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INDONESIA

The Political and Human Rights Situation

Republic of Indonesia

Capital: Jakarta

Head of state: President Megawati Sukarnoputri and Vice-President Hamzah Haz

Border countries: Singapore, Malaysia, The Philippines, Papua New Guinea, East Timor, Australia

As Indonesians await the final count in their first popular election for a President, questions are raised about the future direction of Australia's closest neighbour. Indonesia is one of the world's most ethnically diverse states with about 300 different ethnic groups speaking 250 distinct languages and dialects. Although on record nearly 90 per cent of its

population professes to follow Islam, in reality Indonesia is religiously plural as it is ethnically diverse with a rich tapestry of Islamic, Hindu, Buddhist, Christian and indigenous animistic faiths. Indonesia's post-colonial project to forge a unitary state

out this broad diversity has often been a source of many of its troubles. It has also been a source of awkwardness and tension for Australia – a rich and largely homogenous country – in its relations with Indonesia.

While Australia and Indonesia are historically and culturally distant, we



share many common interests. The Bali bombings are a tragic reminder that the security of both our countries will depend upon an Indonesia that is stable and prosperous and an Australia that is seen as an honest neighbour and not as a self-serving regional “sheriff”. How Jakarta responds to its historical and contemporary challenges and how Canberra engages Jakarta on these issues are of vital importance to both its peoples.

This report attempts to offer some background on key security and human rights challenges for Indonesia today. It then poses questions for Australia in its relations to this region.

Historical overview

Indonesia as a nation is a problematic concept. Two serious questions often asked by Indonesians are, how large is Indonesia, and when did its people first become Indonesians?¹ A consideration of these questions might shed some light on the current challenges facing the Jakarta Government. Unlike Australia where the nation preceded the state, in Indonesia the state preceded the nation. A largely Java-centric project to expand, unify and create a nation out of diverse cultures and faiths has been progressing from the moment Indonesian independence was declared.

Nationalist leader Sukarno first proclaimed independence from Dutch colonial rule following the withdrawal of Japanese occupation in 1945. A period of armed struggle against the Dutch, factional and separatist fighting and leftist insurgencies ensued before the Dutch formally transferred sovereignty to an unwieldy Indonesian federation in 1949. Vice-President Mohammad Hatta, a Sumatra-born devout Muslim, wanted to maintain the federation. Java-born Sukarno wanted a centralist model for the archipelago. Sukarno eventually got his way and began

to consolidate power through force and coercion and by mid-1950 all the federal states were absorbed into his unitary Republic of Indonesia with Jakarta as its capital.

Throughout his rule, Sukarno’s policy of *Indonesia Raya* (Greater Indonesia), which provided for a unitary, secular state with a strong presidency, conflicted with Muslim and local aspirations. Many saw Indonesia’s expansion as simply one coloniser replacing another. No sooner had Sukarno established his Indonesia Raya than numerous armed rebellions began to erupt throughout the archipelago. In 1950 the central authority suppressed a breakaway regime in Ambon, the Moluccas, a largely Christian population which had benefited under Dutch rule. In the same year Sukarno annexed Aceh sparking years of guerrilla fighting. Military coups occurred on Sumatra and Sulawesi in 1956 and 1957 respectively, both of which were eventually suppressed. By 1957, in a bid to salvage the delicate unity of the archipelago, Sukarno ended Indonesia’s experiment with party democracy by proclaiming martial law under the euphemism of “Guided Democracy”.

With Sukarno’s authoritarian arrangements in place, he began to push onwards with his dream in uniting the Indonesian archipelago. This created further unrest in many regions. Indonesia demanded the Netherlands surrender West Irian (Irian Jaya, now Papua) and commenced guerrilla war against Dutch forces until power was transferred to Sukarno in 1963 under a US-brokered agreement. The post-colonial turmoil culminated in 1965 when an attempted coup threatened Sukarno’s hold on power. Following a military show of force which resulted in the slaughter of an estimated 1 million suspected communists, General Suharto, then head of the army’s Strategic Command, eased Sukarno out of presidential power and immediately

¹ Br. Jay Toonay, comments to this author.

instituted his *Orde Baru* (“New Order”) regime.

