000,000 (about \$20 million) allocated by the national planning agency, BAPPENAS, for fiscal year 2005, which ends on 30 April 2006. Reportedly spurred as much if not more by a desire to spend the balance before April as by the need to develop workable programs, the new agency hastily cobbled together a scheme whereby two groups would get immediate access to cash: ex-combatants and conflict victims, including members of anti-GAM fronts.

For the ex-combatants, Rp.25,000,000,000 (about \$2.5 million) was budgeted for "empowerment" projects. The process of disbursement, worked out only in early March 2006, less than two months before the end of the fiscal year, is as follows: a group of GAM members, under a project leader who also happens to be a GAM commander, submits a proposal for a livelihood project or commercial enterprise to the Aceh Transition Committee (*Komite Peralihan Aceh*, KPA), the new name for the demobilised GAM armed forces. If the KPA endorses it, the proposal goes to the BRA for funding. For each person included in the proposal, BRA allocates an initial payment of Rp.12,500,000 (about \$1,250) but the funds are transferred directly to the project leader (the commander), who is responsible for disbursement.

According to Usman Hasan, the head of BRA, "facilitators" from local NGOs and former GAM members have been given two days' training to evaluate proposals – some 300 already have been submitted, with 50 approved as of 24 March – and provide "guidance" to the project teams. Two facilitators per district are assigned to seventeen of Aceh's 21 districts; banks will release funding upon the facilitators' recommendation.

A "verification team" is supposed to carry out an assessment before a second tranche of funding can be released. But individuals close to BRA acknowledged that

³¹ Figures denoted in dollars (\$) in this report refer to U.S. dollars.

³² Crisis Group interview, district military commander, Tapaktuan, 1 February 2006.

³³ Crisis Group interview, Abrar Muda, 1 February 2006.

³⁴ Crisis Group interviews, Tapaktuan, 2 February 2006.

³⁵ The full name is Agency for the Reintegration into Society of Former GAM Members (*Badan Reintegrasi Mantan Anggota Gerakan Aceh Merdeka ke Dalam Masyarakat*). It was established via Gubernatorial Decision No.330/032/2006, with Usman Hasan, an Acehnese Golkar member and former Indonesian ambassador to Mexico, as coordinator. The secretariat is headed by Dr Haniff Asmara, head of the provincial social affairs office in Banda Aceh.

there was no real way of knowing whether the names of the project members, other than the commander, are real or how the funds are disbursed, and the “verification team” is unlikely to have the capacity, or indeed the mandate, to carry out anything resembling an audit. It is not even clear that release of the second tranche will depend on the nature of the assessment. Some 1,000 ex-GAM are expected to be funded in this manner for fiscal year 2005, with a remaining 2,000 in fiscal year 2006.³⁶

The fiscal year 2005 budget initially envisioned 3,000 “victims of the conflict” receiving payments of Rp.10,000,000 (about \$1,000); the number is now 6,145 with more to be funded in 2006. The BRA has agreed on ten criteria for determining who is a victim, but they are so broad that virtually all of Aceh could be included.³⁷ It is left up to village heads to submit names of such victims, endorsed by the sub-district and district governments, to the BRA. The BRA then disburses funds directly to the beneficiaries but the scope for abuse is high. There is also a critical question of public awareness of this program, because it may come down to first come, first served.

The 6,145 figure also includes members of anti-GAM fronts, referred to in the budget as “volunteers for the defence of the motherland”, and “villager defenders”. The 2005 budget mentions payments of Rp.10 million each to 1,000 such individuals but that figure may rise. To determine who is eligible among these “volunteers”, the district military command (KODIM) will prepare lists of names to be submitted to BRA.

All this means that just prior to the local elections, a particularly sensitive period, two former parties to the conflict will be awash in cash with almost no workable oversight mechanism in place for how it is used. Reintegration needs are urgent but the BRA program seems at best poorly thought through.

