



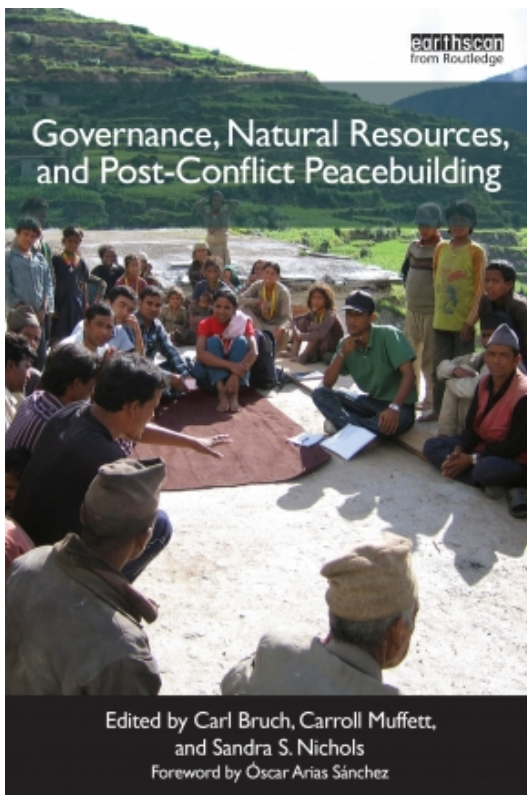
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Consolidating peace through Aceh Green

Sadaf Lakhani

Much of the impact of civil war is felt once the fighting has stopped: it can take a generation or more to return to pre-conflict conditions. Thus, researchers often differentiate between peacebuilding, which focuses on ending violent conflict and securing peace in the early stages after the cessation of violence, and state building, which focuses on reestablishing a strong and reciprocal relationship between the state and society (Wyeth and Sisk 2009). In developing countries, the risk of violent conflict and poor governance during both these stages is exacerbated by an abundance of, and dependence on, primary commodities (Bannon and Collier 2003).

In August 2005, the signing of the Helsinki Memorandum of Understanding (MOU) brought an end to nearly three decades of violent conflict in Aceh, Indonesia. Whereas several previous peace agreements had failed fairly early on, conflict-monitoring reports indicate that the peace brought about under the Helsinki MOU has endured (World Bank 2009a; Center for Peace and Conflict Resolution Studies 2009).¹ Nevertheless, in countries that have experienced violent internal conflict, the risk of relapse remains high, particularly during the early years following a peace agreement (Suhrke and Samset 2007; Collier et al. 2003). When it comes to establishing a democratic, legitimate, and responsive state, Aceh is not yet out of the woods.

Since 2005, the Acehnese economy has been driven largely by donors' responses to post-conflict and post-tsunami reconstruction needs. Nearly US\$8

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¹ In some cases, tensions have developed between conflicting factions and their supporters, as well as between supporters of the central government and the Free Aceh Movement. During the run-up to the 2009 and 2014 legislative elections, these tensions erupted into violence in a number of districts (Amnesty International 2014). New forms of conflict—including vigilantism, criminality, and tensions associated with the allocation and implementation of aid—have also emerged, but have been confined to limited geographic areas and have been relatively low in intensity (World Bank 2009b; Center for Peace and Conflict Resolution Studies 2009).



billion was pledged to Aceh’s recovery, but now that most of the reconstruction is complete, the SINGAPORE is in decline (World Bank 2009b). To avoid relapsing into conflict, a state must improve security, restore the rule of law, and spur economic development while ensuring sustainable livelihoods (OECD 2008; Whaites 2008). In the short term, a state must also assist groups that were either involved in or affected by the conflict—including widows, internally displaced persons, former combatants, and unemployed youth—in finding employment or securing land-based livelihoods.² While Aceh is rich in natural resources, decades of conflict and exploitation have prevented the consolidation of a sustainable, province-wide economy that both builds on and protects the natural resource base.