Assisted by the creation of a strong militaristic political structure and encouraged by Western powers impressed by his fierce anti-communism, Suharto continued where Sukarno left off by annexing parts of Timor. He also expanded a program first instituted by the Dutch and then Sukarno, called “transmigration”. Designed to address overpopulation in some areas while at the same time colonising troubled regions, it involved farmers from the islands of Java and Bali moving to underpopulated areas such as Kalimantan, Sumatra, and Papua. At the height of the program an average of one million people participated each year. Transmigration angered the locals whose lands were taken away.

Strong economic development and large public projects strengthened Indonesia’s sense of nationhood under Suharto’s rule. But by the 1990s there was widespread concern about Government nepotism, cronyism and grandiose spending. This continued until the Asian economic crisis of 1997 provided the initial spark for Suharto’s downfall. Suharto resigned in May 1998 amidst mass student-led demonstrations and internal rifts between army generals, ending over 40 years of authoritarian rule in Indonesia.

In the post-Suharto era, two approaches toward Indonesian unity were again competing for dominance: one was tolerant and compromising and the other was a return to an order of unity by force. Initially, there were positive signs that the Suharto approach was being dismantled. Suharto’s Vice-President and successor B J Habibie, wishing to distinguish himself from Suharto, conceded to a number of unprecedented democratic demands, including the lifting of restrictions on the freedom of association and the press. Habibie also decided as early as June 1998 that East Timor should be allowed a vote

that eventually led to its independence after nearly 25 years of brutal occupation. Even as the conflict in East Timor subsided, calls for independence rose in several provinces, including North Sumatra, Aceh and Papua.

The general elections in 1999 brought in the Indonesian Democratic Party-Struggle (PDI-P) under the leadership of Megawati Sukarnoputri, the daughter of Sukarno. However, the PDI-P’s failure to win a majority in the general election allowed Islamic-influenced parties to secure the presidency for its nominee, Abdurrahman Wahid (Gus Dur), with Megawati becoming Vice-President. Wahid had a very different approach from his predecessors. Instead of a militarist approach to separatism he attempted to accommodate some of the separatists’ demands in the hope that this would bring them back to the Indonesian fold. Wahid also stopped the controversial transmigration program and moved to increase civilian control over the military.

Wahid’s presidency was cut short however, following his impeachment on accusations of involvement in a multimillion-dollar graft scandal. Megawati ascended to the presidency in July 2001 and the leader of the Islamic-influenced United Development Party (PPP), Hamzah Haz, became Vice-President. Megawati inherited a number of challenges including economic and social problems, separatist violence in Aceh and Papua and a corrupt military that seems impenetrable to reform. As Indonesians wait for the official result of the presidential elections, it is becoming clear that Megawati had failed to live up to the people’s expectations. This year’s parliamentary elections saw Megawati’s Indonesian Democratic Party of Struggle (PDI-P) nearly halving its 1999 votes.

The 2004 elections

For the first time in Indonesia’s history, its citizens have gone to the poll to decide who they believe should lead their country as

President for the next 5 years. Five running teams are contesting the election with the disqualification of the sixth nominated candidate, Abdurrahman Wahid, by the General Elections Commission (KPU) on health grounds. Two of the leading candidates will now be former Suharto generals – ex-military chiefs Wiranto (who has still not been cleared of prosecution for alleged human rights violations in East Timor) and the Democratic Party nominee, Susilo Bambang Yudhoyono (or SBY).

Polls are tipping a victory for Yudhoyono who is far ahead of his rivals, including Wiranto and incumbent Megawati. If a second round is required (which is most probable as no candidate is expected to get more than the 50 per cent of the vote needed to secure an outright victory) it will be held on 20 September 2004 and the results will be announced on 5 October 2004.

The presidential election followed the parliamentary election which took place in April 2004. The parliamentary election saw a return of the Golkar party (founded by Suharto) winning 22 per cent of the ballot, followed by Megawati's PDI-P with just over 18 percent and the National Awakening Party of former president Abdurrahman Wahid, with over 10 percent of the vote.

No one party won a majority in the 550-seat parliament, making alliances and political horse-trading even more of a focus. The lack of any dominant party might make the task of governing the country even more challenging. The result also shows that newer radical Islamist leaning parties such as the Prosperous Justice Party (PKS) are on the rise. The swing back to Golkar confirms pre-election polling that showed widespread public disillusionment with the performance of successive governments since Suharto's downfall. The masses have not seen any real improvements to their lives since democracy. Many are even

looking back on Suharto's New Order as a "golden age" in Indonesia's history.

