Indonesia: Regional Conflicts and State Terror
MINORITY RIGHTS GROUP INTERNATIONAL

MRG works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

Founded in the 1960s, MRG is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities and indigenous peoples around the world. This work is based on the publication of well-researched Reports, Books and Papers; direct advocacy on behalf of minority rights in international meetings; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and the challenging of prejudice and promotion of public understanding through information and education projects.

MRG believes that the best hope for a peaceful world lies in identifying and monitoring conflict between communities, advocating preventive measures to avoid the escalation of conflict and encouraging positive action to build trust between majority and minority communities.

MRG has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under English law with an International Governing Council.

THE PROCESS

As part of its methodology, MRG conducts regional research, identifies issues and commissions Reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the Reports are written, and from academics, journalists, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced Reports.

Acknowledgements

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This Report has been commissioned and is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the author do not necessarily represent, in every detail and in all its aspects, the collective view of MRG.

MRG is grateful to all the staff and independent expert readers who contributed to this Report, in particular Katrina Payne (Commissioning Editor) and Sophie Richmond (Report Editor).

THE AUTHOR

MIEKE KOOISTRA is a journalist and a specialist in South-East Asian affairs. She has 15 years experience, much of it as a foreign correspondent in Bangkok. She is the author of a book called Money, Religion and Obedience: A Journey through Modern-day Asia (published in 1998), which was nominated for the 1998 Dick Scherpenzeel Prize for Journalism and Development in the Netherlands.

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Relevant international instruments

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (Adopted by General Assembly Resolution 47/135 of 16 December 1992)

1. States shall protect the existence and the national or ethnic, cultural, religious or linguistic minorities within their territories and shall ensure conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as minorities) have the right to enjoy their own culture, to profess and practice their own religion, to use their own language, and to maintain and promote their traditions and customs, in conformity with the principles set forth in the present Declaration.

2. States shall adopt appropriate legislative and other measures to achieve the purposes of this article, in conformity with the principles set forth in the present Declaration.

International Covenant on Economic, Social and Cultural Rights

Article 20

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic and social development.

2. States shall adopt appropriate legislative and other measures to achieve the purposes of this article, in conformity with the principles set forth in the present Covenant.

Article 3

1. States shall respect the right of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language.

2. States shall respect the right of persons belonging to minorities to participate effectively in public life of the community of which they are members, including participation in governmental and public administration, in文化的维护 and in public, cultural, educational and sporting life.

International Covenant on Civil and Political Rights, 16 December 1966

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic and social development.

2. All peoples shall be free to participate fully in the economic progress and development in their community.

Article 4

States should consider appropriate measures so that persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.

International Covenant on Economic, Social and Cultural Rights

Article 15

1. In applying the provisions of this Part of the Convention governments shall respect the special importance of the cultures and spiritual values of the peoples concerned with their relationship with the lands on which they are located, or with which they have traditionally had access for their subsistence.

2. Whenever possible, these peoples shall have the right to return to their lands.

International Covenant on Economic, Social and Cultural Rights

Article 22

1. States shall take measures to ensure that all persons belonging to national or ethnic, religious or linguistic minorities enjoy without restriction the rights set forth in the present Covenant, including the rights set forth in Articles 2, 3, 5, 6, 7, 8, 14, 18, 19, 22 and 23 of the Universal Declaration of Human Rights.

2. In cases in which the State retains the ownership of mineral or subsurface resources or of other resources pertaining to lands, the peoples concerned shall have the right to participate in the development and conservation of these resources.

3. Whenever such participation is not possible, States shall take appropriate steps to secure for the peoples concerned the same benefits as enjoyed by the other members of the community with other members of their group, without any discrimination.

4. States shall be responsible for the implementation of the above provisions and shall consult these peoples, with a view to ascertaining whether the implementation of these provisions is effective.

5. In cases in which the State retains the ownership of mineral or subsurface resources or of other resources pertaining to lands, the peoples concerned shall have the right to request the withdrawal of such ownership or to negotiate with the State concerned the establishment of a system by which they may participate in the economic development of such resources.

6. In cases in which the State retains the ownership of mineral or subsurface resources or of other resources pertaining to lands, the peoples concerned shall have the right to refuse compensation for any damage which they may sustain as a result of such activities.

International Covenant on Economic, Social and Cultural Rights

Article 11

1. Subject to the following paragraphs of this Article, the peoples concerned shall have the right to participate in the development and conservation of these resources.

2. Where the relocation of these peoples is considered necessary as an exception to the provisions of this article, such relocation shall not be made unless only their free and informed consent.

3. Whenever possible, these peoples shall be provided with the right to return to their lands, or to establish new lands, as the case may require.

4. Where such return is not possible, as determined by agreement or, in the absence of such agreement, by an international or national arbitration, these peoples shall be provided with all possible case of lands of quality and area at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development.

5. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated.

6. Where the peoples concerned express a preference for a non-pecuniary form of compensation, they shall be so compensated.

7. Persons relocated shall be fully compensated for any resulting loss or injury.
Introduction: what is Indonesia?

The geographical contours of Indonesia, like those of so many countries emerging from colonial rule, were drawn by its former colonial power, the Netherlands. The fourth most populous country in the world, Indonesia is home to more than 200 million citizens distributed across 17,000 islands stretching for more than 5,000 km from east to west and spread across three time zones. While the majority are Muslim, Indonesians comprise hundreds of ethnic groups, practice all the world’s major religions, and speak over 600 languages and dialects. The only common history this diverse group of people had at the time they declared independence in 1945 was a Dutch colonial past.

On Indonesia’s state crest are the old Sanskrit words, Bhinneka Tunggal Ika: Unity in diversity. This motto refers to the time before independence, when the different islands under Dutch rule united in the struggle against the colonial power. After independence this motto was used by the country’s leaders to foster unity and to spread a national consciousness. They did so, first, by adopting Bahasa Indonesia, the lingua franca used by traders, as a nationwide language and, second, through the concept of Pancasila (the five principles: belief in one god [monotheism], justice and equity among peoples, the unity of Indonesia, democracy through deliberation and consensus among representatives, and social justice for all) which was to be the basis of cultural in Indonesia. Successive governments have urged Indonesians to accept this state ideology as the fundamental philosophy crucial to national unity. Still, through its 55 years as an independent country, this state ideology and these forceful set of ‘common principles’ have not been sufficient to defuse the notion of a Javanese dominance. Decades of dictatorial rule (1965–98) have led to the continuation of the concentration of power in the capital, Jakarta, on the island of Java, and eventually led to a complete erosion of the principle of unity. During these years most of the outer regions of the island chain, home to many of the country’s different ethnic groups and indigenous peoples, continued to be exploited for their resources. Most regions have suffered great economic inequalities as a result. A national transmigration programme, in which people from Java and Sumatra were relocated to less populated areas, as well as significant unofficial internal migration, have disrupted the economic and social balance, and often led to a loss of identity for indigenous peoples. A serious tension was thus created, which was kept under control by the ubiquitous military, who, in the process, committed many serious violations of human rights.

When the Asian economic crisis hit Indonesia in July 1997 it almost wiped out 30 years of material gains. The legitimacy of the Suharto regime, based on high economic growth and backed by repressive military force, crumbled as a result. A period of reformasi (reform) started in 1998, when mass demonstrations forced Suharto to step down in favour of Vice-President Habibie. After decades of authoritarian rule, the country embarked on the road to democratisation. The first free national elections brought a new government to power in 1999. When Abdurrahman Wahid became the country’s fourth president in that year, the bloody riots in urban centres had mostly ended, but the situation in the country is far from stable. Tensions and frustrations, which have festered in the regions for many years, have burst to the surface in Aceh, Maluku and West Papua. The various conflicts have claimed thousands of lives and have left nearly a million displaced people across the country.
There is a genuine fear that violence could spread throughout the country. The unrest is greatest in Java and Sumatra, and leading to more deaths. Eventually this could lead to the break-up of Indonesia. It should not be forgotten, however, that the conflicts are confined to specific regions and that there are many peace-making forces.