Iwandi Yusuf, governor of Aceh Province between 2007 and 2012, took a number of steps designed to address the economic and environmental needs of the province. In April 2007, at the Governors’ Roundtable on Climate Change, he signed a declaration committing Aceh to reducing emissions from deforestation.³ In June of the same year, he declared a moratorium on logging and initiated a public awareness campaign to enforce the ban (CSIRO Sustainable Ecosystems 2008). At the same time, he also launched two programs: (1) the pilot version of a community-based forest management initiative and (2) the Ulu Masen

² Although reintegration strategies were undertaken in the immediate aftermath of the conflict, they had limited success (Aspinall 2008; Barron 2007).

³ The declaration was also signed by the governor of West Papua Province.



Ecosystem project, a UN-REDD (United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation) initiative that was approved by the Climate, Community and Biodiversity Alliance (CCBA).⁴ And, on December 12, 2007, at the Bali Climate Change Conference, Governor Irwandi formally launched the Green Economic Development and Investment Strategy for Aceh Province (Aceh Green), a multipronged strategy for the sustainable economic development of Aceh.

⁴ The CCBA is an international partnership that has developed standards in the areas of land management, sustainable development, and the conservation of biodiversity. The CCBA approval process requires that a project's net climate, community, and biodiversity benefits, as well as its design and monitoring plan, must meet voluntary, project-specific standards. CCBA standards are designed to address the relative lack of regulation and the absence of official global standards for REDD and other carbon offset projects. See CCBA (n.d.) and Rainforest Alliance (2008).

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This chapter explores Aceh Green and its potential to contribute to the consolidation of peace in Aceh. The focus of the assessment is not the economic policy but on the implementation of the strategy—specifically, the obstacles that must be overcome in the effort to ensure the equitable and participatory management of the natural resource base.⁵ The chapter is divided into five sections: (1) a brief consideration of the history of conflict in Aceh; (2) a description of Aceh Green; (3) a discussion of the governance challenges associated with Aceh Green; (4) an assessment of Aceh Green’s potential to move peace forward; and (5) a brief conclusion.

A LEGACY OF CONFLICT

The Indonesian archipelago, which is made up of more than 17,000 islands, is home to approximately three hundred ethnic groups, and numerous languages, cultures, and customs. The territory spans more than 5,000 kilometers—from Papua Province, in the east, to Aceh Province,⁶ on the tip of the island of Sumatra, in the west. Indonesia’s national identity was forged largely as a result of the fight against Dutch colonialism; but from the time independence was achieved, in 1945, several internal conflicts, including secessionist uprisings, have plagued the country. Although Aceh had never been fully colonized by the Dutch, at the time of independence it was subsumed into Indonesia’s federal-style structure (Thaib 2000).

In December 1976, Tengku Hasan Muhammed di Tiro, leader of the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM), declared Acehese independence, setting off a conflict that would plague Aceh until December 2004, when the profound devastation of the Indian Ocean tsunami led GAM and the government of Indonesia to declare a ceasefire. Hostilities formally ended the following August, with the signing of the Helsinki MOU.

The secessionist conflict had long historical roots, and many Acehese saw the rebel movement as a continuation of the uprising against Dutch colonization, and the later Japanese occupation (di Tiro 1984; Reid 2006). GAM’s claims to territorial sovereignty were based on a complex understanding of Acehese identity—specifically, the geographic, cultural, ethnic, and linguistic distinctions between the Acehese and Indonesia’s ruling elite (Miller 2009). The power of GAM’s identity politics was strengthened by two factors: (1) intensive military operations in Aceh, particularly between 1990 and 1998, when the Indonesian military (Tentara Nasional Indonesia, or TNI) designated Aceh as a “military operations zone,” and (2) the behavior of the TNI, which gave rise to accusations of repression, criminal activities, and human rights violations (Kingsbury and

⁵ At the time of writing, the Aceh Green action plan was still in draft form; thus, this chapter addresses only the draft versions of the governance framework and implementation strategy, and the context in which they will be applied.

⁶ Aceh Province was formerly known as Daerah Istimewa Aceh (1959–2001) and Nanggroe Aceh Darussalam (2001–2009).