Governance and judicial reform

Notwithstanding some nostalgia for the certainties under Suharto, there continue to be welcoming institutional movements toward the rule of law and respect for human rights. The most important of these have been the amendments to the seemingly elastic 1945 Constitution, a document which had formally been the basis for authoritarian rule. Started in 1999, the constitutional changes have decentralised Indonesia's political process and introduced much needed checks and balances into the justice system.

Indonesia currently has a unicameral parliament known as the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat* – MPR), consisting of the House of Representatives (*Dewan Perwakilan Rakyat* – DPR) and indirectly appointed members, including the military and "special groups" in society. The MPR formerly met every 5 years to elect the President and Vice-President and to approve broad outlines of national policy. Under the Second Amendment to the Constitution, the MPR is now required to meet every year to hear the Government's progress report.

Constitutional amendments passed since 2000 have also provided for the restructuring of parliament. Parliament will become a joint-sitting bicameral model with the creation of a new Regional Representatives Council (*Dewan Perwakilan Rakyat Daerah* – DPRD) following this year's elections. The DPRD can legislate under the Regional Autonomy Law no.22/1999 on essentially regional matters. It may also provide "consultation" on budget, tax, and education issues. It remains to be seen whether or not the

DPRD will become a “soft second chamber”.²

Also under the electoral changes of 2002, the President and Vice-President will now be elected directly as part of a joint ticket. The MPR will no longer formulate national policy and neither the military nor the “special groups” will be represented in the DPR. However, this does not exclude former military operatives like retired Generals Wiranto, Susilo Bambang Yudhoyono and Agum Gumelar from contesting a seat in the new parliament or even the presidency itself.

Another potentially far reaching reform process has been that of the judiciary, although this has not been pursued with the same tempo as parliamentary reform. Under new laws and changes to the Constitution, the judiciary has now been transformed from an institution under the Ministry of Justice and therefore susceptible to political interference, to the Supreme Court, the highest judicial authority in Indonesia.

Meanwhile, an internal process of review is currently underway within the Supreme Court, through a comprehensive set of reform plans known as the Supreme Court Blueprints, issued in October 2003. Internal reviews are unprecedented in the history of the Indonesian judiciary as is the Court’s enlistment of an Indonesian legal reform non-government organisation (NGO) to contribute towards the review. The final outcome of the Blueprint reflects thinking from both inside and outside of the Supreme Court. Among other reforms, the Blueprint aims to establish an internal supervisory arm of the Court.

Despite the reform progress, there is still some way to go. As with all major reform

plans, the Government needs to first approve the Blueprint which might invite resistance. The Blueprint is an attempt to dismantle a system that had functioned for decades as a political arm of an authoritarian regime. The strong culture of judicial bureaucracies remains entrenched so that comprehensive reform will be difficult and slow. The full support and participation of civil society and interested countries like Australia will go a long way in easing the pain of reform and ensuring that the reform process retains its course.

Current political and human rights challenges in Indonesia

Terrorism and security

On 12 October 2002, two car bombs exploded in a nightclub in the popular tourist district of Kuta, Bali, killing nearly 200 mostly foreign tourists. In the aftermath of the bombings, Megawati, under US pressure, issued two executive decrees in lieu of legislation to address terrorism, including a decree to allow police to arrest and detain terrorist suspects without charge. Within weeks, Indonesian police made their first arrests including the prominent Muslim cleric Abu Bakar Ba’asyir. Police accused Ba’asyir of heading the terrorist organisation Jemaah Islamiah (JI) believed to be behind the Bali bombings and other attacks. Since then, more than 100 people with suspected JI links have been arrested under the new legislation on *Combating Criminal Acts of Terrorism*. Others arrested included representatives of the Acehian separatist group, the Free Aceh Movement (Gerakan Aceh Merdeka – GAM). All were found guilty of rebellion and acts of “terrorism” and sentenced to between 12 and 15 years’ imprisonment.³ Following allegations of torture and ill-treatment of detained suspects, Amnesty International has raised

² United States Indonesia Society, Report of Forum “Constitutional Reform and the 2004 Election Cycle” with Andrew Ellis, 17 September 2002, <http://www.usindo.org/Briefs/Andrew%20Ellis.htm>

³ Amnesty International, Report 2004, <http://web.amnesty.org/report2004/idn-summary-eng>

concerns about the lack of protection for suspects arrested under the anti-terror legislation.⁴

Despite the apparent homegrown threat of terrorism, Indonesians themselves are not too fazed about the threat. A survey by the International Foundation for Election Systems (IFES) released just before the July 2004 presidential election found that less than 1 per cent of 1,250 respondents nationwide named terrorism as an issue they wanted candidates to address. The issue of terrorism seems largely a foreign relations concern for Indonesia and a godsend for the Government's campaign against separatism.

