

# Indonesia: Regional Conflicts and State Terror

AN MRG INTERNATIONAL REPORT • INDONESIA: REGIONAL CONFLICTS AND STATE TERROR



## INDONESIA: REGIONAL CONFLICTS AND STATE TERROR

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Displaced Acehese villagers in mosque.

DERMOT TATLOW/PANOS PICTURES

# Indonesia: Regional Conflicts and State Terror

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### 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 esca-

tion 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.

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### Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (Adopted by General Assembly Resolution 47/135 of 18 December 1992)

#### Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage 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 persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. [...]

#### Article 3

1. 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. [...]

#### Article 4

[...]

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

#### Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

### 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, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

#### Article 20

[...]

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

### International Covenant on Economic, Social and Cultural Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966)

#### Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

### International Labour Organisation, No. 169 Indigenous and Tribal Peoples Convention, 1989

#### Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs,

institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

#### Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. The use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

#### Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

#### Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.
2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

#### Article 16

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.
4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

# Preface

From Aceh in the west to West Papua in the east, from the islands of Maluku to Borneo, Indonesia is a state torn by vicious and prolonged conflicts. In recent years these conflicts have claimed tens of thousands of lives and left nearly a million displaced people across the country. International attention is occasionally drawn by renewed fighting or a fresh atrocity, but rarely stays long enough to enquire behind the glib explanations of ‘ethnic tension’ or ‘secessionism’.

Yet Indonesia’s conflicts, diverse as they are, are sustained and exacerbated by a set of common factors, as this Report makes clear. They include the extreme development gap between the island of Java and most of the outer regions, the effect of the government’s policy of *transmigrasi* or forced migration, and its political manipulation of religion.

Most immediately, members of the Indonesian military have pursued a deliberate strategy of prolonging conflicts in order to promote their commercial interests in conflict areas and to justify their uniquely powerful position in the Indonesian polity. The special dual role (*dwi-fungsi*) of the Indonesian military, left over from the independence struggle with the Netherlands, was used by President Suharto to legitimate the army’s political and economic power, and weaken civilian control over it. Military influence was institutionalized, from parliament right down to village level.

It is difficult to give a complete overview of all that is happening at a time of great turmoil, and *Indonesia: Regional Conflicts and State Terror* focuses on two of the main conflicts – in Aceh and Maluku – as a means of highlighting some of the factors that continue to provoke and fuel the bloodshed. The Report’s Jakarta-based author, Mieke Kooistra, also considers the nature of the conflict and discontent in West Papua, and in Sulawesi and West Kalimantan. Her work follows earlier reports from Minority Rights Group International (MRG) in 1997 and 2000 on East Timor and West Papua, and on the position of ethnic Chinese in Indonesia and throughout South-East Asia.

In looking at how conflicts have developed in Indonesia, and highlighting the extent of the abuses of minority and indigenous peoples’ rights, this new Report in no way seeks to sensationalize recent events. It should be stated from the outset that there are regions of calm in Indonesia, in which peoples live and work together in peaceful coexistence. However, this is not the case for millions of people, who live in fear of the state’s military and police forces. Others are frightened of intimidation from the various armed militia. And many feel that Indonesia cannot and will not represent their interests: they believe that secession is their only answer.

MRG does not seek to make any claim as to which islands form, or do not form, part of Indonesia. However, the 1999 events in East Timor – a brutal correction of a

gross injustice, after Indonesia’s invasion of East Timor in 1975 – have undoubtedly spurred on others who seek secession. While East Timor was never recognized by the United Nations as part of Indonesia, most commentators agree that West Papua’s inclusion as part of Indonesia was highly dubious. There can be no escape from the issue. The fight for independence by West Papuans – and others – is not going to go away.

This Report argues persuasively that others profit from the conflicts. There are undoubtedly those with various interests within the military and the ruling elite who stand to gain from the fighting and instability. Meanwhile, tens of thousands of civilians have died, suffered torture or been forced to flee their homes. Intimidation and violence continue unabated in Aceh, despite public gestures of reconciliation from the new authorities in Jakarta, and the calls for secession are growing. In Maluku, fear and mistrust between communities, based on attacks by both Christian and Muslim mobs and militias, have become entrenched.

MRG believes that the key to the resolution of the conflicts in Indonesia is for minority and indigenous peoples’ rights to be respected and acted upon. To this end, the Report concludes with a series of policy recommendations aimed at furthering peoples’ rights, ending impunity for human rights abuses and working towards peace. In particular, it calls for civilian control over the military, and an end to the extensive role of the Indonesian army in domestic politics and social and economic affairs.

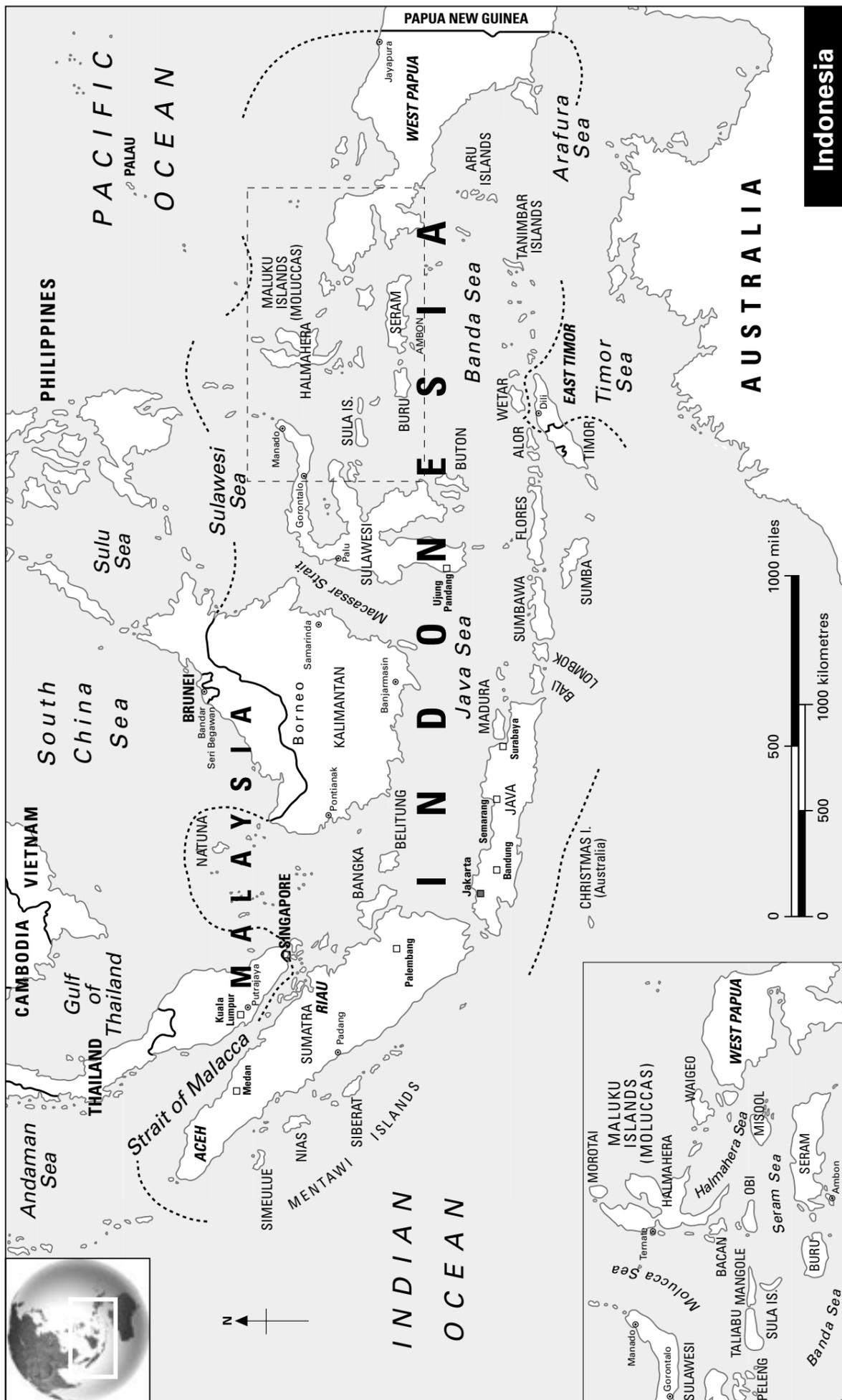
As this Report goes to press, President Wahid’s position looks fragile and the future of the state of Indonesia, and of its 215 million people and hundreds of ethnic groups, looks increasingly uncertain.

Indonesia has had three presidents in as many years, and political control remains divided. Meanwhile, perhaps regardless of who occupies the president’s seat, conflicts rage across Indonesia – and the state’s army continues to abuse human rights with impunity.

Mark Lattimer

Director

June 2001



# 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, practise 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.<sup>1</sup>

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 civility 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 civilized rule 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.<sup>2</sup> 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 *transmigrasi* 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 democratization. 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 conflicts and their causes

Much of the discontent stems from the fact that successive Indonesian governments have consistently refused to acknowledge the rights and needs of indigenous peoples. Dissatisfaction over decades of misguided, inequitable, discriminatory and repressive government practices – the siphoning off of resources, the forced transmigration policies, the erosion of traditional values of indigenous communities and, most importantly, the rampant abuse of human rights by the authorities – have intensified the strong calls for independence in Aceh. In several other parts of Indonesia, notably in Central Sulawesi, Maluku and West Kalimantan, similar forms of exploitation have sparked a variety of violent conflicts, some with religious, communal or ethnic undertones. In West Papua the demand for freedom from Indonesia (the latter claimed sovereignty after the dubious 1969 'Act of Free Choice') has further intensified.