The Report is to highlight the absolute need and obligation of the Indonesian government – if Indonesia is to survive as a pluralistic, multi-ethnic democratic nation it aspires to be – to offer genuine respect for, and full protection of the fundamental rights of all the people, including every ethnic, linguistic, religious and cultural minority as well as the indigenous peoples and the women, children, elderly people and other vulnerable groups who, for decades, have been victims rather than beneficiaries in the drive to defend Indonesian unity.

The Report deals with the two main areas where conflicts have erupted. Maluku and Aceh (for further information on West Papua, whose inclusion in Indonesia has long been disputed, see MRG’s 1997 Report) It examines how the humanitarian suffering, the policies of past regimes in the name of ‘nationality’, the lack of respect for indigenous people’s rights, the unequal distribution of wealth, and the use of military force and violence have eroded the fragile sense of nationhood. It then describes the smaller conflicts in the outer region of the archipelago, which is similar in some respects.

Before dealing with the conflicts themselves, the Report sets out to explain how the multi-ethnic pluralistic state called ‘Indonesia’ came into existence, its colonial history, the birth and development of a nation-state. Then it will describe why and through which particular forces this colonial period

The colonial period

The first Dutch ships arrived in the late sixteenth century at Banten in west Java. They came as traders and only by the middle of the seventeenth century could they consider themselves the ‘masters’ of the territory. A hundred years later, they started to colonize the archipelago and began to create a system of total control over the area around Maluku, but elements of the early Portuguese traders had on religion overall was limited. The Dutch had found that the region was not as easy to control as they had expected. In 1603, the Dutch officially founded a trading company, the Vereenigde Oostindische Compagnie (VOC), which was to become the first Dutch colonial company. It was established to control and exploit the archipelago. By the mid-eighteenth century, the VOC had become the most powerful trading company in the world, with influence in every corner of the archipelago.

On 15 August 1950, in the Indonesian House of Representatives, President Sukarno proclaimed the establishment of the United States of Indonesia which had lasted only eight months.

Who became Indonesian?

From the beginning most Indonesian nationalities thought of the Indonesian nation as comprising the members of the various indigenous ethnic groups who were called ‘native’ by the Dutch. The Dutch had instituted an ethnic hierarchy that conferred decreasing rights and privileges on those seen as most distant from Europeans. Under Netherlands Indies law there were ‘Europeans’, ‘Orientals’ (largely Arabs, Chinese, and Indians) and ‘Indigenous people’. Eurasians, usually the children of European fathers and Indonesian mothers, were legally classified as ‘Europeans’ or ‘Orientals’. It was not always easy for the Dutch to distinguish between the various ethnic groups, and often the same person would be classified as ‘Indonesian’ in one context and ‘Eurasian’ in another.

Nationalism and independence

During the 300 years or so that they controlled what they called the Netherlands East Indies, Dutch troops were engaged in quelling one rebellion after the next. Resistance against the colonial rulers was always local and was usually suppressed by force by the colonial troops, often at great cost and loss of life. Paradoxically, among the first Indonesian nationalists to question the Dutch right to rule were those who benefited from the colonial system. Many of the young nationalists who had studied in the Netherlands, and on return, could not reconcile the European Enlightenment values of liberalism and democracy with the repressive nature of the Dutch colonial system. In 1927 Sukarno founded the PNI (Indonesian Nationalist Party). Its aim was complete independence and a government elected by and responsible to the Indonesian people. In the early twentieth century, reformist Islamic groups had started to mobilize people on a nationwide basis and, by 1917, the Sarekat Islam numbered 900,000. Some young Muslim groups put forward the idea of ‘One Nation, One People and One Language’. The Dutch were by no means impressed. They arrested Sukarno, and his friends were sent to Batavia in the north of Java. But despite this, the idea of an independent Indonesian state continued to spread.

In 1928 a congress of youth groups put forward the idea of the territory. A huge number of Chinese had settled in the Netherlands, and their numbers had increased as the Chinese community grew. By 1928, the Chinese community was the largest in the world, and the Chinese had become the dominant group in the economy of the Netherlands. The Chinese had also become a major political force, and the Chinese community had become increasingly integrated into Dutch society. By the end of the 1920s, the Chinese had become the majority group in the Netherlands, and the Chinese community had become increasingly integrated into Dutch society. By the end of the 1920s, the Chinese had become the majority group in the Netherlands, and the Chinese community had become increasingly integrated into Dutch society. By the end of the 1920s, the Chinese had become the majority group in the Netherlands, and the Chinese community had become increasingly integrated into Dutch society.
Introduction: what is Indonesia?

Creating national unity

The struggle for independence was fought on the doctrine of the Indonesian Nationalist Party: ‘One nation – Indonesia, one people – Indonesian, one language – Indonesian’. Nationalist sentiments ran deep among the diverse groups who took pride in having defeated a European power. Additionally to a shared history and a shared victory, language was a strong factor in uniting people in the new country. But at the same time Indonesia was a very diverse country, not just in terms of religion, culture and ethnicity but also in terms of development. The Dutch colonial administration had been utterly centralised. All decisions were taken in Batavia (later Jakarta) and there had been a refusal to take into account the diversity of the Indonesian archipelago. Colonial economic activity had been concentrated in Java and Sumatra. Even during the Japanese occupation there was a distinction between Java, where administrative posts had been given to local people, and the outer islands where this had not happened. The committee which prepared for independence numbered 64 members, only four of whom came from outside Java. Later, another more representative commission was formed, but its work was disrupted by Allied attacks. After independence it was the Javanese vote (17 against 2, the latter coming from Hatta [Sumatra] and Latuharhary [Ambonese]) in the relevant committee which led to the abandonment of the concept of a federal republic consisting of 15 autonomous states in favour of a unitary state.

Apart from the economic divisions, there was considerable religious diversity. While Christianity had made an impact in the big cities of Java and in the eastern part of the territory, the majority of people in the new Republic, were Muslim. Islamic followers were split between abu- gi (traditionalists) and santri (more pious; also called modernists but in fact more political and at times more conservative than traditionalists). At the time of independence many santri Muslim representatives wanted Indonesia to become an Islamic state but Sukarno, fearing this would not work with the Hindus, Christians and other religious minorities, called for a nation to be based on Pancasila.

These principles – intended to reflect the ethnic and religious diversity of Indonesia – were aimed at bringing the very diverse and pluralistic society together. But later Pancasila became an ideological instrument in the hands of an authoritarian, anti-communist military regime and it was not the diversity but the unity of Indonesia (one of the five principles) that became the leading principle. Apart from fears of Javanese dominance, there was considerable resentment towards Pancasila, particularly from Islamic groups who had wanted the new country to become an Islamic state.

Other problems arose in the outlying islands, where the colonial Dutch had abolished the traditional local powers. Sukarno refused to restore these since they were ‘incompatible with the formation of a modern, centralist state’. To fill the vacuum for new provincial administrators, many people were recruited from the army, mainly young Javaneses. The provinces, home to many of the nation’s most valuable resources, had no right to export their products directly and did not receive a share of the profits from Jakarta. Resistance over Java’s control was very strong and rebellions broke out in the 1950s both in Maluku (1950) and in Aceh (1953), in west Sumatra and north Sulawesi, and even in west Java, where there was a campaign to declare an Islamic state. The defeat of the rebellions led to increased militarization of some of the outlying islands, which exacerbated local resentment towards the central power in Jakarta.