Donors are aware of the pitfalls. They say they are doing their best to ensure that some of the problems are corrected by the time the 2006 funds come on line, and BRA is being deluged with offers of technical assistance.³⁸ But it will be absolutely critical for all concerned to monitor the

political impact of this program and be prepared to address some of the new tensions that it will almost certainly produce.

Friction is already apparent within GAM. An Acehnese familiar with internal GAM discussions said fears that former combatants will use the funds to rebuild a military base are probably groundless; they are more likely to concentrate on building up a political and economic infrastructure. But one possible impact of the money will be to exacerbate tensions that have already surfaced between the GAM leadership and the rank-and-file, who feel they are not getting their fair share of post-conflict largesse.³⁹

V. EXTENDING THE AMM

On 15 March 2006, the first phase of the EU-led Aceh Monitoring Mission (AMM) ended. Six months after it began, the AMM reduced its monitors from some 220 to 85 and agreed with the government on a three-month extension through 15 June. The question is what happens after June.

If elections are delayed until late July, August, or even beyond, there will be no independent monitors on the ground to investigate and resolve disputes at a time when the risk of violent clashes is highest. Indonesia is likely to invite international observers but they would have neither the mandate nor the accumulated expertise of the AMM and might well not arrive until just before the polls.

Acehnese across the political spectrum believe the AMM has played an important role in reinforcing the peace, and as problems described in this briefing converge, many believe it should stay beyond June. They cite the unfinished business of reintegration as a particular concern.⁴⁰

The Indonesian government, the EU and the ASEAN countries contributing monitors have all shown flexibility thus far over the mission, and they may need to show more as elections are delayed.

But the AMM may face a more difficult challenge in the months ahead, and not just because of reduced numbers. The momentum of the peace process has been such that it has more observed and encouraged both sides to resolve differences than actually used its mandate to decide against one side or the other (the decommissioning process, which

³⁶ Crisis Group interviews, 24 March 2006, and document entitled “Program Kerja Reintegrasi Dan Pemberdayaan Masyarakat Aceh Tahun Anggaran 2005” (Work Program for the Reintegration and Empowerment of the People of Aceh, Fiscal Year 2005).

³⁷ According to these criteria, victims are next-of-kin of those killed in conflict; persons who lost a parent or spouse; next-of-kin of the missing; those whose houses were burned, destroyed, or damaged; internally displaced; mentally ill due to conflict; physically ill due to conflict; and those who lost employment because of conflict.

³⁸ Crisis Group interviews, Jakarta, 26 March 2006.

³⁹ Crisis Group interview, Jakarta, 24 March 2006.

⁴⁰ “Terpaut Hati Pemantau Asing”, *Koran Tempo*, 14 March 2006.

involved decisions on which weapons would be accepted, being an important exception). Until recently, there have been few serious clashes, and in a way, the AMM's prestige hinges on its not having to use its political capital by ruling in favour of one party.

That may be beginning to change. The AMM investigated two major incidents in February and March and found local officials responsible. One was the 17 February attack on the office of the GAM-linked Referendum Information Center (*Sentra Informasi Referendum Aceh, SIRA*) in Blang Pidie, Aceh Barat Daya, by ex-GAM members who had surrendered during the military emergency and been trained by the military; the second was a fatal assault by police on a motorcyclist in Peudawa, East Aceh that sparked a riot. In the first, the AMM asked the government to investigate and disarm illegal armed groups and confirm in writing that they were not allowed. In the second, it determined the police had used excessive force and got the local police chief to issue a statement accepting blame.

The AMM also has the authority to rule on disputed amnesty cases and thus far has encouraged the sides to settle these on their own. But the test of its readiness to step in may be coming. GAM claims that 67 of its members remain imprisoned and should be freed. Of these, the Indonesian government has agreed to release thirteen, most of whom are detained in Medan.

