



Quarterly Report: July 1 to September 30, 2000

**INDONESIA: ESTABLISHING DEMOCRATIC CIVILIAN
CONTROL OF THE MILITARY IN INDONESIA**

**USAID Grant No. AEP-A-00-98-00014-00
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I. SUMMARY

NDI's program on governance and security in Indonesia continued this third quarter of 2000 with consultations on civil-military relations with NDI Director for Global Civil-Military Programs, Eva Busza, the provision of comparative information on states of emergency laws, discussions with the Aksara Foundation on providing legislative drafting assistance to DPR Commission I, preparations with the Dr. Soetomo Press Institute for a second Journalist Professional Development Program, and a University of Indonesia (UI) seminar on reforming the National Resilience Studies curriculum.

II. BACKGROUND

The establishment of a legitimate government through last October's election of a new president and vice president, and the formation of the National Unity Cabinet, signified the end of an important phase in Indonesia's democratic transition and the beginning of a new phase of democratic consolidation. Both President Abdurrahman Wahid and Vice President Megawati Soekarnoputri are civilians. In President Wahid's first and second cabinets, the minister of defense has been a civilian, nonpartisan academic, Juwono Sudarsono and Moh. Mahfud, respectively. There was some question about Minister Mahfud's credentials, as he is a professor of constitutional law with no governmental experience, and since his appointment he has made numerous worrisome public comments about the situation in East and West Timor.

The state of civil-military relations in Indonesia remained a mixed picture in the third quarter of 2000. President Wahid and top military and police officers have admitted publicly that they do not have full control over the military and police, and this is reflected in their inability to stop the violence in Maluku, West Timor and Aceh. To a certain extent, the military chain of command has broken down, as soldiers remain loyal

to their regional commander or to hard-line officers, rather than to the military commander and the president.

Despite this serious problem, it still appears that there are senior officers within TNI (*Tentara Nasional Indonesia* or the Indonesian National Military) who are committed to the reform process, both generally and as it applies to the military's role in politics. Nonetheless, in officer corps reshuffles in June and July, the most radically reformist clique of officers, headed by former Army Strategic Reserves Commander LTG Agus Wirahadikusumah, was sidelined for the time being. However, none of these officers has been retired from the military, and so it remains possible for them to return to power in the future.

The military also continues to enjoy significant political influence. Retired Army generals retained four key posts in the new cabinet announced in August. Although this is one fewer than in the previous Wahid cabinet, due to the smaller size of the new cabinet it is actually a greater proportion than before. In addition, it was a navy admiral who lost his post. One of these four posts is the newly recombined ministry of home affairs and regional autonomy, which continues to be led by the previous minister of home affairs, a retired army lieutenant general. This has raised questions about the government's commitment to continuing the process of implementing regional autonomy policy, as the military has expressed reservations about the policy, charging that it is the first step to national disintegration. Early indications are that the implementation process was slowed somewhat by the cabinet changes but continues nonetheless.

Efforts to reduce the military's role in politics on an institutional basis continue to move slowly. The territorial system, through which the military can influence political leaders at all levels of the society, remains completely intact. Although the People's Consultative Assembly (MPR) reaffirmed in August that the military's and the police's appointed seats in national and regional legislatures (DPR and DPRD's) will be abolished in 2004, the MPR also decided to allow the military and the police to retain their unelected representation in the MPR until 2009 at the latest. This represents a breakdown of the previous consensus among all major political parties that military and police representation in all legislative bodies (including the MPR) would end in 2004.

Apart from the decision mentioned above, the results of the August MPR annual session were generally positive for civil-military relations. The second amendment to the 1945 Constitution implicitly reaffirms the principle of civil supremacy already embodied in the original document. Among other points, one part of this amendment places in the constitution the distinction between the military's role in external defense and the police's role in domestic security. In addition, one of the MPR's new decrees requires that presidential appointment and dismissal of the military commander and the national police chief should be approved by the DPR (this provision has already been tested by President Wahid when he summarily replaced the national police chief in late September, causing another rift with the DPR). Finally, military personnel will be subject to the civilian judicial system for all non-duty-related crimes, and police personnel will be fully subject to the civilian judicial system.

The second amendment and the MPR decrees on the military and the police also lay the legal foundation for the revision of Indonesia's outdated defense and security laws. It will now be up to the DPR to take the initiative to conduct a review of these laws and draft new legislation to take their place. It is expected that this process will begin later this year and early next year.

Although the outcome of the reform process that began in 1998 is far from clear, it certainly presents Indonesians with the best opportunity in decades for serious democratic reform. To assist in this reform process, NDI expanded its existing democratic development program in July 1998 to help political parties, domestic election monitors and the public prepare for the June 1999 elections. NDI also identified Indonesia as one of six countries targeted by the global Partnership for Democratic Governance and Security (PDGS), a multinational, nongovernmental initiative to enhance civilian capacity to strengthen democratic governance in the defense field. Led by NDI and funded by USAID (Center for Democracy and Governance), the PDGS goal is to strengthen democratic, civilian control of the military.