In the late 1950s, Sukarno tried to halt the chaos in the country by declaring a period of ‘Guided Democracy’. Political parties and legislative bodies were closed down. Instead a national council of handpicked members was created, all of whom had to enthusiastically follow the president. Indecisions in schools, government departments and the army; preached nationalism and Indonesian identity. Revolts in the outer provinces were suppressed by the army, press censorship was introduced, and politicians and intellectuals were jailed. Indonesia briefly left the UN and became aggressively anti-Western. Troops were sent to claim the Dutch-controlled territory of West New Guinea (now West Papua) and raids the border area of what is today Sarawak. The economy was on the brink of collapse. Meanwhile the Indonesian Communist Party (PKI) had been gathering support and by 1957 had become the strongest party in Java. Its growing strength and its close links with the president created unease within the army as well as among the other political parties. The army felt it was the only institution capable of containing the power of the Indonesian communists. The subsequent polarization between the army chiefs and the PKI rapidly reached breaking point. By the time Sukarno was forced to step down, in 1964, his dream of unifying a fractious populace by the force of his own personality had failed. As one commentator wrote, the country had become a hotbed of ‘suspicious soldiers, restless Muslims, strident communists and fire-breathing nationalists’, in which all rebellions had been suppressed.

The fall of Sukarno and the Sukarto years

Sukarno had meanwhile risen steadily through the ranks of the new state military. He was commander of the elite Kostrad army division when he led efforts to counter an abortive coup on 30 September 1965 that his government later blamed on the communists. The real
The economic boom

Indonesia has experienced consistently high economic growth, with a Gross Domestic Product (GDP) growth rate of more than 7% per year between 1985 and 1997. The government implemented a series of structural reforms, including privatization and deregulation, to attract foreign investment and boost economic growth. As a result, Indonesia became one of the 'Asian Tigers' with rapid industrialization and urbanization.

However, the economic boom was not without its challenges. The rapid growth led to increased inequality, with a large gap between the rich and the poor. Moreover, the economic success was built on a shaky foundation, relying heavily on foreign investment and short-term capital flows. When the Asian financial crisis hit in 1997, the Indonesian economy was severely affected, leading to a sharp decline in growth and significant economic contraction.

Suharto's legacy: the TNI

The Indonesian military (TNI) has played a significant role in the country's history, from the struggle for independence to the post-independence period. The TNI has been involved in various military actions, including suppressing internal dissent, maintaining law and order, and conducting military operations abroad.

The fall of Suharto

The fall of Suharto was a result of several factors, including economic problems, political corruption, and popular discontent. The economic crisis of 1997-1998, the largest in Southeast Asia, had a devastating impact on Indonesia's economy. The government's inability to address the crisis, combined with widespread political corruption, led to growing public dissatisfaction with Suharto's regime.

The Wahid government and the period of reform

After the fall of Suharto, the Indonesian government faced the challenge of reforming the country's political and economic systems. The Wahid government, led by Abdurrahman Wahid, sought to introduce democratic reforms and improve the country's human rights record.

The Wahid government faced significant challenges, including resistance from the military and other powerful interest groups. The government's efforts to introduce democratic reforms were met with opposition, and the country experienced political instability and economic difficulties.

In conclusion, the period of economic boom and political reform in Indonesia was marked by significant achievements and challenges. The economic growth laid the foundation for Indonesia's development, while the political reforms sought to transform the country into a more democratic and open society.

The Wahid government and the period of reform

Since Suharto's demise, Indonesia has undergone a series of complex and wide-ranging transitions towards democracy. This period was marked by regional conflicts, political instability, and economic difficulties, which required a series of complex and wide-ranging transitions towards democracy. This period was marked by regional conflicts, political instability, and economic difficulties, which required a series of complex and wide-ranging transitions towards democracy. This period was marked by regional conflicts, political instability, and economic difficulties, which required a series of complex and wide-ranging transitions towards democracy.
The conflicts

While the conflicts in Indonesia are complex and in some ways very different in nature, it is possible to point to several moments in recent history which have been important in laying their foundations. In earlier sections it has become clear that Indonesia is a constructed entity, rooted in a colonial history. Nationalism served as a binding agent throughout the struggle against the Dutch colonizers, but the aggressive, often brutal, enforcement of Indonesia's unity has caused strong resentment. Several important factors underlie all the current explosions of violence in Indonesia:

1. the role of the armed forces and their widespread abuse of human rights (as discussed in the previous section);
2. the imbalance in development between Java and most of the outer regions;
3. the effect of transmigrasi policies;
4. the political manipulation of religion by the Suharto government.

Uneven development between Java and the outer islands

In the 1970s development programmes for the intensification of rice-growing and for birth control were launched in Java and Bali. These programmes were financed from the proceeds of the exploitation of timber, oil, gas and metals found in the outer islands.

This wealth was siphoned off by Jakarta and the outer islands received little in return. In the case of Aceh, where huge reserves of oil and natural gas were discovered in the 1970s, the return came in the form of the military, who, in the name of protecting the gas plants and oil rigs from rebel attacks, committed serious human rights violations. In the case of Aceh, the people of Aceh themselves did not benefit from the economic activity generated by the exploitation of gas and oil. Apart from unskilled contract labour, most jobs were reserved for people from elsewhere.

Transmigrasi

The mainly forced migration of millions of people from the densely populated island of Java to the outer regions further upset the economic balance. This process of forced population transfers, called transmigrasi or transmigration, had been originally designed by the Dutch in early 1900 to alleviate pressure on densely populated Java. It had been pursued after independence, most aggressively during the Suharto era, with financial backing from institutions such as the World Bank. The main development objective in the region was to support transmigrasi, which, again, was aimed at taking the pressure off Java. It contributed little to regional development. In many cases, the arrival of large groups of Javanese posed a threat to the traditional values of the indigenous peoples and caused a great deal of tension. Indonesia does not recognize the traditional land rights of indigenous peoples. National interest based on economic development takes precedence over local traditions.

This resulted in a significantly lower quality of life in many provinces, particularly in areas with few natural resources. The rising discontent of many indigenous peoples, which was denied a channel of expression, led to a simplification of the problem: the blame for their misfortune was laid on the largest ethnic community, the Javanese. From the point of view of many indigenous peoples, the exploitation of resources was entirely done by the Javanese empire with a Javanese army. Some academics argue that it is true that the elite in Jakarta—both Javanese and non-Javanese—were the beneficiaries of this exploitation, but the exploitation was felt in Java as well, not just in the outer islands.

Tensions over development

Nevertheless, Java, with 60 per cent of the population and almost three-quarters of the best irrigated paddy fields, did experience greater economic benefit from Suharto's New Order rule, compared to the rest of the country, which represents 93 per cent of the territory of Indonesia; and, until the end of the 1980s, Java provided the largest share of exports. Some of the regions in Indonesia were wealthy in terms of GDP per capita, but ranked very low in per capita consumption, indicating the discrepancy between the money earned and the living standards of the local people. This was particularly true for the people in West Papua, where the GDP per capita was high but the people were the poorest in terms of spending power. In the 1990s frustration with these government policies grew stronger. When the spectacular boom of the 1990s encouraged the private sector to invest more in light industries and manufacturing, they did so in Java, where the capital, infrastructure and services (mainly the banks) were available. Suharto's complete and unopposed control forced people in business to side with the ruling clique. Contracts and monopolies were awarded to those loyal to him. As a result, Indonesia is ranked as one of the most corrupt countries in the world.

Resentment towards the Javanese was further encouraged by Suharto invoking Javanese culture as a justification for his absolute rule. He internalized the values of feudalism as it was practiced by the Javanese rulers of the past, and often portrayed himself as a Javanese king, thereby equating suppression and totalitarianism with Javanese culture.
Religion

The religious factor has been often minimized or dismissed as a factor in explaining the outbreaks of violence in Indonesia. To understand the religious factor it is necessary to analyse several moments of Indonesian history, which have made the current polarization possible. Without the political manipulation of the tensions – as an effective but dangerous means of resisting democratization – Indonesia might never have experienced the inter-communal violence it is witnessing today.