While all these conflicts might at first appear very different, there are some common denominators: the demand for the restoration of justice; a demand for a greater share of revenue and more political power; and an end to the efforts by the military and members of the former elite to destabilize the country. While the root causes of these conflicts may differ, the continuation of all of them is, in part, the result of power struggles within the government, and the unwillingness of the Indonesian government to enforce an effective rule of law and end the military's ability to act with impunity.

The various conflicts have claimed thousands of lives and have left nearly a million displaced people across the country.<sup>3</sup>

There is a genuine fear that violence could spread throughout the country, plunging Indonesia into ever greater chaos 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 peaceful areas in Indonesia.

The aim of the Report is to highlight the absolute need and obligation of the Indonesian government – if Indonesia is to survive as the 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).<sup>4</sup> It examines how the humanitarian suffering, the policies of past regimes in the name of 'national unity', the lack of respect for indigenous peoples' 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 are 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, its birth and the period of nation building. Then it will describe why and through which particular forces this concept of a multi-ethnic pluralistic state has been seriously eroded. These forces will be further highlighted in the sections on Aceh and Maluku.

## Early history

Some of the earliest known groups of humans lived in the central Indonesian island of Java; 'Java Man' is hundreds of thousands of years old.<sup>5</sup> Movement in and out of the archipelago began around 40,000 years ago. The area which started calling itself Indonesia in 1945, and which became officially known as Indonesia in 1949, has been a meeting place for many trading peoples – from the Arabian peninsula, China, Europe, India, Melanesia and Polynesia – for thousands of years, and has always been influenced by many different cultures. Over the past 2,000 years, Arab, Chinese and Indian traders left their imprint on the religions, cultures and languages of the islands. These successive waves of migration over the centuries explain contemporary Indonesia's astounding ethnic diversity.

From early on the peoples of the islands were eager to absorb new influences and ready to explore beyond the confines of their own religions. Indian traders brought Buddhism and Hinduism and their 'Indonesian' followers blended and borrowed elements from one another. Many elements of Java-Hindu culture and Hindu-Buddhist culture have survived to this day, some of which are considered fundamentally 'Indonesian', such as the gamelan

orchestra and the kraton courts of Solo and Yogya. The present state motto, *Bhinneka Tunggal Ika* (Unity in diversity) is a Sanskrit phrase, and the mythical bird Garuda, the mount of the Hindu god, Vishnu, is the national symbol of modern-day Indonesia.

When traders brought Islam it first spread through northern Sumatra (Aceh) and then to Java. Because it was brought by traders, rather than as part of a military conquest, it was accepted easily. At the time the European Christians arrived (Portuguese first, British and Dutch later), Islamization was far from complete. The influence the early Portuguese traders had on religion overall was confined to the area around Maluku,<sup>6</sup> but elements of design, language, music and ship-building techniques were adopted and persist today.

There have been earlier attempts to unify the sprawling archipelago. During the Majapahit Empire (1292–1398), the chief minister, Gajah Madah, worked hard to unite the separate islands and kingdoms. It was the fate of history, however, which decided on the current borders.

## 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 introduce commercial plantations and the need arose for an administrative system to oversee the production. With the bankruptcy of the Dutch trading company Vereenigde Oostindische Compagnie (VOC) the commercial enterprise became a colonial empire administered by a large bureaucracy of colonial civil servants. The Dutch introduced 'the Culture System', based on forced cultivation of crops such as indigo and sugar. It generated huge profits for the imperialist Dutch, but turned the island of Java into a vast labour camp where serious famines occurred.

With the introduction of the more humanitarian Ethical Policy in 1901 there was a call to show greater respect for ethnic groups and indigenous peoples. In reality, little changed. In 1940 about 90 per cent of the 68 million people remained illiterate, only 2 million children were in schools and a mere 630 Indonesians had graduated from Dutch tertiary institutions.<sup>7</sup>

## 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 would eventually be suppressed 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 had been through the Netherlands education system. Many of the young nationalists in the 1920s had studied in the Netherlands and, on return, could not reconcile the European Enlightenment

values of liberalism and democracy with the repressive nature of a 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 800,000.

In 1928 a congress of youth groups put forward the idea of 'One Nation, One People and One Language'. The Dutch were by no means impressed. They arrested Sukarno, Hatta and Shjarir (the leaders of the PNI) and eventually they were exiled for up to 15 years without trial to small, out-of-the-way islands. All political parties were broken up and petitions were ignored.

Japanese troops landed in the colonial capital Batavia (which later became Jakarta) on 1 March 1942, and the Dutch surrendered without much of a fight. During the three-year occupation, the Japanese encouraged Indonesian nationalism and mobilized some political activity. Sukarno took advantage of the opportunity to educate the masses and instil in them a nationalist consciousness.

Following the Japanese surrender in defeat to the Allied Forces, Sukarno and Hatta proclaimed independence on 17 August 1945 and the Republic of Indonesia was born. The Dutch, however, sent troops to reclaim 'their' territory. The ensuing struggle lasted four years and ended with the defeat of the Dutch. The United Nations (UN) assisted at the Round Table Conference in 1949, which resulted in the transfer of sovereignty to the Republic of the United States of Indonesia on 27 December. This transfer did not include West New Guinea (current West Papua), which remained under Dutch rule.

## Self-determination

It was decided Indonesia was to be a federal republic (Republik Indonesia Serikat – Republic of the United States of Indonesia) consisting of 15 autonomous states, excluding what is now West Papua, which remained under Dutch control. Some saw the creation of a federation as a Dutch strategy to sow division in Indonesia.

One of the major questions discussed at the Round Table Conference was that of the 'external right of self-determination', namely, the right of Indonesian territories to dissociate themselves from the Republic of the United States of Indonesia and to enter into a special relationship with both Indonesia and the Netherlands.

During the moves in 1950 to change the status of the new republic from a federated to a unitary form of government, the Netherlands High Commissioner, in a letter of 25 May addressed to the UN Commission for Indonesia, expressed his government's concern over safeguarding the right of self-determination, and asked how this right could be carried into effect in a unitary state.<sup>8</sup>

In his letter of 8 June to the Commission, the Indonesian Vice-President, Mohammad Hatta, expressed the view that the right of self-determination of the peoples of Indonesia was to be guaranteed by establishing autonomous provinces or communities; he further stated that preparations were being made to hold general elec-

tions to a constituent assembly as stipulated in the Provisional Constitution, and that the constituent assembly, together with the government, would enact the final Constitution 'displaying the real democratic features of the unitary state'.

On 15 August 1950, in the Indonesian House of Representatives, President Sukarno proclaimed the establishment of the Republic of Indonesia as a unitary state. The federal 'United States of Indonesia' had lasted only eight months.

## Who became Indonesian?

From the beginning most Indonesian nationalists 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 European and played an important role in colonial society; but as *trekkers* (those who kept the Netherlands as their home) outnumbered *blijvers* (those who considered the Netherlands East Indies their homeland), the Eurasians had found themselves increasingly discriminated against and marginalized. It is ironic that the first nationalists were Eurasians who argued that 'the Indies [were] for those who make their home there'.

The Dutch, like all colonial governments at the time, had encouraged immigration of Chinese workers as merchants, artisans and intermediaries in the collection of crops and taxes from native populations. Over time, a sector of the Chinese community came to dominate economic life.

Resentment against the Chinese runs deep in Indonesia. They were never accepted as full citizens; formerly, they were not allowed to participate in politics and were barred from the military and the civil service. There was also a special code to denote ethnic Chinese on their compulsory identity cards. Chinese Indonesians had to forego their Chinese name and adopt an Indonesian one. The political culture treated them as alien, despite their contribution to economic life.<sup>9</sup>

The 1945 Constitution was drafted within the context of the Dutch ethnic hierarchy. It provided that citizens of the new, independent Republic of Indonesia were those in the Indigenous category (automatically) and any members of the other two categories who resided in and claimed Indonesia as their homeland and were loyal to the Republic. In the original constitutional language the definition of an Indonesian citizen is 'indigenous Indonesian peoples' (*orang-orang bangsa Indonesia asli*) and those people of other races who are confirmed as 'citizens by law'.

Fifty-five years later, largely as a result of the New Order's division of Indonesians into 'indigenous' (*pribumi*) and 'non-indigenous' (*non-pribumi*, i.e. Sino-Indonesian), the language of the Constitution is seen by the Chinese community as a way to provide justification

for discrimination. During the heated debate on this chapter in Commission A of the Annual Session in August 2000, one member asked rhetorically ‘Who are truly indigenous Indonesians?’ referring to the successive waves of migration from the South-East Asian mainland to what is now Indonesia. Nonetheless the original language has been retained in the Constitution.<sup>10</sup> For 32 years Suharto’s Presidential Instruction No. 41/1967 banned the use of Chinese symbols and many other Chinese cultural traditions were restricted. President Abdurrahman Wahid revoked the instruction in 1999. The 6 million Chinese in Indonesia<sup>11</sup> (only 3.5 per cent of the population) are now free to practise their culture, language and religion, but many still feel constrained from doing so openly out of fear of becoming targets of strong anti-Chinese sentiment.<sup>12</sup>

During the 2001 Chinese New Year celebrations (the second year such celebrations were allowed) the 3-metre-high iron fences used to barricade the streets of Glodok, Jakarta’s Chinatown, and the 8,000 troops deployed around the city’s 130 temples, were a painful reminder of the 1998 riots in which many Chinese neighbourhoods were attacked and burned.<sup>13</sup>

# 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.<sup>14</sup> In addition to a shared history and a shared victory, language was a strong factor in uniting people in the new country.<sup>15</sup> 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 centralized. 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 [Sumatran] 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 *abangan* (traditionalists) and *santri* (more pious; also called modernists but in fact more political and at times more conservative than traditionalists).<sup>16</sup> 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 Javanese.<sup>17</sup> 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 return on their products from Jakarta. Resentment over Java’s control was very strong and rebellions broke out in the 1950s first in Maluku (1950) and in Aceh (1953), then 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. Indoctrination courses 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 raided 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.<sup>18</sup>

## The fall of Sukarno and the Suharto years

Suharto had meanwhile risen steadily through the ranks of the new state military. He was commander of the elite Kostrad army division<sup>19</sup> when he led efforts to counter an abortive coup on 30 September 1965 that his government later blamed on the communists. The real

events surrounding this period are still clouded in mystery and there are many (controversial) theories. The most common reading of events is that junior military officers planned a coup on 1 October 1965. This so-called coup, which killed six senior generals and proclaimed a kind of revolutionary council to take over power, was quickly suppressed by Suharto, who was then in charge of the army's strategic strike force. The coup was blamed on the PKI. Suharto was then appointed by a provisional national assembly as Acting President to replace Sukarno in 1967, and became full president the following year.

