

**Provisional Understanding between
the Government of the Republic of Indonesia and
the Leadership of the Free Aceh Movement**

- I. Representatives of the Government of the Republic of Indonesia and the Leadership of the Free Aceh Movement met in Switzerland from 6 to 9 January 2001 for exploratory political talks. This was the first such meeting on substantive issues as agreed to in the Joint Forum meeting of 23-24 September 2000. The purpose of this exploratory meeting was to seek a formula for a lasting and comprehensive solution to the conflict in Aceh.
- II. The two parties came to a provisional understanding on the following:
 - a. A commitment to the basic principles of using only non-violent means to achieve political objectives and to seeking a peaceful and democratic resolution to the conflict.
 - b. An indicative list of elements to be included in the formula for solutions (see Annex).
 - c. To pursue and deepen the process of dialogue in order to find a solution to the conflict. In this regard, both parties have agreed to meet on 12-14 February 2001 in Switzerland to discuss and agree upon new security arrangements as well as the process for continued political dialogue. They will constitute themselves as the Joint Council for Political Dialogue, which will meet regularly to reach agreement on substantive issues leading to a solution for the conflict in Aceh.
 - d. Noting that the Humanitarian Pause for Aceh (HP) expires on 15 January 2001, they have decided to establish a one month moratorium to stop violence, as of 15 January 2001, during which they will establish effective mechanisms for the following:
 - i. New security arrangements will be formulated through consultations between the appropriate commanders of both Parties.
 - ii. A mechanism will be created for democratic consultations in Aceh on substantive issues. The Parties will each appoint an equal number of members to a joint committee, developed from the existing joint committees structures (of the JoU). This joint committee will organize a series of fora on various substantive issues, and invite various representatives and leaders of Acehnese society to participate.
 - iii. HDC will continue to play a facilitating role for the above.
 - iv. Finally, both sides have affirmed that adequate security will be provided for all people involved in any way with the HP.

Switzerland, 9 January 2001

Annex to the Provisional Understanding

Indicative Elements for Discussion

DEMOCRATIC PROCESS

- ❑ Democratic consultations;
- ❑ Free and fair elections for Aceh government;
- ❑ An independent electoral commission acceptable to both sides;
- ❑ Registration of all eligible adult electors in accordance with agreed standards;
- ❑ Monitoring of the electoral process by independent and impartial bodies;
- ❑ Arrangements to ensure that non party candidates may participate or that locally-based parties may be organised in Aceh;
- ❑ Freedom to conduct a political campaign without intimidation;
- ❑ Freedom of expression for all non-violent political opinions, including independence, autonomy and other views;
- ❑ Freedom of assembly including the right to peaceful demonstrations;
- ❑ Conditions under which GAM and supporters of independence may participate fully in the political process;
- ❑ Conditions under which GAM would transform their means of achieving their political objectives in a democratic way;
- ❑ Accountability of law enforcement agencies to the people;
- ❑ Respect for rule of law and creation of a functioning justice system.

HUMAN RIGHTS and HUMANITARIAN LAW

- ❑ Respect for human rights and humanitarian law by all parties;
- ❑ Full and transparent investigation of past and present violations of human rights with due process of law and bringing perpetrators to justice;
- ❑ Creation of a truth and reconciliation commission;
- ❑ Identification, accounting for, and reporting on all missing persons, using impartial forensic expertise;
- ❑ Release of all detainees who have not been charged with a criminal offence;
- ❑ Compensation to victims or families and provision for post-traumatic rehabilitation, counseling, and treatment;
- ❑ Free and safe access for all local and international humanitarian workers to those in need.

SOCIO-ECONOMIC DEVELOPMENT

- ❑ Reconstruction of properties, in particular schools and houses, damaged or destroyed during the conflict;
- ❑ Measures to ensure equitable distribution of revenue and resources;
- ❑ Development of human resources (including, for example, encouragement of companies investing in Aceh to employ local workers and, where skills are not available locally, train local workers, particularly for the oil and gas industry);
- ❑ Encouragement of new investment in a peaceful and stable Aceh;
- ❑ The environmental effects of development, and, in particular, reforestation, forest reserves, penalties for pollution, and strict regulation of the disposal of industrial waste.

SECURITY ARRANGEMENTS

- ❑ Cessation of all forms of violence, threats of violence, intimidation, and destruction of property;
- ❑ Cessation of any offensive actions;
- ❑ Building on and strengthening of existing Ground Rules;
- ❑ As violence diminishes, commensurate reduction from Aceh of non-organic forces under TNI or POLRI; reciprocal deactivation by GAM of a commensurate proportion of its forces, including by their returning to their home areas and their civilian occupations;
- ❑ Cooperation between GAM, and TNI and POLRI on how to eliminate unidentified armed elements;
- ❑ Prohibition of harassment or attack on any forces, or members thereof, not bearing or using their weapons;
- ❑ Expansion of impartial monitoring teams to all affected districts of Aceh and their equipment with adequate logistics;
- ❑ Full investigation, disciplinary actions, and legal proceedings regarding any crime allegedly committed by members of the forces of the Parties;
- ❑ Verification of all commitments by an impartial monitoring mechanism;
- ❑ Security arrangements for vital projects, including, for example, the Exxon-Mobil complex.