First, the events of 1965 put an end to a period of relatively cordial relations between Muslim and Christian political parties. The ban on communism led to a ban on atheism and religious education was made compulsory. The agnostic elite, the minority groups with tribal religions in the outer islands and the Javanese abangun (those who combined a loose Islam with local mysticism) were forced to choose a religion. Many of them chose Christianity over Islam, usually for practical reasons: Islam is seen to require more time for prayers while Christianity is regarded as less demanding.

Second, this led to a general fear of kristenisasi mostly among the santri Muslims, who aim to bring Indonesian Islam closer to the Middle Eastern model.

Third, Suharto extended the ban on the Masyumi party (banned by Sukarno in 1962), which caused great disappointment in the Muslim community.

All these events led to a sense of marginalization among Muslims. In the 1980s a new generation of Muslims in their 40s – and thus far enough removed from the disappointments of the generation before them – began to call for changes in the way the country was governed, sparking off a process of Islamic revival. The Indonesian government was forced to make some changes. In the 1990s Suharto himself went on the offensive against churches and mosques in eastern Java and on Sumatra. They were seen by both moderate Christian and Muslim leaders for what they were: efforts to destabilize the relations between the two communities and to bring political ends. Since 1998, eruptions of violence with a religious undertone have continued. Most of this violence is thought to be intended to demonstrate that only a firm – non-civilian – hand is capable of governing Indonesia. On an intellectual level, Muslims and non-Muslims alike have rejected ethnic-religious hatred as an orchestrated abuse of religion by people bent on destroying the fragile process of political reform. However, in Ambon and other parts of Maluku, these orchestrated eruptions have escalated into a civil war.

Aceh

Aceh is located on the northern tip of Sumatra, bordered on the north by the Malacca Straits and on the south by the Indian Ocean. About 4 million people live in the province, which covers an area of nearly 250,000 square kilometers. The capital is Banda Aceh and the main language spoken (next to Bahasa Indonesia) is Acehnese.

Since 1998, the conflict in Aceh is said to have claimed 30,000 lives. Many thousands more have been traumatized by the random brutalities, murder, rape and torture committed by the armed forces under the pretext of suppressing an armed separatist movement and protecting the unity of the nation. The injustices suffered by the Acehnese have led to a strong call for independence at the first, if not only solution to the problems.

The Acehnese, like people in most of the outer regions, unanimously voice a common grievance: that the tremendous profits from the exploitation of natural resources have returned no real benefit to their community. Yet the roots of the conflict date back to the end of the nineteenth century when the Dutch colonial powers decided to expand their colonial rule to the sultanate of Aceh, starting a war which lasted for 40 years. In the end the Dutch were able to establish control because the Acehnese lacked unity. The Acehnese nobility were only interested in protecting their own respective territories. The last sultan of Aceh was exiled in 1897 and by 1943 the Dutch had established administrative control over Aceh. Since Aceh was staunchly Islamic and very distinct from the rest of Sumatra and what is now called Indonesia, the Dutch tried to depoliticize the ulama (religious teachers). Still, a reformist religious revival led to the formation in 1930 of the All-Aceh Ulama Association (PUSA), which became an umbrella group for anti-establishment forces in Aceh in the period before the Second World War. When the Japanese invaded in 1942 they were welcomed for ridding the Acehnese of the Dutch, even though the Japanese carried on with the same colonial practices. After the war the Dutch did not attempt to recoup Aceh, but this did not stop the Acehnese from joining the independence struggle to free themselves of the traditional local gentry who had been collaborating with the Dutch and the Japanese. In the process, the PUSA ulama took over the leadership role from the traditional aristocracy.

As long as the war for independence kept the 'central government' busy, the PUSA leadership operated with full autonomy over Aceh. Once independence was won, Aceh was incorporated into the province of North Sumatra and PUSA's political control was eroded. In 1953 a rebellion broke out, led by PUSA leader David Beureunen. The movement had widespread popular support and the central government was unable to quell the movement by force. Aceh was granted provincial status in 1957 and the insurgency ended. Two years later Aceh obtained 'special region' status with autonomy over religion, customary law and education.

Aceh and the New Order

Problems started in 1969 when Suharto's New Order regime began to centralize power further, leaving no room for regional autonomy or forces like Islam. All independent political and alternative sources of power were brought under the control of the regime, creating new institutions when necessary. What was lost of the traditional village structures after the independence war was either destroyed or co-opted by the New Order government. The ulama in general, and PUSA in particular, were brought under the control of the state and lost their traditional role as political and religious leaders.

The economic development under the New Order favoured particular elites, which resulted in the decline of other social groups. All regional development – as we have seen in previous sections – was centrally planned and paid for with central government funds, and staffed by people from the centre. The local government was often not even aware of these development plans and had no control over them. Although Aceh's 'special region' status was never revoked, it only existed on paper. In practice, the deep penetration of the New Order into traditional structures, and the many social changes this brought, made the Acehnese very hostile towards the region and its imposed symbols of 'unity' and 'nationalism'. Violence committed by security personnel, mainly by the military, in their role as 'protector of the Acehnese nation', contributed to the belief that the idea of 'a united Indonesia was terrifying in itself'.

Oil and gas

The discovery of massive reserves of natural gas in northern Aceh and the rapid development of the Lhokseumawe Industrial Zone (ZILS) five years later represented a turning point in contemporary Acehnese history. There is a direct link between the discovery of huge natural gas reserves and the increase in military activity, eventually leading to all-out repression and human rights abuses on a massive scale. Paradoxically the richness of its resources turned Aceh – one of the most fiercely independent regions – unwillingly into the main financial backer of the central government. There were now huge sums of money to be earned. For the local population, the impact of the new industries was mainly negative. Livelihoods were destroyed by the appropriation of land. The industries provided employment only for skilled labour from outside Aceh. Transmigrants were brought to Aceh to set up food-crops sites, and to work on plantations and...
The Free Aceh Movement and the counter-insurgency operation

The Free Aceh Movement (GAM) was established on December 4, 1976, as a reaction to the government's refusal to grant the people of Aceh any autonomy or rights. The movement sought to reclaim the territory for the Acehnese and make them independent. The movement was led by Ibrahim Jamaleddin, who became its chairman. The government responded by sending in the military to crush the movement, but it remained a persistent threat. In 1999, the government and GAM signed the Geneva Accords, which provided for a cease-fire and the setting up of a joint committee to work on a political solution.

After the New Order

During the New Order, GAM was at times successful in demanding concessions from the government, but it was often unable to maintain its strength. The movement was weakened by internal divisions and by the government's efforts to suppress it. In the 1990s, GAM made several attempts to negotiate a settlement with the government, but these attempts were not successful. In 1999, the government and GAM signed the Geneva Accords, which provided for a cease-fire and the setting up of a joint committee to work on a political solution.
Maluku

Geography and history

The approximately 1,000 islands of Maluku are spread across 550,000 square km between Sulawesi in the west and Papua in the east, about 2,560 km (1,600 miles) north-east of Jakarta. The area is divided into two separate provinces; (South) Maluku and North Maluku. The biggest islands are Halmahera, Obi and Baeac in the north, and Seram, Buru and Ambon in the south. The total population of the two provinces is a little over 2 million – just 1 per cent of Indonesia’s population.