McCulloch 2006).⁷ Another factor that fueled Aceh's calls for self-determination is the Indonesian government's central control and exploitation of Aceh's rich natural resources. During the mid-1990s, Aceh provided nearly one-fifth of Indonesia's oil and gas revenues; it also has extensive mineral resources and forest cover, and some plantation agriculture.⁸

During the negotiations leading up to the MOU, GAM put a number of key demands on the table: the auditing and accounting of all provincial revenues; major reductions in the central government's taxation of hydrocarbon and other resource revenues; and provincial control of all natural resources (Kingsbury 2006). Although these demands were included in the subsequent agreement, the Helsinki MOU, like many other peace accords, left open several thorny questions concerning natural resources (UNEP 2009). For example, although the agreement noted that farmland was to be provided for excombatants, pardoned prisoners, and civilians affected by the conflict, it did not specify where the land was to come from or how such provision would be made. (These issues were eventually settled during subsequent negotiations between former GAM leaders and the Indonesian government.) More broadly, MOU provisions that addressed the control of natural resources contradicted both national law and the central government's institutional arrangements for natural resource management.

Despite the signing of the peace agreement, political and economic elites, as well as the TNI, continue to compete with local communities (who depend on natural resources for their livelihoods) for forests and other lands.⁹ Like other regions of Indonesia, Aceh suffers from pervasive corruption in its political and administrative structures (AJI 2006; James 2006).¹⁰ In such a setting, potential revenues from REDD and other conservation projects can exacerbate conflict between local communities, elites, and the TNI—all of whom have an interest in gaining access to the revenues.¹¹

⁷ The TNI has also engaged in illegal exploitation of natural resources (for example, logging and mining) to obtain revenue for its operations (Kingsbury and McCulloch 2006).

⁸ As of 2005, before the demand for timber for reconstruction led to the depletion of inland forests, Aceh was estimated to have 2.5 million hectares of forested land, including mangrove forests (Consultative Group on Indonesia 2005).

⁹ According to Laxman Joshi, 76 percent of household income, on average, is derived from agricultural activities (Joshi 2007). Tree crops (such as fruits and nuts used for human and animal consumption and in the processing of nonfood products) are the most important form of agriculture, providing 60 to 78 percent of total household income.

¹⁰ Indonesia has consistently ranked low in Transparency International's Corruption Perceptions Index: in 2010, Indonesia was ranked 110 out of 178 countries and was rated 2.8 on a scale from 0 ("highly corrupt") to 10 ("very clean") (TI 2010). Aceh is considered to be among the most corrupt provinces in the country (James 2006).

¹¹ Indonesia has received two letters from the UN Committee on the Elimination of Racial Discrimination (CERD) expressing concern over a draft regulation on REDD implementation. According to CERD, the regulation "appears to deny any proprietary rights to indigenous peoples in forests" (UNOHCHR 2009, 2). The committee also noted that "Indonesia continues to lack any effective legal means to recognize, secure and protect indigenous peoples' rights to their lands, territories and resources" (UNOHCHR 2009, 2).

ACEH GREEN

The Aceh Green economic development strategy offers an integrated means of expanding employment opportunities for all Acehnese, while protecting and preserving the natural resource base that is the key to sustainable economic development. The strategy consists of eight main components designed to generate revenue for the province and provide employment and income for rural communities. The components are grouped into three priority areas:

- Achieving energy security by developing renewable energy sources.
- Addressing environmental security by changing land use and forest management practices.
- Achieving food and livelihood security by engaging in commercially oriented sustainable economic development.

The Aceh Green strategy was developed largely by advisors within the Office of the Governor, in consultation with several nongovernmental organizations (NGOs) working in Aceh, including Carbon Conservation, Flora and Fauna International, and the Leuser International Foundation. The advisors also sought feedback from international development partners, not least to ensure their support for implementation once the strategy was launched. The depth and breadth of the studies and assessments undertaken in Aceh since August 2005 have ensured that the empirical and analytical input used to develop the strategy would be sound.