Aceh (Nanggroe Aceh Darussalam)

Acehnese aristocrat Hasan Di Tiro and his small band of supporters proclaimed Acehian independence in 1976. Having created GAM (Free Aceh Movement), Di Tiro fled to Sweden in 1980 and continued his work from a suburban apartment in Stockholm. GAM initially engaged in propaganda but later developed into a violent guerrilla force. More than 10,000 people have been killed in the ensuing 27 years of conflict. The military in particular has been responsible for large numbers of civilian deaths and torture. Security forces systematically targeted whole villages suspected of harbouring GAM members. The brutal conduct of the military campaigns in the 1990s caused widespread public resentment in Aceh. Public opinion had well and truly shifted towards independence by the time Suharto fell from power in 1998.

In 1999, President Wahid sought to end the conflict in Aceh by enlisting the cooperation of the Geneva-based Henry Dunant Centre to help mediate between GAM and the Government. In December 2002 both parties signed the Cessation of Hostilities Agreement (COHA), which was

enhanced with the establishment the Joint Security Committee (JSC) set up to monitor both sides' compliance with the agreement. Wahid however, did not remain in power long enough to see his initiatives through.

On 19 May 2003, the Megawati Government declared martial law in Aceh and launched a major military operation involving 40,000 troops and police to crush the 5000-armed members of GAM. The Government warned all foreigners to leave Aceh and eventually barred all independent witnesses from monitoring its military campaign. This came in the wake of collapsed peace talks between the Government and GAM which ended the COHA.

Although triggered by disagreement on the date for further talks, the current conflict in Aceh seems almost unavoidable as both sides showed little interest in making the COHA work.⁵ On GAM's part they exploited the relative peace following the agreement to build up their forces. On the other hand, it is alleged that the military was "almost certainly" behind attempts to derail the peace talks through a series of civilian attacks on the offices of the JSC.⁶

The latest military campaign was labelled a "hidden war" by Human Rights Watch (HRW).⁷ HRW outlined how the restrictions have made it all but impossible to access the majority of Aceh's 4.2 million people. However, based on testimony from Acehese refugees in Malaysia, HRW was able to document widespread human rights violations since the start of the campaign perpetrated mainly by the military. As usual, the toll on civilians appears to be grave. Amnesty recently claimed that it has

⁵ ICG, "Aceh: Why the military option still won't work," Indonesia Briefing, 9 May 2003.

⁶ Ibid.

⁷ HRW, "Aceh under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access" September 2003, <http://www.hrw.org/backgrounder/asia/aceh0903-bck.htm>

⁴ Ibid.

new testimonies from individuals who have been tortured by the military during the campaign, include claims of beatings, burning with cigarettes, having plastic bags placed over their heads, and electric shocks.⁸ Amnesty also said it has received credible accounts of rape and other forms of sexual violence against women. "People are terrorised by the numerous killings and the ever present threat of arrest, torture and ill-treatment", the organisation said. "At the same time economic and social life has been severely disrupted by the intense military operations".

Following the demise of the Suharto regime, Indonesia's National Commission on Human Rights (Komnas HAM) ad hoc team for Aceh conducted an investigation into human rights abuses. In its final report, Komnas HAM confirmed gross human rights violations which included allegations of human rights abuses against civilians and children such as murder, torture, sexual abuse and rape.⁹ "The attacks were systematic", the report added. "They [the perpetrators] had political or ideological goals and used public and private budgets". As a follow-up, the Government established an ad hoc tribunal to hear the cases but it failed to reveal the root cause and the court only sentenced low rank military personnel.