In January 1999 a seemingly small incident – a dispute over a bus fare – unleashed violence so severe it left between 200 and 1,000 people dead. While the initial incident was not about religion, intercommunal fighting erupted on the main island of Ambon soon afterwards. It then spread north to the predominantly Muslim island of Halmahera and throughout the smaller islands of Maluku, as well as into the neighbouring province of Sulawesi. The violence has since turned into a full-scale civil war. At least 5,000 people have died and over half a million people have been displaced by the conflict. The government in Jakarta and at the local level have proven unable to stop the violence or to take punitive action against those who were involved. While its origins are multi-layered and involve ethnic, economic and political rivalries, the parties to the conflict are now divided along religious lines and, as the death toll mounts on both sides, the chances of healing the wounds become more remote.

While some may think of these islands as merely a few dots on the map of Indonesia, their influence on the history of the region has been significant. Also known as the Spice Islands, for their abundance of cloves, nutmeg and other spices, they were the first among the present Indonesian islands to attract large numbers of Arab, Chinese and European merchants. Before the arrival of the Europeans, most of the Spice Islands were ruled by local rulers. The traders had left behind Islam and Christianity in the sixteenth and seventeenth centuries. The old family and tribal relationships probably played a large role in the subordination of this area into Christian and Islamic villages, but the separation was not absolute. The Foca Gerundung was a traditional system of cooperation between the villages, where commonalities were sought in ethnicity while religion took a back seat. People assisted one another in repairing mosques and churches but, in many ways, the relationship remained static for a long period without much mutual religious influence. This state – like that in the Batak region of Sumatra, where two religions existed side by side with characteristically good relationships – continued into the post-colonial period.

With independence, the traditional governance structures started to disappear. While this was going on, large numbers of Muslims from other areas in the 1970s migrated to Maluku. The fact that they did not share the islanders’ traditions diluted the system further. The people of Maluku divided into completely separate Christian and Islamic congregations, while the cooperative traditions of earlier times were replaced by stricter religious identities.

Roots of the conflict

Most of the Maluku islands have mixed populations of Muslims and Christians, who have traditionally been segregated by either choice or custom, while social structures made sure relations were close. The Dutch colonial government, however, favoured the Christian population in Ambon, they were considered to be more loyal colonial subjects than the Muslim Javanese. So in 1830, when the Koninklijk Nederlands Indisch Leger (KNIL, the Royal Netherlands Indies Army) was founded, it consisted almost entirely of Ambonese and other Malukans. The Dutch used the KNIL to put down revolts elsewhere in the colony. As a result Indonesia’s independence posed a dilemma for many Malukans, who feared retribution from the Javanese.

In April 1950 a group of local leaders proclaimed the independent Republik Maluku Selatan (the South Maluku Republic, RMS) comprising Ambon, Seram, Buru and over 100 smaller islands. Armed RMS supporters clashed with Indonesian troops and the conflict became potentially more explosive. It was feared that many Ambonese soldiers would defect to join the RMS. Some 35,000 former KNIL soldiers and their families were evacuated to the Netherlands, believing that this would be a temporary transfer. However, more than 50 years later, tens of thousands of people of South Maluku descent remain in the Netherlands where the independence movement has been kept alive to this day. In an attempt to eradicate the secessionist movement based in South Maluku, the Sukarno government executed one of the original founders of the RMS in 1966. In response, the following year, the Indonesian embassy in The Hague. Frustrations among the Malukans in the Netherlands were expressed by two train hijackings in the mid-1970s by young South Malukans trying to draw attention to their cause. On 25 April 1982, a new Government of the Republic of the Moluccas in Exile was formed in the Netherlands. Their motto is ‘Homeland Mission 1950 and the main aim is to obtain the independence of the Republic of the Moluccas.

This goal was not shared by the population of Maluku but the history of separation has both driven a wedge between the Christian and Muslim communities and made Jakarta more intent on keeping the Maluku region under central control.

In the past 55 years South Maluku has undergone serious change. After the Dutch left, the Christian population...
The government's response

The government's response to the unfolding tragedy has been slow and ineffective. Wahid – concentrating on events in Aceh – had put Vice-President Megawati Sukarnoputri in charge of Maluku, but she has taken noinitiative. The conflict escalated to seethe in the presence of security forces who have no clear mandate other than to shoot at mobs when things get out of hand. In January 2000, security forces mounted a massive sweep for illegal weapons as reports had reached Jakarta that various armed gangs on Maluku had bought guns from East Timor’s deposed pro-Indonesian militarists. In an overdue attempt to quell the violence President Wahid declared a State of Emergency on 26 June 2000, giving the military-led commands that would have under martial law. But the civil emergency has done little to define tension in the region. It has done nothing in terms of upholding and enforcing the law. The Laskar Jihad was allowed to remain in Maluku, no arrests were made and no disciplinary measures taken. Influential people in national politics have openly refused to condemn the groups. Others have explicitly expressed support for their actions. The agents of the state entrusted with providing protection to citizens have failed in their responsibility. Attempts to create a neutral force have been a reasonable success in North Maluku, however, where the marines loyal to Wahid have managed to maintain the peace and bring back a degree of normalcy. While there is very little concrete proof, few doubt that the national government is deliberately weakened by people most probably linked to the former elite, and acting with the intention of destabilizing the current regime. Long as the Laskar Jihad and other militia are allowed to operate freely, it exposes the fragile position of the Wahid government, the lack of commitment to democratization, and the power that the former elite and military still hold over the vital processes in the country.

Point of no return?

By now the problem in Maluku has, in most people’s view, become a straightforward Muslim-Christian conflict. While there is a strong sense of national identity, there has been a critical or neutral person inside and outside Maluku. While the conflict escalates and the government proves itself incapable of dealing with the crisis, people feel forced in some way or other to take sides. This could lead to a complete breakdown of religious tolerance. The media is being manipulated to whip up more hatred. Politicians and militant groups, bent on gaining votes through the support of groups that use violent and non-violent means, have undermined the democratization process. All this has added to the tragic polarization of Maluku.

The role of the security forces

The presence of the Indonesian security forces has further complicated the situation. Soldiers have become involved on both sides of the conflict because of personal or religious sympathies. Members of the TNI and the police (some of these have been deployed) have been involved and armed gangs have been involved in attacks on both individuals. Both have become involved in exchange of attacks, and of soldiers and police orchestrating violence so they can take part in the looting which usually follows. The Indonesian military, the police and the military-backed paramilitaries have found their way to parts of the island. They are motivated by a deep fear and mistrust of each other and the conflict has been left to seethe in the presence of security forces who have no clear mandate other than to shoot at mobs when things get out of hand. Instead they are motivated by a deep fear and mistrust of each other and the conflict has been left to seethe in the presence of security forces who have no clear mandate other than to shoot at mobs when things get out of hand.
the other side. Suggestions are made for a short-term separation of communities, but it is doubtful that this could lead to long-term peace. It would go against the constitutional rights of citizens to move freely and reside anywhere within the current borders. Also, it would reward the various militia for their efforts, and deal a final blow to pluralism and the opportunity for a religiously tolerant society. On the other hand, there is a great need to reassess the benefits of such pluralism and redefine its principles. Pluralism was never intended to oppress minority groups for the benefit of smaller groups nor for the benefit of the largest group in society.

West Papua

The western half of New Guinea comprises 418,000 square km. Of its 1.8 million people, 50 per cent are indigenous Papuans and 50 per cent Indonesians from other islands. The West Papuans are not Malay but Melanesians and are composed of about 240 different peoples – each with their own language. The island half is extremely rich in minerals. It was annexed in 1848 by the Dutch as part of their East Indies empire.

West Papua is the oldest self-determination issue in Indonesia. In 1897 the Dutch refused to hand over this territory to the new Republic of Indonesia, despite Indonesia's claims that it succeeded to Dutch sovereignty over the whole of the Netherlands East Indies, including New Guinea. For the next decade, Indonesia pressured the Dutch to give it up. In the face of this pressure, in 1961 the Dutch administration changed the name from New Guinea to West Papua and allowed the adoption of the 'Morning Star' national flag and a national anthem amid promises that there would be a process leading to a genuine act of self-determination.