Since the launch of the concept note for the strategy (PGNAD 2008a), Aceh Green has informed various provincial-level policies and development plans, particularly at the district level.¹² What has been lacking, however, is a systematic process for incorporating the public's views into the development of a province-wide strategy. Such participation is particularly important for two reasons: First, if Aceh Green is to serve as an example of responsible and responsive governance, it must seek the views of all Acehnese, including elements of the population that were made vulnerable by the conflict and have since been marginalized by political and development processes (such as women and tribal groups in the highlands). Second, Aceh continues to be plagued by land-related grievances (including title issues), which have the potential to undermine peace. Since the implementation of Aceh Green will inevitably affect the distribution of land, the strategy offers an opportunity to directly address land-related grievances. Failure to implement participatory processes also represents a missed opportunity for a province-wide visioning exercise, in which citizens and the state could have jointly articulated and assigned priorities to their needs. Such exercises are valuable tools for building consensus on development or governance in the wake of conflict, and can make important contributions to peacebuilding (UNEP 2009).

¹² At the time of writing, the concept note was the only publicly available document describing the Aceh Green strategy.

Delaying public participation is a significant omission. Weaknesses in the state-society relationship not only risk impairing development initiatives and efforts to sustainably manage natural resources, but may also contribute to renewed conflict.

Despite the absence of a broad consultative process, an action plan has been proposed for Aceh Green. The foundation of the action plan is a governance framework that embodies the principles of sustainability, equity, accountability, transparency, and well-coordinated multistakeholder participation. The action plan also includes an implementation strategy that identifies existing policies, regulations, and governance processes that will support Aceh Green, and recommends enhancements where necessary.

GOVERNANCE CHALLENGES

Although Aceh now enjoys a democratic governance structure, including a popularly supported governor, the province's long history of conflict has eroded public trust in state institutions. In fact, many government institutions barely functioned during the conflict. One of GAM's strategies involved providing services (such as justice and social services) through customary institutions or through GAM's "shadow civil service," thereby undermining the functions of the central government (Schulze 2004, 2).¹³ Even apart from the effects of this strategy, however, weaknesses in provincial and national governance will need to be addressed in order to build institutions that, in the eyes of the Acehnese, are democratic, legitimate, and responsive (CSIRO Sustainable Ecosystems 2008).

The national legal and policy framework

At the central government level, the absence of a coherent vision and action plan for sustainable natural resource management stems primarily from weaknesses in the legal and policy framework, and is exacerbated by cultural and institutional factors (Faure and Niessen 2006).¹⁴ The Indonesian constitution guarantees the right to a healthy environment and dictates that natural resources be used for the maximum benefit of the populace. A number of laws—including the Environmental Management Act, the Forestry Act, the Mining Act, the Development Planning Act, and the Spatial Planning Act—support this constitutional mandate. Nevertheless, many state and provincial laws and sectoral regulations either contradict each other or are inherently flawed, because they fail to adhere to the principles of good governance. Moreover, because civil society is not assigned

¹³ See also UNDP and BAPPENAS (2005).

¹⁴ Cultural factors include corruption and nonmeritocratic human resource practices; institutional factors include overlapping or contradictory mandates, low skill levels and low salaries among civil servants, and inadequate funding for government agencies associated with natural resource management.

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any role in natural resource management, governance of the natural resource sector lacks transparency.

Although the human rights provisions of the constitution provide for freedom of information, laws addressing public participation and access to information are not well developed, with two exceptions: Government Regulation No. 27/1999, which addresses participation and access to information in the preparation of environmental impact assessments (EIAs), and the Public Information Disclosure Act No. 14/2008. Even these laws, however, are limited by gaps in provisions and weaknesses in implementation. With respect to environmental monitoring, for example, the applicable regulations do not specify the frequency of monitoring or the responsible institutions, nor do they call for the findings to be reported and published (most findings are currently obtained only to fulfill internal government needs). More broadly, because guidelines for public access to environmental information are generally unclear, they lend themselves to multiple interpretations by the public authorities that are responsible for disseminating such information.