Although not as extensive when compared to the actions of the military, GAM also perpetrated human rights violations during the conflict. This is consistent with its past behaviours. Aceh's former martial law administrator Major General Endang Suwarya claimed that GAM was holding 260 civilian hostages. GAM has since released 22 hostages in a deal brokered by the International Committee of the Red

Cross. The military also reported the presence of armed teenagers within GAM although there is no independent verification of this claim while Aceh continues to be locked down. The Stockholm-based GAM leadership have denied using child soldiers and had invited independent observers to carry out investigations pending the Government's permission.¹⁰

The Government on 19 May 2004 downgraded the martial law governing the province to a "civil emergency" and appointed a civil administrator. Although civil rule has returned, troop numbers in the province will not be reduced. It is estimated that as many as 2000 people have been killed with thousands more alleged rebels captured or surrendered since the military operation began. Despite the great number of arrests, the military has only confiscated about 1000 weapons from the rebels, feeding speculation that many of the people killed or captured were civilians.¹¹ So far, the Government's highest-ranking captives are GAM's spokespeople and various mid-level political commanders. The military's failure to capture any of GAM's senior military commanders raises serious questions about its one-year military campaign. Renewed violence, GAM's continued ability to abduct civilians and journalists and the high civilian casualties, suggest that the operation has been far less effective than the military had claimed.

Ambon

On 25 April 2004, violence again erupted in Ambon, Moluccas, threatening to undermine a February 2002 peace pact brokered by the Government after three years of violence that left 5,000 dead. The

⁸ Amnesty, 'Human rights sacrificed to security in NAD (Aceh)', 11 May 2004, <http://web.amnesty.org/library/Index/ENGASA210182004>

⁹ Muninggari Sri Saraswati, "Rights body finds human rights violations in Aceh" *The Jakarta Post*, 10 March 2004

¹⁰ Coalition to Stop the Use of Child Soldiers, "Child Soldier Use 2003", Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict, January 2004, <http://hrw.org/reports/2004/childsoldiers0104>

¹¹ "Komnas HAM Reports Aceh Abuses" *The Jakarta Post*, 1 May 2004.

latest conflict was sparked when a small independence party, the Moluccas Sovereignty Front (FKM/RMS), hoisted banned flags in celebration of the anniversary of the short-lived breakaway Moluccas republic in 1950.

Some Muslims see the RMS as an arm of the Christian community, seeking independence from Indonesia. Churches have denied any involvement with the FKM, but their denials have gone unnoticed. The ensuing violence has left dozens dead and wounded, hundreds of homes burned and at least several churches and a UN building destroyed.

The Government was quick to dismiss the recent violence as political and called for the eradication of the FKM/RMS. "All forms of separatism must be wiped out because they threaten the Undivided Republic of Indonesia," Megawati said during her visit to Ambon on 22 May 2004. While there are always those keen to portray the violence as a conflict between independence supporters and defenders of national unity, the situation also reflects police incompetency and the Government's lack of preparedness in such a crisis.

On 25 May 2004 a bomb exploded in a busy Ambon market, killing one man and injuring a dozen others. The blast followed another recent explosion in the mainly Christian village of Halong Baru which injured five people, and yet another in a Muslim area of the city the same day. The fact that many were killed by snipers, and now by bombs, has led to a widespread belief that the recent violence was provoked. Although there is no evidence linking the mysterious snipers and bombers with FKM/RMS, the Government has been solidly focused on cracking down on separatism in Ambon. The International Crisis Group warned that this approach might 'divert all resources into rounding up

and arresting FKM members rather than into a thorough investigation of the killings.'¹²

These are worrying developments for a Government trying to clamp down on separatist movements, attempting to be serious about fighting international terrorism and quelling sectarian violence. Ambon may be the place where these concerns combine. Old sectarian hostility and a government's fixation with territorial unity might be playing into the hands of external extremists trying to incite terrorism in Indonesia.

Papua

Papua was decolonised under a US-brokered agreement between the Netherlands and Indonesia. Control of Papua was transferred to the United Nations Temporary Executive Authority (UNTEA) and then ceded to Indonesia in 1963, with the provision that an "Act of Free Choice" be held in 1969 to determine whether the people of Papua would join Indonesia or become independent. However, instead of a popular referendum on independence in 1969, Indonesia selected just over a thousand tribal representatives who delivered the central authorities a unanimous vote for integration. The vote has been the legal basis of Indonesia's claim over Papua and a point of contestation for Papuan independence activists ever since.