In August 1999, NDI received additional grant money from USAID to undertake more extensive Indonesia-specific governance and security programs. Such assistance is particularly timely given Indonesia's current political environment. These programs are one of five areas of democracy promotion in which NDI currently works in Indonesia. The other four areas are: political party strengthening; legislative strengthening; civil society empowerment; and constitutional and electoral reform and regional autonomy.

III. PROGRAM ACTIVITIES

1. Provision of Comparative information on States of Emergency Law to DPR Commissions I and II

In response to a request from members of DPR Commission I and the DPR Center for Research and Information Services (P3I), NDI compiled and translated a general memorandum on states of emergency provisions in other countries and in international law. This package provided relevant DPR members with comparative information on states of emergency provisions in line with the government's effort to revise the 1999 bill on handling dangerous situations that has never been signed into law. NDI's memorandum and its supporting documentation was part of a package of information on states of emergency provisions, discussing both international law and specific examples from 7 countries (France, India, Paraguay, Peru, South Africa, Great Britain and the United States). The memorandum examined the constitutional provisions and legislation pertaining to states of emergency and gave examples of favorable and unfavorable systems.

After obtaining approval from the chairs of DPR Commissions I and II, NDI distributed copies of the package of information to each member of the two commissions. In addition, NDI sent the information package to several human rights NGOs, Gadjah

Mada University's (UGM) Center for Security and Peace Studies, the National Resilience Institute and several independent experts on human rights.

2. Discussions with the Aksara Foundation on Providing Legislative Drafting Assistance to DPR Commission I

From NDI's meetings with DPR Commission I members in May and June, several members expressed frustration at their inability to make full use of the DPR's power of legislative initiative and expressed interest in having NDI facilitate the formation of a legislative drafting assistance team on defense and security bills.

In August and September, NDI held several meetings with Yayasan Aksara's core team to discuss their interest in helping NDI form a team consisting of experts on national security issues and young lawyers to assist DPR Commission I in drafting new defense laws over the next year. Four Aksara members were present at the meetings, including founder and prominent lawyer Nono Anwar Makarim, retired senior journalist and military expert Daud Sinjal, and two other staff members. As a result of these meetings, Yayasan Aksara has begun to draft a subgrant proposal detailing its legislative drafting assistance program. NDI and Yayasan Aksara will consult with Commission I on the proposal for assistance when the DPR reconvenes in October.

3. Preparations for the Second Journalist Professional Development Program on Civil-Military Relations

In October and November, NDI, in conjunction with the Dr. Soetomo Press Institute (LPDS), will conduct the second in its series of journalist professional development programs. In preparation for this seminar, NDI hired three consultants: Daud Sinjal, a retired senior Indonesian journalist with 35 years of experience covering TNI; Keith Loveard, with 32 years of journalistic experience, including the last 10 in Indonesia; and Mieke Kooistra, with 15 years of journalistic experience. During this quarter, NDI and LPDS sent invitations for applications to over 60 print media all across Indonesia, and applications were received from 54 journalists. The NDI-LPDS selection team chose 21 participants, 4 of whom are women and 14 of whom work outside of Jakarta. NDI has also confirmed all international and domestic speakers for the opening workshop, which is scheduled for October 13 through 15. This will be followed by five weeks of hands-on training from October 16 through November 16, with the closing workshop scheduled for November 17 through 19, 2000.

These five-week programs are designed to improve Indonesian journalists' ability to cover the Indonesian military. The program will consist of a three-day opening workshop that covers three themes: a normative picture of civil-military and media-military relations in a democracy, and the reality in Indonesia; technical information on TNI; and journalistic skills, standards, and so forth. For the ensuing five weeks, the journalists return to their newsrooms to write stories about TNI, with assistance from NDI's team of consultants. The three-day closing workshop gives the floor to participants themselves to discuss their experiences covering TNI and to share ideas with each other.

4. University of Indonesia (UI) Seminar on Reforming the National Resilience Studies Curriculum

Since May 2000, NDI has assisted Gadjah Mada University (UGM) and the University of Indonesia (UI) in revising their national security studies curriculum, known in Indonesia as “National Resilience Studies.” On September 21 and 22, UI hosted a seminar and roundtable discussion on proposals to revise the curriculum to better suit the needs of a democratizing Indonesia. The program consisted of a series of presentations, discussions, and small group sessions to discuss the direction for program reforms.