There is no consensus on what really happened but many believe that the 30 September Movement was an instrument in the hands of General Suharto and possibly formed with the consent<sup>20</sup> of the American CIA for the purpose of 'saving Indonesia from communism'. Whatever the explanation, the fact is that the 'coup' provided a pretext for the extermination of the PKI and rapidly put the reins of power into the hands of General Suharto.

The military action against the PKI following the 'coup' unleashed a massacre of perhaps half a million people. The strength of the PKI had reinforced the tendency among right-wing elements (the army and conservative Islamic groups) to identify minority Chinese with communism<sup>21</sup> and as a result the ethnic Chinese population became a particular target, along with leftist journalists, academics, students and writers, irrespective of their ethnicity.<sup>22</sup> The killings were mostly carried out by non-military groups,<sup>23</sup> in open daylight and the victims often had no link to the PKI at all. Instead these murders were often used for settling old scores or as an opportunity to give way to the general resentment felt towards the Chinese. The killings went on until at least 1969. Thousands of people filled the jails, often imprisoned without trial; some languished in their cells for decades before being executed. The fear thus created served the Suharto regime very well. For the entire period of Suharto's rule, the accusation of any (supposed) association with the PKI or with communism in general, remained a powerful tool of repression. This was particularly true for the Chinese minority who became forever linked with communist sympathies. It was only in 1999 that President Habibie released the last 10 prisoners from this period.

The nationwide killing spree has not given rise to any national reflection or soul-searching by Indonesians. It is only since the fall of Suharto that victims of this period have cautiously started to come forward, trying to seek redress. President Wahid has called for a lifting of the ban on communism, and the opening of the files from 1965, which has led to strong opposition, mainly from Islamic groups. The massacre still hangs like a cloud over Indonesia, and many say this should be the starting-point for any serious attempt at national reconciliation.

## The economic boom

Indonesia has experienced consistently high economic growth since the beginning of Suharto's New Order in 1966. The boom was helped along by huge reserves of natural riches such as oil, gas, timber, copper, uranium and gold. From 1965 to 1988 macro-economic growth, com-

bined with the effects of a successful family planning programme, raised Indonesia's per capita GNP by almost 5 per cent a year. The economy continued to perform well during the period 1993–6 when growth averaged 7.5 per cent per year. The number of people living below the poverty line declined and foreign investment soared. Indonesia was widely seen as one of Asia's new tigers, well on its way to catching up with Malaysia, South Korea or Taiwan.

The boom provided the regime with its strongest pillar of legitimacy. However, corruption, inefficiency and mismanagement were the downside of the economic development, and the toll on the environment was huge. Exploitative mining and forestry operations in outer regions created massive erosion, pollution and other environmental problems. Indigenous peoples were not given the right to manage and control their own natural resources, and attempts to claim these rights were met with military or police violence.

Rampant institutionalized corruption contributed greatly to the fragility of the Indonesian economy. The economy was controlled by an incredibly wealthy elite, all of whom had close personal connections with the Suharto family. State banks were able to give unsecured loans to friends of the regime, while Suharto's family and friends won monopolies on everything from newsprint to cigarette cloves. Economist Hartoyo Wignyowiyoto said, only half-jokingly, that Indonesia was a 'mafia' economy, and went on: 'I have observed mafia systems all over the world. They only end when the godfather disappears.'<sup>24</sup> Western governments and multinational corporations shared some responsibility for the corrupt practices of the regime. The payment of bribes, the use of military personnel to defend corporations' installations and investments, and the general lack of attention paid to the misuse of funds was common, and contributed greatly to the exploitation of ordinary citizens – particularly the indigenous peoples – as well as to the erosion of the principles of honesty, transparency and integrity.

## The fall of Suharto

By encouraging the growth of corruption at the centre and stifling genuine development initiatives in the outer provinces, the centralized system of governance had become more and more dysfunctional by the 1990s. The Asian financial crisis hit Indonesia in 1997, provoking a currency crisis which slashed the value of the rupiah by 85 per cent. Student-led demonstrations demanded that Suharto step down. The politics of destabilization, orchestrated by Suharto to dispose of credible democratic opposition, in combination with the social tensions aggravated by the monetary crisis, unleashed a wave of violence in the country. This violence was mainly directed against the Chinese community, who had always been an easy target and were blamed unjustly for the collapse of the economy. Mobs of armed young men began to appear on city streets, carrying anti-Chinese banners. Many businesses belonging to Indonesian Chinese were destroyed. A total of 2,000 people were killed while Chinese women were hunted down and raped and killed by gangs, which appeared to be well organized.<sup>25</sup> Finally, after weeks of

student street protests and under pressure from the pro-democratic forces, the national Muslim leaders and some elements in the military, Asia's longest-serving leader finally stepped down.

## Suharto's legacy: the TNI<sup>26</sup>

Suharto had stayed in power for 32 years, during which he succeeded in strengthening the bonds of national unity mainly through the use of force. The tightly controlled political system was characterized by corruption, abuse of power and injustice. Anyone challenging the vested interests of the ruling clique invited harassment and retribution at the hands of the authorities. With the defeat of the Indonesian Communist Party, the Indonesian army had become the strongest and most influential institution in the country. The army was Suharto's primary instrument for the exercise of government authority and protection of the regime. Common rhetoric at the time was: 'The army will not take the risk of closing its eyes to anything that could endanger the development of the nation.' The special dual-function role of the Indonesian military (*dwifungsi*), a leftover from the independence struggle, was used by Suharto during the New Order regime to justify the army's extensive role in politics and economics, as well as the decline of civilian control over the military.<sup>27</sup> A large block of seats in parliament was reserved for military chiefs, and active or retired generals were given powerful places in the cabinet and in state companies. In addition, *dwifungsi* was applied to the territorial-command hierarchy. This allowed the army to place members of its 'socio-political wing' alongside government officials right down to village level. The idea was to keep in touch with local communities, explain to people how great it was to be Indonesian – and deprive potential rebels of a base. The result was that the military practically had free rein to do as it pleased as long as the interests of the rulers were protected. Massive human rights abuses were committed by the armed forces, all in the name of preserving the unity of the nation. The army repressed armed secessionist movements in the outer provinces just as strongly as it did student protests or labour unrest.

Furthermore the TNI (the Indonesian Army) has always been allowed to be involved in business and their dual-function role has provided the military with the opportunity to expand this role. Their business activities are justified by the theory that the military has to be mainly self-financing. About 75 per cent of the military's budget is met by informal means, and the TNI claims it could not operate if it did not own its businesses and take such payments. But most business practices (some [semi-] legal such as the running of airlines or plantations, many illegal such as smuggling, drugs, weapons sales, extortion and 'protection' rackets) leave millions of dollars mainly in the pockets of individual generals. Ordinary soldiers are 'encouraged' to find their own ways to supplement their meagre salaries. In conflicts like those in Aceh and Maluku, the TNI is heavily involved in legal and illegal businesses, and most officers are bent on protecting their personal or institutional interests instead of the interests of the population. Conflict has proved to be particularly

lucrative in Maluku, as people have become dependent on the armed forces and police for their safety.

After the fall of Suharto, the absence of justice and the continued impunity of people linked to the former elite has benefited the Indonesian military. The TNI has continued to refuse to submit itself to civilian control, and to reforms which would bring to an end its territorial structure,<sup>28</sup> its role in internal security and, most importantly, its role as protector of the political and economic interests of a powerful elite linked to the old regime.

The military continues to play a substantial internal security role, particularly in areas of conflict. Both the TNI and the police committed numerous serious human rights abuses throughout the past two years such as random shooting of civilians, rape, torture, beatings and other abuses, as well as arbitrary detention in Aceh, Maluku, Sulawesi, West Papua, West Timor and elsewhere. TNI personnel have often responded with indiscriminate violence after attacks on soldiers. They have also continued to conduct 'sweeps' which have led to killings of civilians and the destruction of property.

## The Wahid government and the period of reform

Since Suharto's demise the country has undergone a series of complex and wide-ranging transitions towards democracy, the most dramatic being the UN-supported vote for independence from Indonesia by the people of East Timor.<sup>29</sup> East Timor – a Portuguese colony on the eastern half of the Timor island – was invaded by Indonesian troops in 1975 and annexed as its 27th province. The invasion was brutal and more than 200,000 Timorese (almost half the population) were killed. Thousands more were imprisoned, tortured and murdered during the years of occupation which followed the invasion.<sup>30</sup> In 1999, when interim President Habibie promised to hold a referendum on independence, (pro-) Indonesian militias, backed by the armed forces, started a campaign of terror. Before, during and after the vote (the outcome was overwhelmingly in favour of independence) the pro-integrationist militia rampaged through the territory, looting, killing, destroying and burning everything and everyone in their path. Thousands of civilians were killed in the violence and hundreds of thousands were displaced from their homes.