Recent declassified US documents¹³ now show that the US in 1969 had dismissed the vote as a "farce" and a "ritual". "The Act of Free Choice [in Papua] is unfolding like a Greek tragedy, the conclusion is preordained," the then US Ambassador to Indonesia, Marshall Green, wrote in one of

¹² ICG, "Indonesia: Violence Erupts Again in Ambon" *Asia Briefing*, 17 May 2004.

¹³ The National Security Archive, Brad Simpson (ed.), "Indonesia's 1969 Takeover of West Papua Not by 'Free Choice', 9 July 2004, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB128/index.htm>

his telegrams to the US. In another document, a US State Department official reported after a consular trip to Papua that, “Indonesia could not win an open election.” “[Papuan] separatists will not accept permanent union [with Indonesia] without a struggle”, the document said.

The Papuan Presidium Council (PDP), one of Papua’s leading pro-independence organisation, welcomed the US documents and reiterated its desire to negotiate with the Indonesian government. Jakarta has so far been unwilling to engage in dialogue.

Special autonomy law is the central government’s answer to the calls for Papuan independence. The Special Autonomy for Papua Province law (Otonomi Khusus or Otsus), provides for the change of the provincial name to Papua from Irian Jaya, returns a large share of the natural resource revenues to the province, improves the political participation of Papuans, and establishes a truth and reconciliation commission to address past human rights abuses. However, instead of a full and effective implementation of the Special Autonomy law, Megawati issued a controversial Presidential decree in January 2003 to divide Papua into three smaller provinces, a move intended to weaken the separatist Free Papua Movement (Organisasi Papua Merdeka, OPM). The decree attempted to reinstall the provincial governments for West Irian Jaya and Central Irian Jaya with the existing provincial government in Jayapura administering a province called Irian Jaya.

Widespread local clashes between rival groups supporting and opposing the division ensued. Following fierce protests in August 2003, the Government announced that it would not proceed with further division of the province, although this would not affect the newly established province of West Irian Jaya. The situation remains problematic. “The discrepancies between the special autonomy law on Papua and the formation of two new

provinces in Papua has created nothing but local conflict and uncertainty” *The Jakarta Post* reported. They have also caused much administrative confusion in Papua.

Freedom of expression

After the fall of Suharto’s regime, many Indonesians and outside observers hoped that human rights such as freedom of expression would be respected in a new era of political liberalisation. Indeed, since the end of the New Order there has been rapid reform in these areas. To the credit of former presidents, Habibie and Wahid, Indonesia opened up the media and issued a series of amnesties for prisoners of conscience convicted under Suharto. The non-government sector and the media developed rapidly in the new political environment. Civil society also blossomed as a result.

To a large extent there remains a great deal of critical reporting in Indonesia as well as freedom to publicly express dissent. However, Amnesty’s latest *Annual Report* documented nearly 30 cases of prisoners of conscience, including labour and political activists and peaceful supporters of independence in Aceh and Papua.¹⁴ Journalists were also put on trial, according to the report. Most of these prisoners have been charged under the Government of Megawati. While media law remains one of the most liberal in the East Asian region, the Government has shown a willingness to invoke colonial-era criminal codes that forbid “insulting” the president or “hostility” toward the Government.¹⁵

In another recent development, Sidney Jones, a prominent US political analyst for

¹⁴ Amnesty International, *2004 Report*, <http://web.amnesty.org/report2004/idn-summary-eng>

¹⁵ Amnesty International, “Old laws, New Prisoners of Conscience”, 2003, <http://www.amnestyusa.org/countries/indonesia/document.do?id=E1490C1494CA1FFE80256D5F005D0F8E>

the International Crisis Group, has had her Indonesian working visa revoked, along with that of her researcher. The Government has also announced that it has placed 20 international and local human rights organisations and individuals on a “watch list” as threats to the country’s security. There is evidence that the Jones’ expulsion is directly related to her recent criticisms about the military’s campaigns in Aceh and Papua. The Government’s move has been largely interpreted as an attempt to “crackdown on critical observers ahead of the July 5 presidential election”.¹⁶ Attempts to silence local and overseas critics of Government policies raise concerns of the military’s renewed influence and the danger of “a return to the New Order”.¹⁷

Two Indonesias

Indonesia’s broad diversity and strong religious identities have often been the root cause of many of its troubles. Since the breakdown of the Suharto regime and Indonesia’s transition towards the rule of law, there have been growing demands for self-determination among several provinces, including Aceh and Papua following years of maltreatment from the central government. Separatist movements have been encouraged by East Timor’s successful break away in 1999. The Megawati Government and military have responded to some of these trends with heavy-handed force.