Where public information and public participation mechanisms do exist, they need to be strengthened. For example, despite the guarantee of participation provided by the Development Planning Act, flaws in the provisions addressing notification and the dissemination of information have limited public involvement in the drafting of the National Development Planning Programme. Similarly, despite the relative strength of the participation and access provisions of Government Regulation No. 27/1999, EIAs still suffer from weak public participation.

In late 2006, Indonesia became the first country in Asia to join the Partnership for Principle 10 (PP10), whose members commit to supporting and strengthening Principle 10 of the Rio Declaration on Environment and Development (UNGA 1992). Principle 10 calls for public access to information, participation by individuals and their representatives, and access to justice. In joining PP10, the Indonesian government made a number of commitments, including the following: to increase public participation in EIAs, to incorporate public participation guidelines into new environmental regulations, to respond to public grievances embodied in environmental cases, and to increase public access to regulations and other environmental information. The Ministry of Environment is responsible for incorporating these commitments into a revision of the 1997 Environmental Management Act; the sectoral ministries (which oversee certain sectors, such as energy and natural resources) are similarly responsible for incorporating the PP10 commitments into any new regulations.

The provincial legal and policy framework

The armed conflict in Aceh was driven, in part, by disputes over the management of natural resources and the apportionment of the associated revenues. To overcome the sense of grievance, the provincial government must ensure equity and

transparency in the management of the environment and natural resources. This section explores the potential of the legal and policy frameworks to do this.

Customary law, or *hukum adat* (commonly referred to simply as *adat*), is one of the three legal systems operating within Aceh's pluralistic legal framework; it is also the most trusted and the most frequently used.¹⁵ Under customary law, the inheritance and ownership of land are determined primarily by adat leaders (UNDP and BAPPENAS 2005). The dependence on customary law for determining land use and ownership of land has been problematic because many adat leaders—who generally do not maintain written records of ownership, transfers, or settled disputes (for example, over boundaries)—were killed by the tsunami. Further complicating matters, a large portion of the limited number of land records were destroyed (Harper 2006). Unless ownership issues are addressed, land disputes (including those stemming from the tsunami and the recovery) are likely to contribute to conflict in Aceh.¹⁶

But land issues in Aceh predate the 2005 tsunami. Research has found widespread grievances among the Acehnese concerning access to natural resources (UNDP and BAPPENAS 2005; Fitzpatrick 2008). Both before the tsunami and in recent years, for example, there have been a substantial number of reported disputes over compensation for land acquired by the central government or the TNI.¹⁷ The disputes arise from two principal sources: lack of clarity in national law (in particular, the definition and extent of “state land” in the Indonesian constitution) and procedural weaknesses—specifically, the government's failure to conduct consensual negotiations with landholders, and a pattern of paying below-market rates for acquired land (Fitzpatrick 2008).

The history of conflict over land has relevance for the implementation of Aceh Green. It is likely that hundreds of thousands of hectares of land will be required to implement the strategy's third priority—which concerns, among other things, commercially oriented sustainable economic development. The strategy does not note, however, whether the land will be state owned or will be acquired from private owners.

Because land in Aceh is intimately connected to spiritual beliefs and cultural values, adat institutions do much more than oversee the participatory and technical

¹⁵ The three legal systems are the syariah (sharia—Islamic law) and the general courts (both of which are formal systems), and hukum adat (an informal system).

¹⁶ For an overview of the problems that the Reconstruction of Aceh's Land Administration System project has faced in the post-tsunami titling of land, see Green (2013) and Fitzpatrick (2008).

¹⁷ The Legal Aid Foundation of Aceh reported twenty-five such cases in 2007 (Dharmi 2008). The International Development Law Organization discusses a major land dispute in the village of Lambaro Skep, Aceh Besar, which illustrates the difficulties that arise when undocumented, customary claims to land are met by claims of acquisition by the state, in this case the TNI (IDLO 2008). Such disputes are not limited to Aceh, and have also occurred in other parts of Indonesia.

management of natural resources.¹⁸ Adat institutions have a strong history of protecting the socioeconomic rights of Acehese communities and are recognized in both national and local legislation.¹⁹ Nevertheless, their role in relation to government agencies is unclear. In the realm of natural resource management, adat institutions and government agencies are in competition, and there is a conspicuous lack of mutual understanding.