The Indonesians formed a special force, 'the Mandala Command', in January 1962, to 'liberate' the territory. Skirmishes erupted and the crisis was resolved when the UN convinced the Dutch to negotiate. Under the terms of the 'New York Agreement' between the Netherlands and Indonesia the UN took over the temporary administration of the territory. It was a face-saving measure that enabled the Netherlands to withdraw 'honourably'. For Indonesia, the Agreement was a great diplomatic victory. The UN Temporary Executive Authority (UNTEA) administered West Papua from October 1962 to May 1963, when Indonesia assumed total control and responsibility.

Indonesia committed itself to a consultation process to ascertain the wishes of the people of West Papua. This consultation, the Act of Free Choice, took place in July 1969. The UN-supervised ballot broke every rule for genuine self-determination. Indonesia blatantly rejected the UN-proposed voting procedure, that is, normal adult suffrage for the urban areas and a form of tribal consultation for the rural areas. Instead it adopted a tribal musyawarah (traditional consultation) system throughout the territory. The result was a 'referendum', which involved only 1,025 handpicked Papuans. Few of the other UN preconditions for an impartial vote were met. For the Indonesians, the whole process was nothing more than a rubber-stamp exercise. The were not going to let go of Papua. Indonesia even admitted that the musyawarah system fell short of the UN requirement, but it justified the use of the system with the argument that 'in West [Papua] there exists . . . one of the most primitive and underdeveloped communities in the world'. While there were some protests – notably from African states – the UN adopted the outcome in November 1969.

From the outset, considerable sections of the West Papuan population opposed the incorporation. Activists formed the Organisasi Papua Merdeka (OPM) in 1970. The movement aimed at independence for West Papua by way of armed struggle. In July 1975, the OPM enacted a provisional constitution and declared West Papua a republic. Jakarta's response was familiar: military action, arbitrary arrests and disappearances of suspected independence activists. International human rights groups say that at least 100,000 West Papuans, mostly civilians, have been killed by Indonesian troops since 1963. This resulted in even more local discontent. In 1973 Suharto renamed renamed Papua Irian Jaya'which means Victorious Irian.

The OPM have fought only a handful of skirmishes since then. Still, it remains the chief symbol of resistance. In the late 1990s the leadership of the independence movement passed from guerrilla fighters in the villages to prominent public figures in Jayapura, the capital, and other cities, who had become alienated from Indonesian rule and saw new prospects in the country's changing circumstances. The principal claim of West Papuan separatists is that the 1969 consultation process was not properly conducted and was therefore not valid. (There are other claims such as the lack of required impartiality in the consultations, the absence of neutral supervision, etc. which could help support a case in international law.) West Papuans demand the conduct of fresh consultations, such as were held in East Timor. The separatists argue that a consultation is now more urgent than ever because of continued human rights violations by Indonesia, and because Indonesia has attempted to change the population balance in West Papua through the transmigration of 'mainland' Indonesians.

West Papua's future is of great concern to Jakarta, which is bent on retaining the province since it is rich in copper, timber and gold. The biggest mine is run by Freeport Indonesia, a private US company, which is the country's largest taxpayer. After smelting, the copper and gold is worth an estimated US $2 billion a year. The enclave of Freeport is basically closed off to the local community, heavily guarded by elite paratroopers. In 1996, Freeport gave hundreds of thousands of dollars to seven arti...
Outlook

President Abdurrahman Wahid has always said he wanted his government to be based on democratic values rather than military might. He has said repeatedly that he wants to solve ethnic, religious and economic conflicts through persuasion and negotiation. He has apologized to the people of East Timor, Aceh and West Papua for past indiscretions of the army, pledged to withdraw troops and listen to local grievances. He has even given assurances that a fair share of the wealth derived from natural resources will be returned to the provinces instead of all the wealth being concentrated in the capital, Jakarta. A Regional Autonomy Bill, implemented in early 2001, gives more power and government funds to the provinces. But none of these gestures have led to any reduction of the violence in the areas of conflict, nor have they satisfied the people’s demands for justice.

Mr Wahid is considered a nationalist who has indicated that he does not intend to allow the break-up of Indonesia. His firm belief in pluralism and the principles of Faiscism shape the decisions he takes. Maintaining national unity and integrity and eliminating any possible threat to these, remain at the core of his administration.

Besides this, President Wahid has very limited control over the process of democratic reform. The government’s difficulty in enforcing its will in West Timor, where armed militias continue to wreak havoc, and its inability to try those guilty for past crimes against humanity, illustrates that the administration has not been able establish firm civilian control over the armed forces and members of the former ruling elite, elements of which continue to pursue the agenda of their own. As this Report goes to press, Wahid’s future looks increasingly uncertain.

If there is no sign of a multi-ethnic state, where the rights of minorities are respected and protected serious efforts need to be made to address the demands for justice and the issues of respect for human rights and self-determination.

The Constitution

Many Indonesians believe that the 1945 Constitution (Undang Undang Dasar, UUD 1945) contributed to the rise of authoritarian dictatorship under both President Sukarno (1949–68) and President Suharto (1966–98). The original 1945 Constitution was written as a temporary, emergency document, and was therefore vaguely worded, leaving plenty of room for non-democratic interpretations. It established a strong executive branch and a weak legislature and judiciary, with few checks and balances between the three branches; and it contained few guarantees of basic civil and political rights. Constitutional reform was thus one of the basic demands of the student movement that overthrew Suharto in May 1998.66

Despite its drawbacks, the 1945 Constitution has remained the basic framework for the ongoing democratic transition in Indonesia. UUD 1945 invests implementation of popular sovereignty in the People’s Consultative Assembly (MPR), a 695-member body consisting of the 492 elected members of the national legislature, the People’s Representative Assembly ( DPR), the 36 appointed DPR members from the military (TNI) and the police (POLRI); 130 regional representatives chosen by provincial assemblies that were popularly elected; and 45 un-elected members of various social groups (‘functional group representatives’). The MPR is the only body that can establish and amend the Constitution and this is one of its primary functions. To this end they hold animal sessions, which take place in August.47

Human rights and justice

Serious crimes, including mass murders, torture, extra-judicial killings, rape and other gross violations of human rights, were a feature of the New Order government of President Suharto. In many cases these crimes were committed by the state, through the military. In other cases they were committed by political or religious organizations, paramilitary groups and civilians. One of the major challenges Indonesia faces in this time of transition is to create a functioning legal system and a culture of law to ensure that it will achieve a degree of justice and recognition of human rights. This Report begins its examination of this first, through the revision of the 1945 Constitution (in August) when a substantial new chapter on human rights was added to it. Article 28 (par. 1) endows the population of Indonesia with several basic human rights, including:

- The right to life;
- The right to be free from torture;
- Freedom from slavery;
- Freedom of religion, speech, education, employment, citizenship, place of residence, association and expression;
- Protection of traditional cultural identities and non-discrimination, including freedom of conscience;
- To be recognized as a person before the law;
- Freedom from prosecution under retrospective legislation.

The last clause, prohibiting prosecutions under retrospective legislation has created a dilemma for Indonesian and international human rights activists. Under this clause all prosecutions for past human rights violations will be considered invalid, thus being outside the ambit of the law at those times, which might not adequately address the victims’ demands for justice. To counter this restriction the DPR, in November 2000, enacted a new law establishing...
courts to be set up to deal with past crimes. These ad hoc courts or tribunals will be critical in ensuring that the process of justice moves forward because – as an exception to these tribunals – they retroactively investigate gross violations, such as those committed in East Timor prior to independence. Article 43 of the Bill on the Commission states explicitly the recommendation of Parliament and a presidential decree. The Attorney-General has asked the Office of the High Commissioner on Human Rights to assist in the training of members of the court, including prosecution and defence, in addressing allegations of human rights violations under the new legislation rather than under the Criminal Code. Defence lawyers will plead the constitutional amendments.