In Aceh, 6 years of democracy since the fall of Suharto has failed to address the socio-economic, governance, and historical or justice-related grievances underpinning the fighting. The latest military campaign in Aceh has led to enormous casualties and

widespread human rights abuses with little hope for peace in the troubled province. Likewise, in Ambon the Government’s obsession with cracking down on largely impotent separatist parties means that the real issues of sectarian grievances and external provocation might not be properly addressed.

One acute problem is that although Suharto has lost power, many of the institutions he created and personalities he nurtured remain. Dismantling the entrenched legacy of militarism will take time. As the Indonesian delegation at this year’s UN Commission on Human Rights session noted, “that strengthening the protection system is not an overnight job. There is no such thing as an instant panacea to human rights abuses in any country or any part of the world. It requires ongoing and concerted actions ...”¹⁸ Unfortunately, under Megawati there have not been enough efforts made to avoid the mistakes of the past. Dismantling Suharto’s apparatuses and culture will require committed political leadership. Militarism, divide and rule strategies and clamping down on dissent threaten to wind back years of reform.

Former Canadian diplomat Peter Dale Scott’s observation after the fall of Suharto remains relevant, namely that there are two Indonesias, one that is among the most tolerant Muslim cultures in the world; the other, a country with a long history of ruthless repression by the Government and military.¹⁹ The difference is between an Indonesian tradition that favours human rights and regional self-determination as a basis for unity, and a tradition that resorts to enforcing national unity through coercion and state terror. Indonesia has not yet resolved these two competing tendencies.

¹⁶ HRW, “Indonesia: End pre-election crackdown on critics”, 2 June 2004, <http://www.hrw.org/english/docs/2004/06/02/indone8681.htm>

¹⁷ HRW, “A return to the New Order? Political prisoners in Megawati’s Indonesia,” July 2003, <http://hrw.org/reports/2003/indon0703/>

¹⁸ Indonesia, Statement by the Indonesian delegation before the 60th session of the Commission on Human Rights, Geneva, 25 March 2004.

¹⁹ Peter Dale Scott, “Two Indonesias, two Americas,” *The Consortium/fR*, 12(64), 15 June 1998.

Two approaches for Australia

Democratisation and the development of a human rights culture are processes that require perseverance and the right support. The Joint Standing Committee (“the Committee”) inquiry into Australia’s relationship with Indonesia notes in its report *Near Neighbours – Good Neighbours* tabled in May 2004, “Australia, as one of the oldest successful democracies can, does and should support its neighbour Indonesia ... through this period of transition”.²⁰

Supporting Indonesia’s reform process often means supporting practical initiatives like linkage programs and electoral training and monitoring. That much is relatively uncontroversial and the Committee recommended many such programs. Issues arise however, when Australia starts advocating for human rights in Indonesia as part of its broader insistence that Jakarta keeps its course on reform. Not that Canberra does a lot of advocating for the victims of Indonesian human rights violations anyway.

Canberra continues to maintain unequivocal support for “Indonesian unity and territorial integrity”²¹ without matching such support with unequivocal insistence that the human rights of people living within Indonesian borders be protected. Even if Canberra took a balanced approach to territorial integrity and human rights, it would often be hollow in the face of an unruly military committing human rights abuse and a civilian government that is unwilling or unable to restrain it. Indonesia’s fixation with maintaining “territorial integrity” has repeatedly been translated into military heavy-handedness or rampant human rights abuses.

²⁰ Commonwealth of Australia, *Near Neighbours – Good Neighbours: An Inquiry into Australia’s Relationship with Indonesia*, Joint Standing Committee on Foreign Affairs Defence and Trade, Canberra, May 2004.

²¹ Commonwealth of Australia, *Advancing the National Interest, Australia’s Foreign and Trade Policy White Paper*, 2003.

Human rights advocacy in this region is not an easy task. “It is very hard for Australia to please everyone, and nearly impossible to please the leaders of Asian countries,” former diplomat Alison Broinowski warned.²² Australia opens itself to accusations from the highly sensitive Indonesian Government of interference or playing “deputy sheriff”.