Secure livelihoods are crucial for the prevention of grievances. While adat institutions have historically played an important role in safeguarding fair and adequate livelihoods by regulating access to natural resources, the weakening of such institutions and the insecurity associated with adat decisions has rendered livelihoods less secure and created a sense of injustice in communities.²⁰

The Law on the Governing of Aceh (LOGA),²¹ which was a major requirement of the Helsinki MOU, gives Aceh greater power in the management of its natural resources and an incrementally larger share of its natural resource revenues. After the LOGA was passed, the Acehese house of representatives (Dewan Perwakilan Rakyat Aceh, or DPRA); provincial institutions; and other actors, such as civil society organizations and sectoral ministries, began drafting the fifty to one hundred new local laws (*qanun*) that, it has been estimated, would be needed to implement the provisions of the LOGA. Both the *qanun* designed to implement the broader aspects of the LOGA, as well as those specifically related to Aceh Green, will require oversight to ensure the protection of individual and community rights. On the part of the public, this oversight could take the form of participation in the drafting and deliberation process;²² on the part of the DPRA, oversight could involve greater scrutiny of environmental concerns (in the context of the law-making process); greater attention to accountability; and careful monitoring to ensure the coherence of new and existing environmental legislation.

¹⁸ Some of these institutions (such as *panglima laot*, which governs the use of marine resources) are stronger than others; in addition, some institutions are stronger in some parts of the province than in others.

¹⁹ For example, a local law (Qanun 5/2003) stipulates that adat leaders have the authority to resolve civil disputes according to custom. Provisions under national law that address adat institutions have been described as “nominal” and “tokenistic,” however (UNDP 2008, 3).

²⁰ The insecurities associated with the adat system stem from three principal sources: (1) the lack of written records; (2) the limited recognition, under statutory law, of adat decisions; and (3) the fact that adat leaders tend to focus on maintaining community harmony rather than on seeking redress for individuals in search of justice. Because adat is a voluntary rather than a statutory system, adat decisions and sanctions may not be readily accepted by all parties, and may therefore be difficult to enforce. For example, sanctions may be ignored, particularly by the more powerful members of a community.

²¹ Law No. 11/2006.

²² Such participation would be facilitated by the public participation guidelines included in new local environmental regulations.

In the complex legal framework that currently exists, there are discrepancies between national and provincial laws. As noted earlier, these conflicts interfere with the predictable application of laws and undermine the good governance of natural resources. Under the LOGA, for example, the provincial government has primary responsibility for management of the environment and natural resources, whereas the regional governance acts (Law No. 22/1999, which was superseded by Law No. 32/2004) assign that authority to the regency governments.²³ The LOGA is also inconsistent with national-level sectoral acts, including the 1999 Forestry Act and the 2009 Mining Law, which award authority for the management of the environment and natural resources to the Indonesian central government.

The Aceh Green governance framework

The proposed governance framework for Aceh Green consists of four elements:

- *A governing structure.* The governing body, which would provide oversight, would be made up of both state and nonstate actors, including adat leaders, technical experts, and representatives of civil society organizations affiliated with different social and economic groups. Under the proposed governance framework, the governing body would be established only after its role has been clearly defined and an assessment has been undertaken to identify appropriate members from provincial and district government agencies, national NGOs, and community-based groups.
- *A supportive legal framework.* The proposed governance framework calls for the role of adat leaders to be formally acknowledged and supported in law and policy. Thus, adat leaders' decisions regarding land rights would be respected, and adat institutions would be recognized as playing a key role in community-based natural resource management. As part of the proposed legal framework, new local legislation would address overlaps and discrepancies in the current legal framework.
- *Public participation in the further development and implementation of Aceh Green.* A number of actions have been proposed to ensure participation: (1) new laws and regulations related to Aceh Green would include disclosure policies and detailed implementation guidelines; (2) new laws related to Aceh Green would be subject to public deliberation; (3) environmental and social impact assessments would be required for each project implementing Aceh Green; and (4) guidelines would be issued to maximize public participation in such assessments. To further enhance public participation, the proposed governance framework calls for experts from national NGOs and nonstate

²³ In the governmental structure of Aceh, a regency is the administrative level immediately below the province level.