The government of Indonesia officially handed East Timor over to the International Force for East Timor (INTERFET) on 27 September 1999, paving the way for international assistance, a UN transitional authority (UNTAET) and the elimination of militia activity. Since then the militias, with the backing of police and army, have continued their campaign of killings and intimidation. Their preferred targets are the East Timorese refugees held hostage in camps in Indonesian Timor (the western half of the island). But in October 2000, armed militia – with the consent of police and military – attacked a UN office in Timor and killed three members of its international staff.

When Abdurrahman Wahid was elected as president in October 1999 under a new election law, he inherited a

state on the brink of collapse. After East Timor, both Aceh and West Papua were more than ready to call Jakarta's dominance into question, and for a vote on self-determination. Apart from widespread local ethnic, religious and separatist violence, Wahid faced a divided military, a sulking elite and an economy in dire straits.

Abdurrahman Wahid is known as a democrat, a Muslim leader and a nationalist. He is a strong believer in *Pancasila* and the concept of the Indonesian state as envisaged by Sukarno.<sup>31</sup> He is strongly against the break-up of Indonesia and, since becoming president, has gathered international support for keeping the country together, travelling around the world to make sure other governments would back him up.

While international political leaders were unanimous in their support for the new president and the territorial integrity of Indonesia, the havoc wreaked by the Indonesian armed forces in East Timor put Wahid under considerable (international) pressure to show his respect for human rights. One of his first tasks was to bring to trial the army officers and militia leaders responsible for the East Timor killings. Investigations into the violence exposed the involvement of military officers of the highest rank. However, after the sacking of General Wiranto (who was made Coordinating Minister for Security in the first Wahid cabinet) very little progress was made.

The Wahid government has been engaged in a delicate balancing act between demands for genuine democratic reform on one side and the powerful anti-democratic elite on the other. Wahid's intention has been to turn Indonesia into a fully functioning democracy where regional conflicts are solved through politics rather than military force. In this democratic scenario the armed forces return to their barracks, accept civil supremacy, are denied any role in politics and economics and instead limit their role to national defence. Some reformists inside the military have supported Wahid in this, but, as events such as the actions of the West Timor militias, the aborted court cases, the military's involvement in the various conflicts and its complete disrespect for the law indicate, the military is still very powerful and enjoys the backing of a powerful elite linked to the former regime. (For more details see the Outlook section.)

# 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.<sup>32</sup> 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 regions was to support *transmigrasi*, which, again, was aimed at taking the pres-

sure 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.

All 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 practised 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 disputed 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.<sup>33</sup>

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 *abangan* (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, the Muslim political 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.<sup>34</sup> 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 *hajj* to Mecca and started to pray in public. These were cosmetic concessions to keep his credibility intact, but, in the last years of his rule, Suharto started giving modernist Muslims a greater role in politics. Modernist Muslims (*santri*) follow a stricter interpretation of Islam than the traditional or nominal Indonesian Muslims (*abangan*). The more militant wing of the modernists have always been opposed to Indonesia being a secular state. Suharto, at the beginning of his rule, saw in militant Islam a threat to national unity and cracked down hard, but in the 1990s his position started to change. The militant Islamic groups were lured into Suharto's camp by the president's efforts to accommodate modernist wishes.<sup>35</sup> Because of this, militant, right-wing Islam ended up with greater political influence and these groups became Suharto's staunchest supporters. In pleasing the modernist Muslims Suharto went further. Anti-Christian sentiments were used for his personal political purposes.

As a counter-measure to the resented domination of the economy and private capital by Sino-Indonesians (often Christians), Suharto gave lucrative business contracts to his own children and a handful of loyal *pribumi* (native) entrepreneurs. He purged the cabinet and the army chiefs of Christian generals and replaced them with those more agreeable to the modernist Muslims. Quick

and constant rotations of officers to root out the influence of the former generals in the mid-1990s caused the army to lose a lot of political influence. This process laid the foundations for the crisis that is still crippling Indonesia today. It created a division of the armed forces along religious lines.<sup>36</sup> The armed forces at the end of Suharto's rule had split into the red-white faction (secular nationalists) and the green faction (close to modernist Muslims).

By constantly shifting the balance of power and through political manipulation of religion, Suharto succeeded in upsetting the precarious balance of this multi-religious society. In some ways the campaign resembled the anti-communist drive nearly 30 years before. Complete control over information made it easy to spread ideas on international conspiracies involving Jews, Chinese and Christians.

From 1996 on, Indonesia witnessed a series of attacks 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 for 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 ethno-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

## Geography and history

Aceh is located on the northern tip of Sumatra, bordered on the north by the Malacca Strait 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 km. The capital is Banda Aceh and the main language spoken (next to Bahasa Indonesia) is Acehese.

Since 1988, the conflict in Aceh is said to have claimed 30,000 lives.<sup>37</sup> 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 Acehese have led to a strong call for independence as the first, if not only solution to the problems.

The Acehese, 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 Acehese lacked unity: the Acehese nobility were only interested in protecting their own respective territories. The last sultan of Aceh was exiled in 1907 and by 1913 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 *ulamas* (religious teachers). Still, a reformist religious revival led to the formation in 1939 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 Acehese of the Dutch, even though the Japanese carried on with the same colonial practices. After the war the Dutch did not attempt to reoccupy Aceh, but this did not stop the Acehese 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 *ulamas* took over the leadership role from the traditional aristocracy.<sup>38</sup>

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 Daud Beureueh. The movement had widespread popular support and the central government was unable to quell the movement by force. Aceh was granted provincial sta-

tus 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 institutions and alternative sources of power were brought under the control of the regime, creating new institutions when necessary. What was left of the traditional village structures after the independence war was either destroyed or co-opted by the New Order government. The *ulamas* 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 Acehese very hostile towards the regime and its imposed symbols of 'unity' and 'nationalism'. Violence committed by security personnel, mainly by the military, in their role 'as agents of Indonesian unity', led to the belief that the idea of 'a united Indonesia was terrifying in itself'.<sup>39</sup>

## Oil and gas

The discovery of massive reserves of natural gas in northern Aceh in 1971 and the development of the Lhokseumawe Industrial Zone (ZILS) five years later represented a turning point in contemporary Acehese 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.<sup>40</sup> 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-crop sites, and to work on plantations and

timber estates for the pulp and wood-processing industries. The sites were opened in forest areas, depriving local communities of forest resources and increasing the rate of forest destruction. The improved infrastructure and utilities were not immediately available to the local population. Instead local prices were driven up by the demand of the residents of the industrial complexes, and pollution reduced the quality of life of the local population. Meanwhile, the local economy stagnated and landownership diminished.

For the national government and its close ally the army, the industrial zone was an important 'national' asset. The Jakarta authorities desperately needed the income generated in Aceh to pay for economic development. The slightest disturbance would have a national impact. Thus the national ideology of 'economic development and political stability' needed to be enforced strictly at the expense of the development of the province of Aceh and its people.

## The Free Aceh Movement and the counter-insurgency operation

The repression by the army, the social transformations and the profound economic injustices reinforced both the sense of separateness and the deep distrust the Acehnese felt towards the secularism of the state, and can be marked as the root causes of the current conflict. The grave injustices left the people in shock and, with the destruction of traditional leadership, they were left without any appropriate channels for political expression. So when the Aceh-Sumatra Liberation Front (ASNLF), led by Hasan M. Tiro declared Aceh an independent state on the 4 December 1976, his movement began to draw considerable attention and sympathy. The ASNLF was crushed by the army but it revived again some years later as the Free Aceh Movement (Gerakan Aceh Merdeka, GAM). Relatively little is known about the history of GAM. To begin with, GAM was not successful because it did not have the support of the village *ulamas*. GAM rhetoric attacked Javanese exploitation but it did not have an Islamic agenda. It also lacked arms, serious preparation and foreign assistance, and, as a resistance force, it was no match for the military. In the 1980s, the military actions against GAM increased people's fear of the army. While the powers of the lowest level of government were eroded, GAM regrouped, re-armed and developed an ideology to win the support of the masses. GAM re-emerged in the beginning of 1989, taking the central and even the local government by surprise.

The counter-insurgency operation by the army (Dareah Operasi Militer, DOM) started in 1989 and was designed as a campaign that would terrorize the population and make them withdraw their support for GAM. The army was at the height of its power and thought itself essential to the survival of the New Order. In the first two years of the DOM, 2,000 unarmed civilians were killed by the military.<sup>41</sup> Many more were harassed, tortured or

made to disappear. Thousands of women were widowed, their husbands murdered or kidnapped. Children were orphaned. Some women faced sexual violence from soldiers, in part as a deliberate instrument of terror against their communities. These women became pariahs in their own communities, as some people did not want to associate with those singled out for such attention by the military. These single women, with children to support, could no longer go out safely to work in the fields. Some of these women now work for other people in return for a few kilos of rice. Others are reduced to feeding their family on boiled trunks of banana trees.<sup>42</sup>

Then developments in Jakarta took an unexpected turn as President Suharto started to shift his power-base from the armed forces to the Islamic movements. Suharto stimulated a national debate on reducing the role of the armed forces in civilian affairs.<sup>43</sup> The army became less sure of its position and needed the conflict to continue, both to secure its role as the sole guarantor of the New Order's interests and to maintain its financially profitable position in Aceh.<sup>44</sup> Crushing the Acehnese rebellion completely was therefore not in the best interest of the military. During the mid-1990s the army fought GAM only half-heartedly.<sup>45</sup> For the population this meant that the incredible suffering continued unabated. During that period, thousands of Acehnese civilians were killed, raped and tortured and children were left orphaned.