It is instructive to note the reaction from a number of members of the Indonesian parliament and from Amien Rais, Chairman of the Consultative Assembly (MPR) against Prime Minister John Howard’s 2002 visit to Indonesia. Rais and his colleagues had boycotted Howard’s visit citing among other things “rumours” of Australia’s support for Papuan independence. Howard immediately replied in his press release: “The Australian Government unequivocally supports the territorial integrity of Indonesia. It is categorically untrue that we are supporting the independence of Papua.”

One approach Australia could take would be to downplay issues of human rights lest it offend Indonesian sensitivities in a post-East Timor crisis period. Former Indonesian ambassador Richard Woolcott suggested that Australia “eschew megaphone diplomacy” and opt for less lecturing and more consulting.²³ However the value of Australia communicating its concerns in public is that it guarantees that representations are made.²⁴ A softly spoken approach to raising human rights issues with Jakarta would have done little to prevent or dampen the East Timor crisis, the Bali bombings and the current military campaign in Aceh.

Yet Australia is still accused of insensitivity and interference. Why? It is not what

²² Alison Broinowski, “Bali as blowback: Australia’s reputation in Asian countries,” *The Sydney Papers*, Autumn 2003.

²³ Richard Woolcott, “Australia must not be afraid of Indonesia,” *The Age*, 4 August 2003.

²⁴ Damien Kingsbury, “Our relationship with Indonesia has to change,” *The Age*, 8 August 2003.

Australia says, but what Australia does that matters. The problem is not what principles Australia stands for, but how it stands up for those principles.

A better approach would involve being more self-reflective, honest and consistent in our engagement on human rights issues. Questions should first be raised about our own domestic human rights record, particularly the application of new anti-terror laws and our approach to deterring asylum seekers from arriving on our shores. Such policies could potentially diminish our standing and moral authority in the region. The Indonesian Embassy's submission to the Committee Inquiry confirmed that both the Tampa crisis and "the recent excessive raids conducted against some Indonesia's citizens by the ASIO and AFP" were dark periods in its bilateral relations with Australia.

Another question requiring attention is Canberra's attempt to resume ties with Indonesia's notorious special forces unit Kopassus in its fight against international terrorism. The problem is that apart from its role in arming and training militia groups in East Timor and its possible responsibility for the murder of the Papuan independence leader, Theys Eluay, Kopassus has been recently linked to an extreme Islamist group called Laskar Jihad. This goes against the very rationale for Australia's need to cooperate with the Indonesian military in the first place.

Easing human rights pressure now while Indonesia is attempting to transform itself into a liberal democracy could lead the Jakarta authorities generally, and the military particularly, into the false belief that Australia has approved their approach to security and human rights issues to date.²⁵ Ordinary Indonesians might even construe this proposal as a further example

of Australia's flexibility with human rights, when it suits. It might even reinforce the belief that our involvement in East Timor was purely for self-interested reasons.

Finally, the eagerness with which Australia has volunteered to participate in the US-led wars in Afghanistan and Iraq, its invitation to US to build new hi-tech joint training facilities in Queensland and more importantly, the Northern Territory, and its decision to join the controversial US missile defence program can only encourage further mistrust and anger in the region as Australia is increasingly seen as a threat and not a friend. It looks particularly dubious when the Australian Government does not even have a credible rationale for a missile shield.

"We don't have any threat against us from ballistic missiles at this time," the Defence Minister Robert Hill admitted to reporters on 7 July 2004 at the UN headquarters in New York. He argued that a defence shield is necessary to protect Australia against hypothetical threats from rogue states. Hill's arguments did not impress the Indonesians. "I know that Australian defence policy is to protect Australia from attack by northern countries", Djoko Susilo, a member of the Indonesian parliament's commission for security, defence and foreign affairs said. "But which country is near northern Australia? It's obviously Indonesia."

If serious about being a good regional neighbour in supporting Indonesia in its period of reform, an established democracy like Australia has a greater responsibility to conduct itself with the same honesty, integrity and mindfulness that it expects from an aspiring democratic neighbour like Indonesia.

²⁵ ICG, "Resuming US-Indonesia Military Ties," Indonesia Briefing, 21 May 2002, <http://www.crisisweb.org>.

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