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agencies and institutions, as well as independent individual experts, to be temporarily assigned to an implementation secretariat or management unit responsible for managing implementation of the strategy.

- *Regulatory and feedback mechanisms.* An independent monitoring and regulatory body would address potential challenges and grievances related to Aceh Green. A dedicated dispute resolution mechanism would also be available to handle grievances, but it would not replace recourse available through the courts. Legal assistance would also be provided, free of charge, for communities and individuals who wish to use the formal justice system to resolve grievances related to the implementation of Aceh Green.

In addition to these four elements, a communication plan—including public announcements, workshops, and a web site—will be put in place to disseminate information about Aceh Green and bolster public participation and coordination.²⁴

MOVING PEACE FORWARD: THE POTENTIAL OF ACEH GREEN

Despite the lack of broad participation in the development of Aceh Green, the governance framework provides a sound basis for ensuring participatory implementation of the strategy. The framework also directly addresses a number of the conflict-related challenges, and therefore has the potential to alleviate some of the drivers of conflict in the province.

Although, as noted earlier, the concept note was drafted with little input from community groups or the wider public, the Aceh Green implementation strategy explicitly recognizes that transparency is key to effective policy making and implementation.²⁵ As UN Secretary-General Ban Ki-moon noted in his 2009 report on peacebuilding in the immediate aftermath of conflict, it is vital to bring “multiple voices to the table for early priority setting and to broaden the sense of ownership around a common vision for the country’s future” (UNSG 2009, 5). As the Aceh Green strategy moves forward, the provincial administration will need to focus on ensuring prior informed consent. The communication plan, for example, will be designed to expand community awareness and involvement, as opposed to simply providing NGOs with information about Aceh Green.

It is regrettable that some of the projects undertaken under the auspices of Aceh Green—including REDD projects, fisheries projects, and investment projects—moved forward before a full and participatory medium-term development plan had been completed, and while the governance framework was still being put in place. Avoiding top-down management (both in perception and reality) is one of the greatest challenges facing Aceh Green.

²⁴ The plan will be prepared by the Transitional Coordination Unit, a management structure that will be in place until a permanent implementation body (that is, an implementation secretariat or management unit) is established.

²⁵ For the concept note, see PGNAD (2008a). For the implementation strategy, see PGNAD (2008b).

The fact that Aceh Green does not focus on specific social groups may help to mitigate real or perceived inequities between tsunami- and conflict-affected districts; at the same time, however, failure to focus on the needs of particular groups could undermine peacebuilding. Although the needs of former combatants and other conflict-affected groups should, in theory, already have been attended to, weaknesses in the conception and delivery of reintegration assistance have led to perceived inequities in the distribution of aid. Thus, the particular needs of conflict-affected groups must still be considered a priority (Aspinall 2008; Barron 2007; Frödin 2008). Women should also receive special attention. Although women do co-manage natural resources in Aceh, they nevertheless tend to suffer more from conflict than men do (UNFPA 2005; Harper 2006). National and international commitments to empowering women would also dictate that Aceh Green specifically include gender-sensitive provisions and strategies.²⁶

Given the complexity of the regulations concerning land rights and the predominant use of adat institutions for the local administration of the ownership and use of land and other natural resources, it is essential that the governance framework formally recognize adat institutions and clearly define the relationship between adat institutions and government agencies, between adat law and national and provincial law, and between adat leaders and formal institutions of justice. Adat institutions themselves suffer from a variety of weaknesses—in particular, a failure to uphold nationally and internationally protected human rights (UNDP and BAPPENAS 2005). Thus, as customary law is strengthened to support peacebuilding, it will be important to ensure that human rights protections are enforced.