The seminar presentations were led by the following individuals:

- Udin S. Winataputra from Open University in Jakarta, who outlined the general process of revising and developing a new curriculum;
- Mohtar Mas’oed, a representative of the UGM National Resilience Studies program, who focused on how to reform the curriculum to suit a democratic Indonesia; and,
- Wan Usman, the chair of the UGM National Resilience Studies program, who stressed the need for a continued program in National Resilience Studies.

The presentations were followed by commentary from:

- Salim Said, an expert observer of the Indonesian military and a former journalist;
- Maswadi Rauf, a professor at UI and noted critic of the military; and,
- J. Kristiadi, the executive director of the Centre for Strategic and International Studies (CSIS), the leading security think tank in Jakarta.

The following day, the representatives of the UI and UGM programs summarized and analyzed input from the previous day, noting that the curriculum and teaching techniques must change to meet students’ needs. A second seminar will be held at UGM in Yogyakarta on October 2, 2000.

5. Consultations on Civil-Military Relations in Indonesia with Eva Busza

From July 27 to August 2, the governance and security program conducted a series of meetings with Indonesian partners and leading figures in civil-military relations in Indonesia, including: the Office of Transition Initiatives at USAID, the Minister of Defense, the Minister of National Education, the National Resilience Institute, active military officers, a number of leading Indonesian experts on the military, the media and domestic nongovernmental organizations, and university academics who are involved in security and defense studies.

In the meetings, NDI gathered input from various sources on the current state of civil-military relations in Indonesia and the challenges the country is facing in that area.

In addition to introducing Eva Busza as the new NDI Program Director for Global Civil-Military Relations to our partners, the meetings were also intended to update the Indonesian partners on NDI programs and to gather their input on potential NDI assistance in the future.

IV. RESULTS/ACCOMPLISHMENTS

1. Provision of Comparative Information on States of Emergency Law to DPR Commissions I and II

- Provided valuable comparative information on good and bad examples of states of emergency laws to the commissions in charge of reforming Indonesia's domestic security law;
- Enabled the commissions to have a greater wealth of knowledge to work from while reforming the existing law; and
- Demonstrated to Commission I members the type of comparative information on defense and security issues NDI would like to continue to provide them over the coming months.

2. Discussions with the Aksara Foundation on Providing Legislative Drafting Assistance to DPR Commission I

- Established a relationship with the Aksara Foundation; and
- Began work with the Aksara Foundation on a subgrant proposal.

3. Preparations for the Second Journalist Professional Development Program on Civil-Military Relations

- Cemented a strong working relationship with the Dr. Soetomo Press Institute;
- Hired three senior journalists with extensive Southeast Asia experience as consultants;
- Confirmed all international and domestic speakers for the opening workshop;
- Sent invitations for applications to over 60 print media; and
- Selected 21 out of 54 applicants, with a waiting list of 5 journalists, from 11 of Indonesia's 27 provinces.

4. *Seminar on National Resilience Studies Curriculum Reform*

- Provoked university leaders and lecturers to think about the steps necessary to reform their national resilience studies curriculum;
- Brought different points of view together to examine how to reform the national resilience studies curriculum; and
- Facilitated the development of more concrete proposals by UI and UGM for the revised curriculum.

5. *Consultations on Civil-Military Relations with Eva Busza*

- Introduced Eva Busza, director of NDI's Global Civil-Military Relations, to the Institute's partners and leading figures in civil-military relations in Indonesia; and
- Gathered valuable input on NDI governance and security programs in Indonesia.

V. EVALUATION/CONCLUSIONS

Objective: To increase Indonesian legislators' and their staff members' ability to understand defense and civil-military issues.

NDI supplied information on state of emergency laws in seven countries to DPR Commissions I and II.

NDI has begun work with an Indonesian NGO to provide legislative drafting assistance on defense and security bills to DPR Commission I.

Objective: To increase the Indonesian media's capacity to understand and accurately report on defense and civil-military issues.

NDI has begun preparations for the second in a series of journalist professional development programs on civil-military relations in Indonesia.

Objective: To increase Indonesian academic institutions' capacity to conduct research and education on defense and civil-military issues.

NDI facilitated the efforts of UI and UGM to begin to draft reforms of their M.A. programs in National Resilience Studies.

Objective: To increase long-term dialogue and understanding between the military and members of civil society.

None of the activities conducted in this quarter were directly related to this program objective.

VI. FUTURE ACTIVITIES

Legislative Program

- Subgrant to Yayasan Aksara to provide legislative drafting assistance to DPR Commission I
- NDI will provide comparative information on defense and security issues in other countries to DPR Commission I, DPR P3I and Yayasan Aksara

Media Program

- Second journalist professional development program on civil-military relations in Indonesia, October and November 2000

University Program

- Second preliminary seminar on curriculum revisions, at UGM, October 2, 2000
- International workshop on national security and conflict resolution curricula, November 2000