## After the New Order

During *reformasi* (reformation era), after the fall of the New Order regime, a formal ending of military operations and a partial troop withdrawal was announced. The resulting power vacuum provided GAM with the opportunity to re-establish itself. As the political climate changed, civil society in Aceh revived and blossomed. The people of Aceh found the courage to come forward and bring the years of terror and brutality to the attention of the national and international communities.<sup>46</sup> There are now close to 100 NGO groups working in the provincial capital, Banda Aceh. The student movement became a new channel to air the continuing frustration of the population. The fast-growing non-violent movement for a referendum served as a focus for the common will of the Acehnese and as a measure of their political activism after years of suppression under DOM. The student and NGO activists have built up wide networks, penetrating the villages and cooperating with local people to strengthen their communities' local defence. This resulted in a decline in influence as well as in popular support for GAM.

Inspired by the events in East Timor, where the referendum in September 1999 resulted in Indonesia being forced to give up its claim on the territory, the people of Aceh demanded to be given a similar choice. In November 1999, just after Abdurrahman Wahid became president, nearly 2 million of the province's 4 million inhabitants rallied in Banda Aceh in support of a referendum, and an end to military violence.

President Wahid had extended several olive branches to the Aceh militants as well as to the population, but most did not mean much in terms of improving the security or

the human rights situation, nor have they had any effect on the people of Aceh's overwhelming sense of injustice.

In an attempt to deal with the issue of justice, an Independent Commission to Investigate Violence in Aceh, was established by presidential decree no. 88/1999. It compiled evidence on five cases. The first case was brought to trial in a combined civilian-military court in May 2000. While 24 soldiers and one civilian were convicted of killing a religious leader and 50 of his students, only ordinary soldiers and junior officers were convicted. Senior officers escaped trial after the 'disappearance' of a commanding officer, who was a key witness on the links with higher levels of the military. The trial failed to meet popular Acehnese demands for justice for the massive human rights abuse, particularly during the anti-insurgency campaign of 1990-92, nor did it meet international standards of independence and impartiality. For many Acehnese it was just another sign Jakarta was not serious about delivering justice.<sup>47</sup>

In that same month the government of Indonesia and GAM formally agreed to a pause in the conflict to distribute humanitarian aid. The Joint Understanding on Humanitarian Pause, as the agreement is called, was seen as a first step towards peace. On 2 June 2000, 15 days after the signing of this historic accord, fighting between Aceh rebels and Indonesian forces was to be suspended for an initial period of three months. Two weeks later a six-point agreement, 'The Permanent Procedure of the Joint Committee on Security Modalities', was signed in Banda Aceh. This document stipulates that the Committee set up non-offensive monitoring procedures, draw up basic implementation rules, and reinstate and specify police peacekeeping duties.

The Indonesian government claims the accord is not a recognition of GAM, nor an indication that both sides enjoy similar status. President Wahid – contrary to earlier promises that he would allow a referendum (though without specifying the contents of such a referendum) – has since emphasized that his government has no intention of withdrawing troops or of conducting a referendum on Aceh's independence. Wahid's refusal to grant self-determination is consistent with his belief in maintaining the unity of the country. In signing the agreement he may well have hoped to prevent the domino-style disintegration of Indonesia.

In contrast, those GAM leaders who desire peace consider the agreement a step towards achieving their goal of an independent Islamic state. The agreement on a Humanitarian Pause, while hailed at the time as a breakthrough, proved to be a setback for civil society, which had flourished briefly after a period of repression. It led to a decrease in media-reported violence, but in fact the everyday violence faced by the population, as well as the intimidation and terror, actually intensified. The pause was meant to halt the violent aspects of the conflict temporarily, to allow humanitarian aid and development aid to flow into the impoverished province. In addition to reducing the suffering of the local population, this aid was to serve as a confidence-building measure, and to help move towards a peaceful solution. In this respect the agreement has been unsuccessful: a year after the first negotiations were held, while millions of dollars were promised by the international community, no significant aid, humanitarian or otherwise, has reached Aceh.

The Humanitarian Pause provided no punishment for taking up arms and, despite Wahid's intentions, the agreement gave acknowledgement as well as formal (international) recognition to GAM. The movement in turn took advantage of the new security situation to consolidate its hold over villages and embark on a terror campaign, in which killings, disappearances and cases of arson and intimidation have become common practice.<sup>48</sup> Children have been severely traumatized by their experience of the war and by being displaced. Hundreds of schools have been burnt. According to one report, the war has disrupted schooling for more than 11,000 Acehnese children.

Since the signing of the Pause and the subsequent extensions, the killings and kidnappings have continued unabated. Acehnese are forced to make financial contributions to GAM.<sup>49</sup> Wealthier villagers, such as business people, found themselves openly harassed by GAM members demanding money. People have had their houses burned down or, worse, are being killed when they refuse to contribute. In such a situation, criminal elements, often consisting of renegade troops, take advantage and create further suffering for the population.

Anyone who openly questions GAM's stance on independence has reason to fear for his or her life. Acehnese journalists say they now continuously fear retribution from both the army and GAM, and say it has become impossible to report accurately.<sup>50</sup> Human rights workers, *ulamas* and university staff are in the same position. Many are targeted and killed, others have disappeared and schools have been burned. 'Police look for GAM in the hills, but actually they are your neighbours', complained one human rights lawyer.<sup>51</sup> With the violence now coming from all directions it is difficult to identify the perpetrators. The result is the same: the moderate and democratic voices – those who should be consulted in a dialogue for peace – are quickly disappearing from Acehnese society. They are being intimidated and silenced by both groups.<sup>52</sup>

The armed struggle between the Indonesian army and the Aceh Freedom Movement has been disastrous for the civilian population. Tens of thousands of people have been uprooted and chased from their homes. Either they fled from the fighting or were forced to leave by troops and now huddle in make-shift camps. Living conditions in many camps are appalling. Many have only plastic sheets as shelter. Malnutrition is rampant among pregnant women and children. Sickness due to lack of clean water and exhaustion is commonplace. Dozens of babies have been born in the camps, with few or no medical facilities.

In the Islamic province, which calls itself the Veranda of Mecca, it is women who suffer a double burden. Like the men, they face the brutality of the state. But they also continue to be repressed by patriarchal social practices. Men make all the decisions in the camps. Women, many of them war widows without male family members, are deprived of information and of facilities.

Non-Acehnese minorities in the province have become the target of GAM attacks during the last decade. During the period before the June 1999 elections, transmigrant sites were targeted by GAM: death threats were posted on the houses, warning transmigrants not to vote and to leave Aceh. At the same time, the military put pressure on

transmigrants to use their vote.<sup>53</sup> The settlers, mostly from Java, were unjustly branded as tools of Suharto's attempt to enforce national unity and Javanese hegemony through social engineering. Many transmigrants responded to death threats by leaving sites *en masse* and fleeing to neighbouring North Sumatra or back to Java.

While the people of Aceh rally behind the call for a referendum on independence, the real issues and demands cannot be debated in this climate of fear. GAM hardly qualifies as a popular democratic movement, and its leader, di Tiro, is not revered as a sultan's descendant, as he likes to portray himself. While not all Acehnese would express support for GAM or for outright independence, all of them hold the Indonesian government responsible for their suffering. The popular demands therefore include:

1. accountability and redress for past and ongoing injustices and abuses, including trials and sentences of the most notorious offenders from the military;
2. more provincial power at the local level along with more economic wealth shared within the province by Acehnese;
3. increased international interest and presence (UN, NGOs, etc.) accompanied by effective pressure from appropriate foreign and regional powers upon Jakarta to reform the military, correct human rights violations and devise a new power arrangement for Aceh.

Despite its gestures of reconciliation, the new authorities in Jakarta have failed to move quickly to reduce tensions in Aceh, and have thereby made any alternatives to independence increasingly less acceptable. Until the government shows a real commitment to fulfilling the Acehnese's basic demands on justice, human rights, economic rights as well as autonomy, there is no reason to think that this will change.

# Maluku

## Geography and history

The approximately 1,000 islands of Maluku are spread across 850,000 square km between Sulawesi in the west and West 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 Bacan 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.<sup>54</sup> 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 origin is multi-layered and involves 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 *rajas*. 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 subdivision of this area into Christian and Islamic villages,<sup>55</sup> but the separation was not absolute. The *Pela Gandong* 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.<sup>56</sup>

With independence, the traditional governance structures started to disappear. While this was going on, large numbers of Muslims from other areas in the 1970s migrat-

ed 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, his followers set fire to 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 1992, 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 separatism 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

retained their powerful position in the bureaucracy and economy and for years being Ambonese or Molukan was incorrectly equated with being Christian.<sup>57</sup> When migrants (mostly Bukinese from Sulawesi) started to arrive in larger numbers this affected not only the religious and social balance, but some of the newcomers proved to be economically more successful as well.

The situation deteriorated when a Christian, Colonel Dicky Watimena, served as Mayor of the city of Ambon between 1985 and 1991. He subdued areas controlled by Muslim migrants from Sulawesi. In the 1990s, when Suharto's political survival tactics led him to start courting the Muslim groups, the balance tipped and regional politics and power (and the money, corruption and economic opportunities that go with it) shifted to Muslims. Christian resentment and anxiety increased as a result.

While the shifting of powers contributed to serious tension, there were no reports of violent clashes until 1999. Under former President Suharto discussion of religious and ethnic differences was strictly banned, driving such disputes underground, and perhaps hardening attitudes. There were acts of aggression by youths and incidental fights, particularly among gangs in the urban centres but nothing as severe as we witness today: systematically organized violence, well-financed and aggravated by the use of automatic weapons and the involvement of the army and police.