The Aceh Green implementation strategy recognizes the critical role of informal institutions, which provide far more than technocratic solutions to natural resource management and the administration of justice: they are forums in which Acehese culture is both preserved and transformed. As such, informal institutions are crucial in helping to address the divisiveness that plagues some parts of Aceh, as well as the identity politics that continue to foster conflict between Acehese and the Indonesian government. Finally, informal institutions offer important and accepted mechanisms for rebuilding social capital and social cohesion—which, along with customs and traditions, were depleted during the conflict.²⁷

The implementation strategy also recognizes that for government agencies and nonstate actors (such as adat leaders and NGOs) to play their envisioned roles, they will need support. Thus, one of the four elements of the proposed

²⁶ Indonesia is party to the Convention on the Elimination of All Forms of Discrimination against Women; its national commitments to women's rights include the 1945 constitution (chap. XA, art. 28I [2]) and Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development. For the text of the 1945 Constitution of the Republic of Indonesia, as amended through 2002, see www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf.

²⁷ See Sexsmith (2009) for a comparative discussion of the role of informal institutions in social cohesion and conflict mediation.

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governance strategy is a supportive legal framework for the adat system, and for ensuring that any new legislation required to implement the LOGA is in line with Aceh Green. In addition, steps must be taken to ensure coherence between national and provincial laws, and between any new or existing qanun and provincial and national law (including the constitution). Finally, it is essential to develop local legislation to address weaknesses or gaps in the national legal framework related to participation, the dissemination of information, and the sustainable management of natural resources.

Implementing Aceh Green will require billions of dollars, most of which is expected to come from agribusiness and other private investors, whose interests often differ from those of local communities. As such, the Aceh Green strategy creates the potential for an increase in land disputes. The dispute resolution mechanism proposed in the governance framework will thus be an important means of addressing grievances on the part of individuals and communities. As noted earlier, this mechanism would be in addition to formal options available through the courts. Legal assistance will be critical to ensure access; at the same time, steps must be taken to strengthen the courts' capacity to understand and address environmental cases. Formal justice institutions will not be regarded as a realistic option for those who have grievances unless public trust in those institutions is restored.

Because Aceh Green provides not only a coherent and actionable set of policies, but also a wider vision for the development of the province, a cross-sectoral regulatory body—such as a provincial ombudsman—may be more effective than a dedicated regulatory body for tackling broader administrative justice needs; such a body may also constitute an important avenue for addressing grievances without recourse to violence. Furthermore, as corruption is a major challenge in post-conflict Aceh (as well as in Indonesia more generally), it is critical to address corruption throughout the province—and, in particular, to clarify and strengthen regulation and oversight of REDD projects.

CONCLUSION: CONSOLIDATING PEACE

Addressing Aceh's post-conflict challenges requires more than an economic development strategy: unless stronger participatory governance is ensured throughout the province, Aceh will face serious challenges in fostering economic growth and maintaining peace. The implementation strategy of Aceh Green itself notes that Aceh Green must be taken forward in a holistic and sustainable manner, through integration into both the policy structure and the formal legal structure. In this way, Aceh Green can provide both an entry point into, and an impetus for, broader governance reforms.

The real potential of Aceh Green lies in moving the province toward a durable peace by fostering a state-society relationship based on legitimate, responsive, and resilient institutions. Legitimacy comes about not only through elections, but also through state institutions that reinforce their mandate by

engaging with citizens, being accountable to citizens, and delivering benefits to citizens (OECD 2008). Responsiveness is built into the Aceh Green strategy: from the five principles embodied in the governance framework (sustainability, equity, accountability, transparency, and well-coordinated multistakeholder participation) to the provision of a mechanism for delivering justice in the face of conflict. The focus on developing capacity—not only of government institutions, but also of civil society and adat institutions—is extremely important for ensuring the resilience of the province in the event of a resurgence of conflict. In the event of further conflict, informal institutions would be able to continue to provide for communities even if state institutions are unable to. With effective implementation of a strong governance framework, Aceh Green has the potential to contribute to consolidating peace for Aceh and ensuring sustainable development for all Acehnese.

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