The amendment to the Constitution suggests there is insufficient political will to try high-ranking military officials for human rights violations committed during the New Order regime. So far, the government of President Wahid has failed to bring a single perpetrator of these serious crimes to account. The new human rights court law, however, does cover people suffering from inhuman or degrading treatment or punishment. The new Komnas HAM will be pluralistic and give a voice to the rights of minorities and indigenous peoples, including expanding their efforts in far-away provinces. Training programmes are now held in Java and Bali but not in Sumatra, Kalimantan, Maluku, Sulawesi or West Papua. The Commission has opened a branch office in Aceh, however, and is making efforts to open one in West Papua. The Commission has opened a branch office in Aceh, however, and is making efforts to open one in West Papua.

Truth and reconciliation

Hundreds of thousands of people were the victims of serious crimes which have gone unpunished by the failed and corrupted justice system in Indonesia. Most of these crimes will go unresolved if official or unofficial sources in Indonesia there is a desire to see justice done and those who want to work towards reconciliation. Options for a Truth and Reconciliation Commission, such as the one set up in South Africa, are being discussed, but again, a clear political will to address the past is lacking.

Treaties

Indonesia is a member of the UN and as such adopted the Charter of the UN, thereby committing itself to promoting and encouraging respect for Human Rights and to fundamental freedoms for all without distinction as to race, sex, language, or religion. Indonesia has confirmed its faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. Finally, Indonesia has committed itself to take action in cooperation with the UN to achieve universal respect for human rights (Articles 55 and 56). One can assume that such action should in the first place be taken inside the borders of Indonesia. Indonesia has signed and ratified a number of international treaties:

• Convention on the Political Rights of Women
• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
• International Convention on the Elimination of All Forms of Racial Discrimination (1965)
• International Convention against Apartheid in Sports

Indonesia has yet ratified the:

• International Covenant on Civil and Political Rights (1966)
• International Covenant on Economic, Social and Cultural Rights (1966)
• Convention on the Prevention and Punishment of the Crime of Genocide (1948)

It has, however, made a commitment in a National Plan of Action on Human Rights 1998–2002 issued in 1998, to ratify these before 2003. The government of Indonesia has ratified 10 ILO Conventions, most of them of a ‘technical’ nature. Two among the 10 are so-called human rights conventions. No. 29 on Forced Labour and No. 98 on the Right to Organization and Collective Bargaining. The government has not ratified the only two international instruments addressing the rights of indigenous and tribal peoples, which are the 1989 ILO Convention No. 169 concerning the ‘Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries’, and the 1995 ILO Convention No. 176 concerning ‘Freedom of Association and Protection Against Anti-Union Discrimination’. Both Conventions are relevant to indigenous peoples, since they deal with the formal recognition of the legitimate rights of ownership and possession of land. The government has not yet ratified these Conventions.

Decentralization and regional autonomy: an even distribution of wealth

As a unitary state, Indonesia allows the provinces only a small role and very little responsibility in the conduct of political and economic affairs. In an attempt to reverse centralization, the Indonesian government has passed two new laws. Law 22/1999 on Regional Government provides for the election of regional heads – provincial governors, district heads – as a prerogative of the centre that has to be earned by the provinces that are their law. The law also lacks provisions to protect rights of mobility, and to prohibit discrimination based on ethnicity, non-residence and other factors. Finally, the laws does not include sufficient protection against corruption, collusion, nepotism and money politics. While there is quite widespread agreement on the importance of giving more power to the regions, there is a general fear there will be no significant devolution of central power, since the law is too vague and other laws need to be revised to make it work. Provinces that are rich in natural resources regard themselves as victims of past injustices, and express higher expectations on what regional autonomy can deliver.

Despite all these mitigating the provinces – which have not been consulted or involved in the drafting of the new laws – would prefer to have the laws implemented sooner rather than later, indicating that at least at a step of some significance towards having their demands – that the centre should devolve more power – met. They hope to resolve the problems later. That preference stems from the strong historical distrust that the central government has a genuine political will to be devolution to give any significant amount of authority to the regions.

For the government, the implementation will provide the opportunity to dispel some of the deep distrust felt for the central government. It will encourage and give more power to the Commission, including the power to subpoena (in particular to prominent figures in society, Komnas HAM) and to implement the law. As the government has stated, it is crucial to implement the law in six months before the elections. A successful vote at the election for mayors and governors will serve to strengthen the political and economic legitimacy of the new government. It will be able to strengthen the capacity of the centre to counter any potential resistance to the decentralization process. The government will also be able to present a clear message that it is serious about decentralization.

While there is quite widespread agreement on the importance of giving more power to the regions, there is a general fear there will be no significant devolution of central power, since the law is too vague and other laws need to be revised to make it work. Provinces that are rich in natural resources regard themselves as victims of past injustices, and express higher expectations on what regional autonomy can deliver. Regional governments, under the new law, will become the implementers of central government policies. This will by no means satisfy the political and economic demands of the regions.

For the government, for it to be successful in any way, there is a need to improve the capacity of local legislatures to strengthen accountability and transparency, as well as the capacity to manage their own public sector. There should be an intensive inter-regional consultation on the process. To develop a shared vision of centre–region relations. There should be an intensive inter-regional consultation on the process, to develop a shared vision of centre–region relations. There should be an intensive inter-regional consultation on the process, to develop a shared vision of centre–region relations. There should be an intensive inter-regional consultation on the process, to develop a shared vision of centre–region relations. Indonesia has signed and ratified a number of international treaties:

• Convention on the Elimination of All Forms of Discrimination Against Women (1967)
Conclusion

While the various regional conflicts appear different at first glance, the previous sections indicate that there are common denominators. First, there is the legacy of the centralized power, whereby resources were exploited and transmigration policies forced people from Java to move to outer regions. Military force was widely used to quell cultural assertiveness and other expressions of discontent by peoples who were excluded from or suffered under these policies. Second, there is an unwillingness on the part of assertiveness and other expressions of discontent by peoples who were excluded from or suffered under these policies. Second, there is an unwillingness on the part of the Indonesian government to enforce an effective and just rule of law. The absence of justice and the continued impunity of people linked to the former elite has benefited the Indonesian military. The military in Aceh and in Maluku – as elsewhere in the country – are heavily involved in legal and illegal businesses, and many officers are bent on protecting their personal or institutional interests. The military has continued to refuse to submit itself to civilian control, and to reforms which would end its territorial structure and role in internal security.

Third, the power struggles in central and regional government, as well as institutionalized corruption at all levels, have led to confusion, intrigues and a general lack of effectiveness, leaving many of the country’s minority groups, particularly the women and children, vulnerable and repressed.

As well as the common denominators, there are clear differences between the regional conflicts discussed in this Report. While in Aceh the solution to the conflict may lie in the withdrawal of the agents of the state, in particular the military, in Maluku a solution could more probably be sought via the involvement of more professional agents of the state. There are deep historical roots to the conflicts, based on long-standing grievances, particularly in Aceh, West Papua and Kalimantan. Cultural frictions resulting from Javanese dominance, Javanese colonization and cultural denigration also play a role. However, it should be remembered that such friction is, in some cases, a by-product of economic and social inequalities.

Recommendations

1. In those provinces/areas in which there is widespread questioning of the legitimacy of centralized authority, truly inclusive and independently monitored consultations should be carried out to ascertain the wishes of the population regarding their future status, and a plan of action should be drawn up and implemented to satisfy the wishes expressed.