The MoU said that all "political prisoners and detainees held due to the conflict" would be amnestied, as would "all persons who have participated in GAM activities". The Indonesian government said from the outset that GAM members who were responsible for purely criminal actions would not be freed. Everyone held on the charge of *maker*, or rebellion, was freed, and the outstanding cases all involve men (there are no women in this category) who were charged with criminal offences like murders. GAM maintains that there is no difference in the nature of the offences between this group and the amnestied prisoners; it is just that GAM members arrested before the 2003 state of emergency tended to be charged with non-political crimes.⁴¹

One person who remains in detention is the convicted killer of Dayan Dawood, the respected rector of Syiah Kuala University in Aceh who was shot in September 2001 by gunmen on a motorcycle as he was returning home from campus in his official car. At the time, GAM denied any involvement in his death, but there was widespread suspicion that he was killed for refusing to meet a GAM demand for a percentage of university project funds. It was a crime that shocked Aceh because

of Dawood's reputation and position, but it would be hard to argue that it was not "political".

Few people arrested before 2003 have been released. Two exceptions are a man who was mentally ill, and another who was arrested for the non-violent crime of corruption.

The remaining cases are by definition the most controversial, and AMM may eventually have to step in and make decisions.

In the last two months, AMM has also generated a few angry statements that it is overstepping its bounds, but so far it has managed to maintain a remarkably even balance sheet in terms of the parties it irritates. Peter Feith's suggestion in mid-March that the words "merdeka" (independence) in GAM's name and "referendum" in SIRA's, be changed to terms more in keeping with the Helsinki agreement drew immediate challenges from the two organisations – and immediate support from members of parliament in Jakarta.

Earlier, the head of the AMM team in South Aceh annoyed district council leaders there when he suggested that the campaign to create the new province of ABAS would interfere with the implementation of the Helsinki agreements.⁴² His statement drew an immediate accusation that the AMM was interfering in Indonesian domestic affairs.

Overall, however, the AMM continues to be seen as a valued and neutral arbiter of the accords.⁴³

VI. CONCLUSION

All this underscores that peace in Aceh is not yet guaranteed. Distrust between GAM and the TNI runs deep. Many in the TNI remain convinced GAM is using the peace to regroup, recruit, and take control of village governments. Some GAM commanders feel an unrealistic sense of entitlement that leads them to magnify government failures to deliver immediately everything promised in Helsinki. The view from outside Banda Aceh is somewhat more pessimistic about prospects for lasting peace but overwhelmingly, as anyone who has done interviews in Aceh can attest, people are grateful for a respite from conflict and are trying their utmost to ensure it lasts.

⁴¹ Telephone interview, Irwandi Yusuf, 16 March 2006.

⁴² "AMM Criticized for Statement Against ABAS," *Aceh World*, 14-20 February 2006, p.4.

⁴³ One case of sexual misconduct on the part of an AMM monitor was handled promptly and appropriately when the individual in question was dismissed, and the AMM apologized for his behaviour to the Acehnese people.

In the best of all worlds, the final version of the law on Aceh would meet Acehnese aspirations; GAM's participation in elections would be universally welcomed; all reintegration needs would be quickly met, without social tensions; the campaign for ALA-ABAS would die a natural death; and the AMM would stay for local elections.

It will not be that easy, and the longer it takes to implement programs, the more frustrations and suspicions of bad faith will come to the surface. Everyone concerned about Aceh should realise that the first six months may have been difficult, but the really hard part is just now beginning.