Religious tension in Indonesia is not confined to Maluku. The burning of mosques and churches as well as the killing of religious leaders have occurred in the last decade in the Medan area in Sumatra and in several cities in East Java. Yet in Maluku it has spun out of control.

There are several reasons why this was so. First, in the other areas the population is more diverse, with Muslims, Chinese, Protestants and Catholics, many of different ethnic origin, whereas in Maluku the population is equally divided into two: Christians and Muslims. Elites of both groups have been struggling for dominance. Hence the possibility of polarization is much more likely.

Second, the erosion of traditional governance structures followed by decades of undemocratic government has left society unable to deal with the complexities of the current political situation. Maluku is geographically far removed from Jakarta and links with influential pluralists in Jakarta are fewer than in the big cosmopolitan cities like Medan and Surabaya. There is a notable absence in the province of strong NGOs, such as the Nadhlatul Ulama (NU, the biggest Muslim organization) which, in other areas, succeeded in playing down incidents and mobilizing forces against provocations, while maintaining an intensive inter-religious dialogue between the two camps. All this has made stability in the province extremely fragile.

Like other regions, Maluku has suffered from increasing economic inequality, the result of a highly centralized political system and the cultural snobbery of Javanese bureaucrats with their overriding interest in maintaining the 'unified nation'. Like all current and past social upheaval in Indonesia, the apparently religious conflict in Maluku is rooted in the economic and cultural deprivation felt in all the outer regions. During the Suharto years, the province was at the centre of one of the biggest business scandals of the time, involving the clove monopoly of his

son, Tommy Suharto, who channelled hundreds of millions of dollars into private accounts and left the clove farmers and cooperatives with the burden of huge unpayable debts. Powerful local elites, with links to power-brokers in Jakarta, controlled the rest of the economic assets.

Still, many are puzzled as to how a seemingly small incident in January 1999 (the dispute over a bus fare) could explode into lasting communal warfare. Different theories exist, but they all point to one underlying cause: tension over economic control between rival elites had been steadily building up. This rivalry was caused by the shifting of political and economic power from one elite (Christian) to another (Muslim). Both elites controlled armed gangs who, in turn, had connections with political elites in Jakarta. The smouldering tensions erupted in 1999 and led to fierce fighting, fanned by rumours of revenge, increasing hatred and a fear of dominance by both religious communities. This climate of fear and uncertainty was then easily exploited by the powerful forces in the military and the former elite, which set out to undermine the move towards more democratic rule in favour of a return to more authoritarian (or military-dominated) politics.

Soon after a series of incidents in which villagers on both sides were massacred, a small group of militant Muslims in Java called for a *jihad* or holy war against the Christians in Ambon. They called themselves the Laskar Jihad and set up a paramilitary training camp an hour's drive away from Jakarta. Their call fell on sympathetic ears within the – minority – conservative circles<sup>58</sup> as well as those forces opposed to the new pluralist democratic leadership. While some mainstream political figures<sup>59</sup> came out in support of the Laskar Jihad, President Wahid called for the training camp to be closed and imposed a travel ban.

Despite this, the group was able to embark from the port city of Surabaya and travel to Maluku, where they arrived in April 2000. The group has since been involved in armed attacks, while the leaders have been travelling around the Maluku islands by commercial ferry and airplanes, unhindered. It is obvious that this group is well-armed, well-financed and well-protected by the military or powerful people with connections to the former ruling elite.

The arrival of Laskar Jihad, and their provocative behaviour and attacks, fanned the flames; the fighting soon turned into full-scale war. Christians had allowed the lines between civilians and militia to become blurred. Christian leaders have done little to stop this, allowing, in the name of 'self-defence', the appearance of Christian armed gangs. Both sides have since taken heavy losses. At the height of the war as many as 350,000 people, including families, fled into the mountains and jungle, where no help can reach them and they live without permanent shelter, adequate food or medical facilities. Large numbers of Muslims and Christians have fled to islands of neighbouring Sulawesi. Many agencies have had to suspend their relief operations because of the ongoing violence. The result is that many people have been left unprotected, without access to drinking water and basic sanitation. Many people in both Muslim and Christian communities visited by UN staff and other agencies com-

plain of severe trauma. They live in constant dread of the next attack. While there is constant fear and anger within and between communities, the conflict has not yet become personalized. It is the militias that fight each other, not members of communities. Yet there is virtually no interaction, as people feel community pressure to keep separate from the 'other'. Cross-community activities have all come to a halt.

After two years of fighting, the city of Ambon has been reduced to rubble and divided into a patchwork of 'red' (Christian) and 'white' (Muslim) enclaves. Local militias patrol with machetes and citizens – many wearing red or white wristbands to indicate their loyalty – dare not cross the dividing lines for fear of snipers. The university was burned down, leaving those who can't afford to go elsewhere without an opportunity for further education. Schools have been destroyed and children are forced to stay home. If the people of Maluku (assisted by elements of the military) continue to 'ethnically cleanse' areas according to religion, the division of the islands into Christian and Muslim areas will become more permanent. While the situation has calmed down somewhat, Maluku remains one of Indonesia's most explosive areas. There is a general atmosphere of panic as local people feel it is only a matter of time before the next clash.

## The role of the security forces

The presence of the Indonesian security forces has further complicated and deepened the crisis. 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 them have deserted) are involved in attacks, both on an individual basis and in certain groups. It is obvious the current situation is lucrative to soldiers. While the outbreak of violence has paralysed the local economy, military-owned and -run businesses in the conflict zones are operating at capacity (and without competition), indicating a military interest in continuing the conflict. There have also been claims of soldiers demanding money from citizens before moving in to protect them during attacks, and of soldiers and police orchestrating violence so they can take part in the looting which usually follows.<sup>60</sup>

Distrust of the security forces is widespread. Their weapons and ammunition have found their way to partisans. A Balinese Hindu, Colonel I. Made Yasa, was named military commander for the region, apparently in the hope that the change in military leadership to someone neither Christian nor Muslim would help defuse tensions. The rotation of army battalions came into effect to bring in more 'neutral' troops, but these too have become involved. The fact that salaries of soldiers are very low is often used as an excuse for the chaotic conditions, for which the civilian population has to pay the price. Military professionalism has been largely undermined by corruption and favouritism during the Suharto years. The role of the armed forces play in the Maluku tragedy has underlined this complete lack of professionalism.

## 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 no initiatives. 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.

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 disgraced, pro-Indonesian militias. In an overdue attempt to quell the violence President Wahid declared a State of Emergency on 26 June 2000, giving him and civilian authorities many of the powers that military commanders would have under martial law. But the civil emergency has done little to defuse tension in the region. It has done nothing in terms of upholding or 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 group. 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 people doubt the fact that the war in Maluku was deliberately fostered by people most probably linked to the former elite, and acting with the intention of destabilizing the current regime. As 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 fight. This image is fixed in the minds of even the most 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-pluralistic rhetoric, advocate hatred and undermine the democratization process. All this has added to the tragic polarization of Maluku.

To find a durable solution for the problems in Maluku is not easy. Few of the Islamic and Christian militants fighting each other today have any clear objectives. Instead they are motivated by a deep fear and mistrust of

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.

# Conflicts in other regions

## 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 1949 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 West Papua. 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.<sup>61</sup>

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. They 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.<sup>62</sup>

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 1972, the OPM enacted a provisional constitution and declared West Papua a republic.<sup>63</sup> 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 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 changed 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.<sup>64</sup> 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 artificially created 'tribal foundations', a unilateral move that sparked a riot in which 18 Papuans were killed. The company's irresponsible disbursement of these funds was explicitly rejected by LEMASA, the leading local community organization representing original landowners and other affected indigenous Papuans. Papua's three Christian churches also issued a damning critique of the disbursement and protested against it. In addition to the monies given to the indigenous foundations, Freeport continues to allocate some of its extensive financial resources to its own com-

munity development programmes and has also provided Papuan community leaders with money for travel and other expenses. The key point here is that indigenous Papuans do not exercise any control over the company's operations or its profits, which continue to benefit foreign shareholders and a handful of elite Jakarta-based Indonesians, including Suharto and his family.

Since the end of the New Order, the vote in East Timor in 2000, and with the current focus on self-determination in Indonesia, the West Papuan independence movement has made major headway, setting up an umbrella movement with a presidium at the helm. The new movement denounced the 1969 Act of Free Choice. In a politically wise move, however, it committed itself to pursuing the cause of independence by peaceful means and called for dialogue with the government. Tension has been growing ever since and dozens of people were killed in a swift and brutal crackdown by Indonesian troops during a flag hoisting protest.

The Wahid government maintains that it wants to reach a peaceful solution, largely through more autonomy and increased development for the impoverished and isolated territory. In January 2000 Wahid suggested changing the name of the territory from Irian Jaya back to West Papua. He also publicly apologized for years of repression and human rights abuses. These conciliatory gestures came in the wake of massive demonstrations in the capital, Jayapura, and elsewhere. Some 800,000 people took part and the West Papuan flag was hoisted all over the territory. The president permitted a pro-independence conference to be held in Jayapura in May 2000 and even provided funds.

More recently, however, the government has adopted a harder line in its dealings with the independence movement. The Morning Star flag has been banned and leading figures of the Papuan presidium have been arrested. Tentative efforts to begin dialogue between the Papuan leaders and the government have been frustrated by those who seek a crackdown on the growing momentum in favour of independence. Under the guise of a conciliatory approach and in the name of national unity, the Indonesian army has designed a counter-campaign which includes the formation of a village militia (such as the one operating in East Timor) and tough action against independence leaders. In the last six months of 2000, three battalions of Army Strategic Reserve Command (Kostrad) soldiers were sent to West Papua, ostensibly to protect those who feel threatened by the growing independence movement's demands.