2. Given the fact that the West Papuans were never given a genuine chance for self-determination and the Indonesian government did not live up to its obligations under the New York Agreement, there should be no barrier to re-examining the issue of a re-vote under international law. The conditions created by the Humanitarian Pause in Aceh, which has given both actors in the conflict greater room for manoeuvre at the expense of civil society, should be reviewed. The UN or other multilateral or bilateral donors should offer financial and/or technical support for these processes.

3. End the military’s role in domestic politics and in social and economic affairs, and set up a programme to professionalize the military and police, which includes training in the respect of human rights principles. Specialized international agencies such as the UN should offer technical and/or financial aid in these areas. A review of salary structures should be carried out to decrease the temptation to engage in corruption or resort to other illegal sources of income. (Establishing civil supremacy over the TNI should be the focus of government policy and should be done at an institutional level. The TNI should give up its territorial command structure and its lucrative business practices which are the key element in the TNI’s resistance to reform.)

4. Indonesia should accede to the two International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, the Genocide Convention, and ILO Convention No. 169, and take immediate steps to implement the provisions of these instruments. Indonesia should also accede to the Rome Statute on the establishment of an International Criminal Court.

5. Control over economic resources, especially timber, mineral resources and oil, should be devolved to the populations of the areas concerned. In particular, the rights of indigenous peoples to control and reap the material advantages of the resources located on their traditional lands must be recognized and fulfilled. In cases where indigenous peoples have been displaced due to transmigration, action should be taken to return their lands to them, giving due compensation to the settlers who currently occupy them. If this is not feasible, the indigenous peoples should be compensated with land of an equal quality.

6. Create the conditions for the existence of free, independent and plural media, which act responsibly in disseminating objective, truthful information. Ensure that incitement to hatred, including racial intolerance, is outlawed and punished.

7. Steps should be taken to ensure the independence of the judiciary from interference by the executive by any means, including through the use of constitutional amendments. Bilateral and multilateral donors should offer technical support for a fundamental reform of the judiciary, in particular by offering training for judges and law enforcement officials.

8. Ensure that those responsible for human rights violations are brought to trial and punished appropriately: The establishment of a Truth Commission should be considered. Particular attention should be paid to the identification and prosecution of the intellectual authors of gross human rights violations. Crimes against humanity and violations of international law must be recognized as such and those responsible should be prosecuted, any contradiction with present Indonesian law; including the constitutional amendment on retroactive prosecutions should be investigated and the necessary changes made. Steps should be taken to strengthen and ensure the independence and neutrality of the National Human Rights Commission (Komnas HAM), in particular by creating a procedure for the nomination of truly independent experts, including lawyers and human rights experts, to the Commission.

9. The Indonesian government, the UN, and bilateral and multilateral donors should provide support to strengthen moderate voices in Indonesia’s civil society, including initiatives to promote tolerance, build peace and manage conflicts. The government should institute a programme of education in schools to promote values of respect for diversity, human rights, and to provide information about the many different cultures of Indonesia.
Ibid

Muslims call for a stricter interpretation of the Koran as in Middle Eastern countries. This provides the army with the means to influence political developments at every level of government and makes the Indonesian elite even more vulnerable to military pressure or intervention. Steps taken to gradually diminish and reform this structure (for instance by strengthening the Senate and the Legislative Council) did not affect the power of the TNI as stipulated in MPR decree V/2000) were met with strong resistance from many TNI members.

During the early twentieth century, the overseas Chinese were deeply influenced by revolutionary developments in China. The Chinese of Java were not only involved in the Boxer Rebellion in China but also were active in the independence movement in Indonesia. The Chinese of Java were deeply influenced by revolutionaries and freedom fighters who returned from China. The Chinese, who had been living in Java for centuries, were now fighting for their independence. The Dutch government was concerned about the influence of the Chinese on the Indonesian people and took measures to suppress it. The Dutch government feared that the Chinese would use the independence movement as a cover to promote their own interests and undermine Dutch authority. The Dutch government took measures to restrict the activities of the Chinese, including banning the Chinese from participating in political activities and limiting their education and employment opportunities. The Chinese community responded by forming their own organizations and networks, which provided them with a sense of community and identity. Despite the challenges, the Chinese community continued to play a significant role in Indonesian society, contributing to its cultural and economic development.

29 The UN had never recognized East Timor as being a part of Indonesia.

30 For details on the invasion of East Timor by Indonesian forces and the subsequent occupation, see Suter, op. cit.

31 The TNI (Tentara Negara Indonesia) is the Army of the Republic of Indonesia, founded in 1945. The TNI is the largest of the Indonesian military forces, with one million members. It is responsible for defense and security in Indonesia. The TNI has been involved in many conflicts and wars, including the Indonesian-Malaysian War in 1963, the East Timor War in 1975, and the Aceh War from 1978 to 1999. The TNI is also responsible for overseeing the police and for the maintenance of order and security.

32 Indonesia was an important part of Washington's plans for the containment of communism in South-East Asia, in particular when US involvement in Vietnam was at its peak. While there is no consensus over Washington's involvement, it is plausible to believe that it was involved. Also see Johnson, D.T., Gestapu: The CIA's Truck Tows "in Indonesia", Washington, DC, Center for Defense Information, 1976.

33 Feillard, op. cit.

34 Some religious groups were involved, including: the nationalist wing of Nadhalul Ulama (NU); see Robinson, G., The Dark Side of Paradise: Political Violence in Bali, Itasca, IL and London. Cornell University Press, 1984.


36 For details on the attacks on Chinese women see Chin Ung Ho, The Chinese of South-East Asia, op. cit.

37 The TNI (Tentara Negara Indonesia) is the Army of the State of Indonesia (numbering 275,000 troops).

38 Desforges, the dual role of the army, is left over from the independence period when many members of the revolutionary armed forces were given tasks in administration, security and even agriculture, etc. It later became an official doctrine that specifically mandates a social and political role for the Indonesian military in addition to the traditional military function of external defence. During Sukarno’s New Order period it was used to justify the military’s extensive role in politics and led to the utilization of civilian control over the military. The result was a combination of corruption and human rights abuses that undermined the military’s claim to this dual role. TNI doctrines are currently being changed by the Ministry of Defence. The new TNI can be divided into two main elements within which are competing. So far few concrete steps have been taken to reduce or limit the role of the military in politics on an institutional basis.

28 Through its territorial structure, the army maintains military units in every province, district and every sub-district throughout Indonesia. This provides the army with the means to influence political developments at every level of government and makes the Indonesian elite even more vulnerable to military pressure or intervention. Steps taken to gradually diminish and reform this structure (for instance by strengthening the Senate and the Legislative Council) did not affect the power of the TNI as stipulated in MPR decree V/2000) were met with strong resistance from many TNI members.

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Court. Although cases are appealed to the standing High Court and Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The laws provides for internationally accepted definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as defined in the 1949 Geneva Conventions as a gross violation. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offence (US State Department Human Rights Report 2000).

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Romani/Cypsies: A European Minority

Romania’s Ethnic Hungarians

Minorities in Central and Eastern Europe: Inclusion and Exclusion

The Saami of Lapland

The Southern Balkans

The Two Ilands
Indonesia: Regional Conflicts and State Terror

Indonesia is a state torn by vicious and prolonged conflicts which, over recent years, have claimed tens of thousands of lives and left nearly a million people displaced. Diverse as they are, these conflicts are sustained and exacerbated by a set of common factors including the role of the state’s army, the extreme development gap between the island of Java and most of the outer regions, the effect of the government’s policy of transmigrasi (forced migration), and its political manipulation of religion.

This Report gives the historical background to the current conflicts, starting with an overview of the recent history of Indonesia. It then focuses on two of the main conflicts, in Aceh and Maluku, highlighting the factors that provoke and prolong the bloodshed. The Report ends with a look at the current reforms and a discussion of the many issues facing Indonesia today. The Report also offers a set of recommendations aimed at supporting peaceful solutions and respect for the human rights of all the population.