Jakarta/Brussels, 29 March 2006

APPENDIX A

MAP OF ACEH

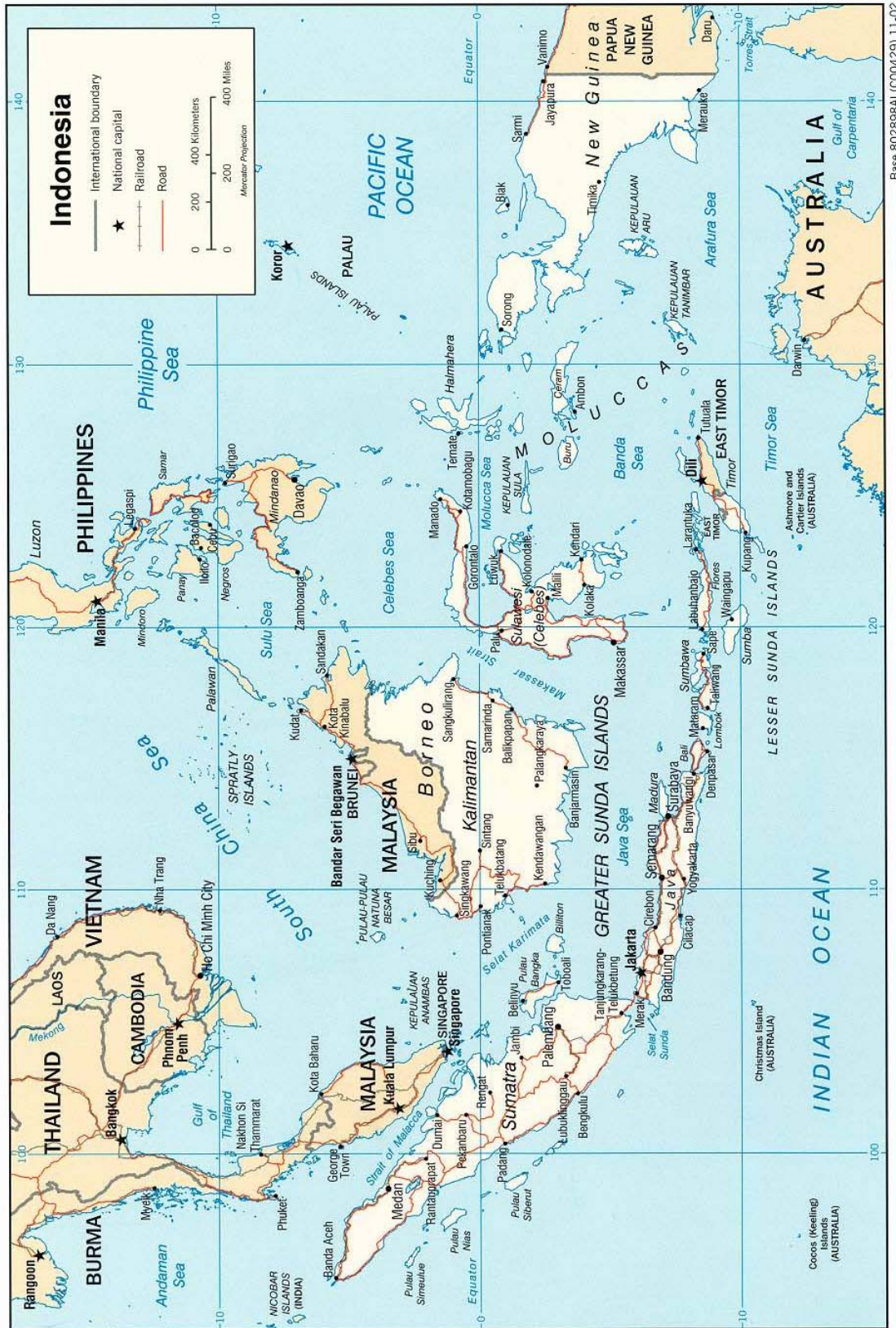


Legend:

- 'Proposed'** new Southwest Aceh province
- 'Proposed'** new Aceh Leuser Antara province
- 'Rump'** Nanggroe Aceh Darussalam

Map courtesy of the European Union

APPENDIX B MAP OF INDONESIA



Courtesy of The General Libraries, The University of Texas at Austin

APPENDIX C

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March 2006

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