## Riau

In April 1999 1,500 people gathered near Pekanbaru in oil-rich Riau in Sumatra to demand that the government honour a promise to deliver 10 per cent of all oil revenues back to the province. If not, they would fight for independence. Riau, a province with a population of 3 million, contains Asia's largest oil field, Caltex-operated Minas. Minas, together with the nearby Duri field (also operated by Caltex) produces 15 per cent of the government of Indonesia's revenues. However, local activists claim that the province

receives a mere 0.02 per cent of its contributions in return through the national development budget.

Riau has benefited from being included in the so-called Sijori (Singapore-Johore-Riau) 'Growth Triangle'. The boom islands of Batam and Bintan have attracted considerable investment from nearby Singapore. Demands for separation from Indonesia are new in Riau – and it is possible that local autonomy and a fairer share of oil profits would pacify local militants. Saleh Djasit, Governor of Riau, told *Asia Business* in June 2000: 'Our heart is still in Indonesia. The people just want a better balance of wealth.'

## Sulawesi and West Kalimantan

In early 1999 the Sambas area of West Kalimantan saw some of the country's most vicious ethnic killings in recent years. Gruesome clashes involving Malays as well as other indigenous groups against settlers have flared periodically in the region. At least 260 people, mostly Madurese, were killed in 1999, and hundreds died in attacks in 1997. The conflict did not follow the patterns seen elsewhere: local Malay Muslims, and indigenous Animist and Christian Dayaks confronted Muslim settlers from the island of Madura near east Java.

Conflict between Dayaks and Madurese in 1996–7 resulted in the deaths of hundreds of people and violations of other fundamental human rights. The conflict caused enormous material loss on both sides and sharpened ethnic, religious and economic differences. It also resulted in a fundamental setback for the Dayak culture which may take generations to recover.

The balance was upset by a massive influx of Madurese, who fled the poverty in their densely populated island. The bloody clashes in Sambas could give rise to regionalist sentiments if the rights and needs of the local people are not safeguarded in the framework of respect for pluralism and diversity.

Similar issues exist on the nearby island of Sulawesi, with its many different ethnic and religious groups, as well as migrants.

# 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 peoples of East Timor, Aceh and West Papua for past misdeeds 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 *Pancasila* shape the decisions he takes. Maintaining national unity and integrity and eliminating any possible threat to these, remain at the core of his administration.<sup>65</sup>

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 militia continue to wreak havoc, and its inability to try those guilty for past crimes against humanity, illustrates that the administration has not been able to establish firm civilian control over the armed forces and members of the former ruling elite, elements of which continue to pursue an agenda of their own. As this Report goes to press, Wahid's future looks increasingly uncertain.

If Indonesia is to survive as 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 (1949–66) 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.<sup>66</sup>

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 462 elected members of the national legislature, the People's Representative Assembly (DPR); the 38 appointed DPR members from the military (TNI) and the police (POLRI); 130 regional representatives chosen by provincial assemblies that were popularly elected; and 65 unelected 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 annual sessions, which take place in August.<sup>67</sup>

## Human rights and justice

Serious crimes, including mass murders, torture, extrajudicial 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 reconciliation. Some steps have been taken towards 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 (para. 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 need to be made under the Criminal Code in force 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

a permanent human rights court. The law, mandated by the 1999 Human Rights Law (Law 39/99), includes a provision for *ad hoc* 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 – these tribunals can retroactively investigate gross violations, such as those committed in East Timor prior to independence. Article 43 of the Bill provides that an *ad hoc* court requires the recommendation of Parliament and a presidential decree. The Attorney-General has asked the Office of the High Commission 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 Indonesian law.

Despite claims by the Justice Minister that these courts will be effective in addressing human rights crimes, the provision remains unconstitutional. Human rights specialists expect that if authorities try and bring prosecutions under the new legislation rather than under the Criminal Code, defence lawyers will plead the constitutional amendment.

The amendment to the Constitution suggests there is insufficient political will to try high-ranking military officers 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 abuses by the state in the current conflicts such as in Maluku, or the continuation of the violence in Aceh, West Papua and all other regions where the military and police are active.<sup>68</sup>

## National Human Rights Commission

The Indonesian National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) was established by President Suharto in 1993. In 1999 the Human Rights Act was passed by the House of Representatives. It changed some of the basic structures and gave more power to the Commission, including the power to subpoena (in particular to ‘arbitrate between two parties’, and ‘resolve cases through consultation, negotiation, mediation, conciliation and expert evaluation’). Given its background and history, however, the Commission has serious credibility problems.<sup>69</sup> It fails in many respects to meet the minimum requirements set out in the *UN Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*. One of the principle criticisms NGOs and members of the public have had about Komnas HAM is that its members were handpicked by Suharto. They were chosen from a clique of government bureaucrats and retired military officials. Some new appointees have similar backgrounds. Their appointment is not based on pluralism and a representation of the greatest possible diversity of people, as is required under international standards, but because they are ‘prominent figures in society’. The high-

est senior military officials (now retired but all of whom reached their position during the period of dictatorship) are concentrated in the most powerful sub-commission: that for Monitoring the Execution of Human Rights. Some argue they were critical voices within the establishment and hold the respect of some elements such as the military, but many disagree. In reality this close affiliation and dependence makes it impossible for the Commission to be effective. It is not seen as impartial and does not frighten the human rights violators.

To become a trustworthy defender of human rights Komnas HAM should eliminate all ties to the former regime and start from scratch. The process of selection of members should be public and democratic, with ample opportunity for human rights groups to advise or intervene. The new Komnas HAM should 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.

## 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 unrecorded in official or public sources. In Indonesia there is a debate between those who want 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 for 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:

- The Convention on the Rights of the Child (1989)
- Convention on the Elimination of all Forms of Discrimination Against Women (1967)

- 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 not 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 Organize and Collective Bargaining. The government has not ratified the only two international instruments addressing the rights of indigenous and tribal peoples, which are the 1957 ILO Convention No. 107 concerning the ‘Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries’, and the 1989 revision of Convention No. 169. There is no indication the government is preparing to adopt these instruments. Both Conventions are relevant to indigenous peoples, since they deal with the recognition of the legitimate rights of ownership and possession of land people traditionally occupy.

## 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 Governance and Law, and Law 25/1999 on the Fiscal Balance between the State and the Regions. The legislation, introduced by interim President Habibie and hailed as radical at the time, is aimed at creating wide regional autonomy within the existing Constitution.

In principle, the new Law 22 decentralizes authority over all fields apart from foreign affairs, defence and security, justice, monetary and fiscal policy, religion and a number of broad economic areas. Another fundamental reform provides for the election of regional heads – provincial governors and district heads – in contrast to the practice of the Suharto era when they were, in effect, appointed by the centre after openly manipulated elections. Law 25 gives regional governments more control over taxation and allows them to retain a substantial share of revenues produced in their regions. They will be implemented in June 2001.

The question is whether these regional autonomy laws will satisfy regional demands for equality and justice and an end to dictatorial centralized rule. Critics say they won’t. The main reason given for this is that the decentralization process is not well planned and the implementation process is too short. For the laws to be effective they should be implemented gradually: a start should be made by shifting some administrative power to the provinces, then more financial powers. This process should take much longer to complete than the schedule indicates.

Another important criticism is that the government retains the right to determine the structure of autonomy for each region on a case-by-case basis. For Aceh and West Papua, for instance, special additional arrangements are made. This indicates the government is using the law as a prerogative of the centre that has to be earned by the provinces rather than it being their lawful right. The law also lacks provisions to protect rights of mobility, and to prohibit discrimination based on ethnicity, non-residence and other factors. Finally, the law 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 should deliver.

Despite all these misgivings 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 it is at least a step of some significance towards having their demands – that the centre should exercise less power – met. They hope to resolve the problems later. This preference stems from the strong historical distrust that the central government has a genuine political will to decentralize and 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 centre in the regions. It is unlikely it will succeed, however, given that regional aspirations exceed what is offered by the new laws. The suspicion is that powerful vested interests in Jakarta will prevent the regions from implementing these provisions, and the regional governments, under the new law, will simply become the implementers of central government policies. This will by no means satisfy the political and economic demands of the regions.

For the laws to be successful in any way, there is a need to improve the capacity of local legislature to strengthen accountability and transparency, as well as the capacity to manage regional development and deliver public services. There should be an intensive inter-regional consultation on the process, to develop a shared vision of centre–region relations. Most likely the provinces that are rich in natural resources and regard themselves as victims of past injustices will express higher expectations than the current laws on regional autonomy can deliver.

# 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 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. In the short term, immediate moves to grant real autonomy should be considered in order to defuse tensions. Similar consultations should be carried out on a nationwide level to determine the wishes of the population with regard to decentralization or a federated structure for Indonesia.
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, prosecution and conviction 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.

- 01 Neither East Timor nor West Papua (Irian Jaya) were part of Indonesia at this time.
- 2 Javanese dominance is a difficult concept. Almost 100 million people live in Java, which is relatively small and has few resources. The same applies to adjacent Madura. While the Javanese are a numerical majority, the term 'Javanese dominance' is often used in relation to the ruling elite, based in the capital Jakarta.
- 3 There is no consistency over the numbers of displaced people. Several UN reports on internally displaced people report the number to be 750,000.
- 4 Suter, K., *East Timor, West Papua/Irian and Indonesia*, London, MRG, 1997.
- 5 The palaeontologist, Eugene Dubois (1858–1940) earned worldwide fame for his discovery of *Pithecanthropus erectus* (now *Homo erectus*) near the village of Trinil in Java. The find has since become known as 'Java Man'.
- 6 Feillard, A., 'Relations between Muslims and Christians in Indonesia in retrospect and why the political manipulation of religion is working', paper presented at the International Symposium on Management of Social Transformation, Jakarta, September 2000.
- 7 At the end of the nineteenth century, growing criticism that the Netherlands had been draining wealth from the Indies led to the Ethical Policy (1901), under which financial assistance from the Netherlands was to be devoted to the extension of health and education services, and the provision of agricultural extension services. The achievements of the Ethical Policy were modest. It did not check declining living standards nor promote an agrarian revolution. In education, there were limited efforts to provide a greater degree of opportunity at primary, secondary and even tertiary levels.
- 8 The Dutch interest in self-determination was motivated by a desire to weaken the new republic and sabotage it if possible; meanwhile Hatta's interest was an outer-island perspective, fearful of the dominance of Java/Jakarta; Sukarno's interest, of course, was a Jakarta one.
- 9 During the early twentieth century, the overseas Chinese were deeply influenced by revolutionary developments in their homeland. The majority of Chinese had stayed neutral as a group during the struggle for independence for Indonesia, largely because few Indonesian political parties in the pre-war period had been prepared to accept them as full members. Serious anti-Chinese violence occurred during the independence war after 1945. See Coppel, C., *Indonesian Chinese in Crisis*, Oxford, Oxford University Press, 1983.
- 10 *Indonesia's Bumpy Road to Constitutional Reform: The 2000 MPR Annual Session*, an assessment report by the National Democratic Institute for International Affairs, September 2000.
- 11 While only 3.5 per cent of the Indonesian population is Chinese, they hold 80 per cent of the country's privately owned assets. See Chin Ung Ho, *The Chinese of South-East Asia*, London, MRG, 2000.
- 12 The most appalling recent case of violence against ethnic Chinese Indonesians was the anti-Chinese rioting, rapes and killings that took place in Indonesia in May

- 1998, linked to the economic downturn resulting from the 1997–8 Asian currency crisis. Evidence indicates that much of this violence – which also targeted other minorities besides the Chinese – was instigated by the Indonesian military. See Chin Ung Ho, *op. cit.*
- 13 'Indonesia's ethnic-Chinese emerge from oppression', *Far Eastern Economic Review*, 8 February 2001.
- 14 Schwartz, A., *A Nation in Waiting: Indonesia's Search for Stability*, London, Allen and Unwin, 1999.
- 15 Bahasa Indonesia was based on the common language among the colonialist and the various ethnic groups. It was Malay in origin and it had come to Java and Sumatra through the early Islamic traders.
- 16 *Abangan* Muslims are traditional in the sense that their practice allows the inclusion of Indonesian spiritual elements; *santri* Muslims call for a stricter interpretation of the Koran as in Middle Eastern countries.
- 17 See Charras, M., 'Thirty years of *Orde Baru*: outer Indonesia left in need of prospects', *Archipel*, no. 46, 1993, pp. 173–90.
- 18 Schwartz, *op. cit.*, p. 1.
- 19 Kostrad (Komando Strategis Cadangan Angkatan Darat) is the Army Strategic Reserve Command.
- 20 Indonesia was an important part of Washington's plans for the containment of communism in South-East Asia, particularly 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 'Track Two' in Indonesia*, Washington, DC, Center for Defense Information, 1976.
- 21 Coppel, *op. cit.*
- 22 See Cribb, R., *The Indonesian Killings 1965–1966: Studies from Java and Bali*, Clayton, Centre of South-east Asian Studies, 1990.
- 23 Some religious groups were involved, including Ansor, the militant wing of Nadlathul Ulama (NU). See Robinson, G., *The Dark Side of Paradise: Political Violence in Bali*, Ithaca, NY and London, Cornell University Press, 1995.
- 24 In van Klinken, G., *Inside Indonesia*, 1997.
- 25 For details on the attacks on Chinese women see Chin Ung Ho, *op. cit.*
- 26 TNI (Tentara Negara Indonesia) is the Army of the State of Indonesia (numbering 275,000 troops).
- 27 *Dwifungsi*, the dual role of the army, is left over from the independence struggle 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 Suharto's New Order, *dwifungsi* was used to justify the military's extensive role in politics and led to the withering of civilian control over the military. The resultant widespread corruption and human rights abuses have undermined the military's claim to this dual role. TNI doctrines are currently undergoing change but many powerful elements within the TNI are resisting. 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, every 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 democratisation process very vulnerable to military pressure or intervention. Steps taken to gradually dismantle and reform this structure (for instance by strengthening the police and separating them from the TNI as stipulated in MPR decree VI/2000) were met with strong resistance from many TNI members.
- 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 Wahid's father was Minister for Religion in the Sukarno government and close to the founding fathers.
- 32 See Charras, *op. cit.*
- 33 Feillard, *op. cit.*
- 34 The Muslim scholar Nurcholish Madjid described the Muslims in Indonesia as 'a majority with an inferiority complex'.
- 35 Schwartz, *op. cit.*, p. 330.
- 36 *Ibid.*
- 37 Figures according to the pro-independence movement. This is an unconfirmed figure. In fact, it is probably on the high side. Amnesty International estimates that 2,000 were killed between 1989 and 1993 at the height of the military operations against GAM. Indonesia's National Commission for Human Rights has confirmed 1,021 deaths and 864 disappearances. According to the Aceh Human Rights Care Forum, 393 people were killed in 1999 and 841 between 1 January and 10 December 2000. The total number of deaths since 1988 probably lies somewhere between the 2,000 cited by Amnesty and the 30,000 figure used by the pro-independence movement.
- 38 Kell, T., *The Roots of the Acehese Rebellion, 1989–1992*, Ithaca, NY, Cornell University Press, 1995.
- 39 Quote from the chair of the Indonesian Legal Aid and Human Rights Association (PBHI) Hendardi (interview, October 2000).
- 40 Kooistra, M., *The Role of Oil and Gas in Conflict*, Henry Dunant Centre, Geneva, 2000.
- 41 Amnesty International estimates that around 2,000 civilians, including women and children, were killed between 1989–93 alone.
- 42 Interviews with NGOs in Aceh.
- 43 Schwartz, *op. cit.*, pp. 282–6.
- 44 The security forces are involved in legal and illegal businesses and earn huge sums of money through the 'protection' of industrial installations such as those of Exxon-Mobil. See Kooistra, *op. cit.*
- 45 Based on analysis of newspaper reports and personal interviews.
- 46 Some villagers started suing Mobil Oil Corp. for allegedly allowing the Indonesian military to use its base to hold and torture civilians and borrow their equipment to dig mass graves.
- 47 International Crisis Group (ICG), 'Indonesia: justice and reconciliation', paper for ICG seminar on Truth,

- Justice and Reconciliation, Jakarta, September 2000.
- 48 Interviews with monitors and other well-informed sources on Aceh. For security reasons the author protects the identity of these sources. The fact that nobody feels confident to criticize GAM openly underlines the extent of fear of GAM retaliation.
- 49 'When asked for money you can never refuse. The average contribution is 20,000 rupiah (US \$2.10) each time' (Confidential Interview, Banda Aceh).
- 50 Interview with Acehese journalists, October 2000.
- 51 Djalal, D. 'A bloody truce', *Far Eastern Economic Review*, 5 October 2000.
- 52 Things are made more complicated by the fact there is more than one GAM. There is the armed wing called A-GAM and there are several other splinter groups. One of the aims of the agreement signed in Switzerland in May 2000 is to eliminate the criminal or rogue elements and unite the 'real' GAM under the current leadership, which then can enter into a political dialogue with Jakarta.
- 53 TAPOL, *A Reign of Terror: Human Rights Violations in Aceh 1998–2000*, London, TAPOL, 2000, p. 13.
- 54 Human Rights Watch, June 2000, and other independent reports.
- 55 Steenbrink, K., *Dutch Colonialism and Indonesian Islam: Contacts and Conflicts 1596–1950*, Amsterdam and Atlanta, Rodopi, 1993.
- 56 *Ibid.*
- 57 In fact the division is about equal between Muslims and Christians, but the north is traditionally more Islamic and the south has a larger Christian, mainly Protestant, population.
- 58 Hefner, R., 'Muslim-Christian violence and the future of Indonesia', paper presented at a conference at Leiden University, the Netherlands, February 2000.
- 59 Such as the MPR People's Consultative Assembly speaker, Amien Rais.
- 60 Based on interviews by the author with well-informed sources.
- 61 Under Article XVIII of the New York Agreement, a traditional form of consultation was to be used initially to determine the appropriate methods to be followed for the Act of Free Choice. Second, the consultation had to involve the participation of all adults (male and female) of West Papua. Third, the method used to ascertain the wishes of the West Papuans had to be in 'accordance with international practice'.
- 62 Sam Blay, law professor, University of Technology, Sydney, Australia (personal communication).
- 63 *Ibid.*
- 64 The UN supervised the vote in only 197 of the 1,000 districts.
- 65 This was again reflected in constitutional debates in 2000. In an amendment the 'Unity in diversity' slogan was added to provisions.
- 66 National Democratic Institute, *op. cit.*
- 67 *Ibid.*
- 68 The law creates four new district courts to adjudicate gross violations of human rights. The law requires that each of the five-member human rights courts include three human rights judges appointed to five-year terms by the President upon nomination by the Supreme

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 recognized 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*).

- 69 South Asia Human Rights Documentation Center *Komnas HAM – The Indonesian Human Rights Commission: The Formative Years*, South Asia Human Rights Documentation Center, New Delhi, India, 2000.

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