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## **RESUMING U.S.-INDONESIA MILITARY TIES**

### **OVERVIEW**

The U.S. Congress will soon debate a proposal for funding to train an Indonesian military unit to deal with troubled areas within the country. If approved, the package would be a major step towards the restoration of relations between the U.S. and Indonesian armed forces, damaged by the latter's actions in East Timor. But whatever the apparent attractions in bilateral and security terms of taking this step, ICG believes that the proposed package is flawed.

Until the Indonesian government can show a willingness in conflict areas to discipline errant troops, root out vested economic interests, and control a steady leakage of arms and ammunition into private hands, no new unit will succeed. Although reducing communal and separatist conflict in Indonesia is vital for the country and for the international community, it is unlikely that this proposal will assist in this.

If the U.S. insists on going ahead with the resumption of military assistance, it should at the very least make it clear that it is doing so not because it has seen improvements in the pace of reforms of the Indonesian military but rather because of its own perceived national security imperatives – such as East Asian power balances, sea-lane security and anti-terrorist cooperation. But to suggest, as some U.S. officials have, that renewed aid is a response to improved human rights accountability, better discipline, or more transparency sends a signal that the U.S. is no longer as interested in these reforms.

### **I. BACKGROUND**

In April, the State Department submitted a request to Congress for U.S.\$16 million for Indonesia as part of the FY2002 supplemental foreign appropriations bill. Half would be used for training police in counter terrorism and the other half for training and equipping a new military unit conceived as a domestic peacekeeping force for troubled areas. Other related requests included U.S.\$400,000 for training civilians in security studies under the International Military and Education Training (IMET) program and U.S.\$17.9 million for combating terrorism in Southeast Asia.

The requests, driven partly but not exclusively by the U.S.-led war on terrorism, represent the Bush administration's most significant moves to date to resume programs with the Indonesian military (Tentara Nasional Indonesia or TNI) that have been on hold in some cases since the early 1990s. In June 1992, in reaction to the Santa Cruz massacre in Dili the previous November, the U.S. Congress stopped all training of Indonesian officers under the IMET program. Further restrictions were imposed in 1994 and 1998, and in September 1999, after pro-Indonesia militias and their army backers left East Timor a charred ruin. President Bill Clinton issued an executive order cutting off most remaining links to the TNI including commercial sales of arms and military equipment. A year later, the latter ban was partially lifted, and in September 2000, the U.S. allowed the sale of spare parts for C-130 Hercules transport planes. High level contacts and other cooperation between TNI and the U.S. military were restarted following President Megawati's visit to Washington in September 2001, and President Bush officially lifted the ban on non-lethal commercial arms sales.

The strongest restriction on resumption of U.S. assistance to the TNI for training and U.S. government-funded arms sales is the Leahy amendment, an addendum to the Foreign Appropriations Act in 1999 (for FY2000) making such assistance contingent on evidence that the Indonesian government is making serious efforts to hold military officers accountable for major human rights abuses.<sup>1</sup> The original Leahy amendment applied primarily to the aftermath of the 1999 violence in East Timor; in 2001, it was expanded to address the need for Indonesian military accountability more generally.

Congressional approval of the appropriation requests appears likely, even as resumption of the IMET program per se remains tied to human rights progress. But as the bill nears a vote, the proposed training needs to be seen for what it is: a wedge in the door to expanded training and supply programs for the TNI. There is indeed a strategic argument to be made in terms of closer cooperation between the U.S. and Indonesian armed forces. But no one should have any illusions that counter-terrorism training will strengthen the political will to take hard decisions on problematic groups; that a better-trained and equipped armed unit, in the absence of other fundamental reforms, will make any difference in Indonesia's communal and separatist conflicts; or that the Indonesian government has taken serious steps toward human rights accountability. If the Bush administration and Congress decide to resume aid, they should argue the case in terms of larger national security imperatives and drop the pretence that any serious progress has been made toward meeting key terms of the Leahy amendment.

On 13 May 2002, for example, in a joint press conference with Indonesian Defence Minister Matori Abdul Jalil, U.S. Defence Secretary Donald Rumsfeld said, "Well, the argument will be made to the Hill that Indonesia is an important country. It is a large country. It is a moderate Muslim state – that they are addressing the human rights issues in an orderly, democratic way, and that the way the legal system works is

not something, as the minister indicated, that governments intervene in."<sup>2</sup>

In fact, the failure of the ongoing trials of Indonesian officers to get at the truth of what happened in East Timor is the direct responsibility of the Ministry of Justice, which drafted the mandate for the ad hoc court; the Attorney General's office, which prepared the indictments; and the President, who approved the limited mandate.<sup>3</sup> The government bears similar direct responsibility for the failure to pursue serious human rights violations elsewhere, including in Aceh.

Closer Indonesian-U.S. military cooperation is not universally popular among the political elite in Jakarta. Politicians from Muslim parties in the Indonesian parliament have voiced concern that Islamic organizations more generally will become a target of counter-terrorism efforts and that Indonesia will simply become an American pawn.<sup>4</sup> Within the army, Major General Sudradjat, director-general for defence policy, expressed concern that conditions then under discussion for the aid package, including U.S. vetting of participants in the training program, could violate Indonesian sovereignty.<sup>5</sup> Human rights defenders are concerned that counter-terrorism initiatives in Indonesia will simply be a green light for a return to some of the repression and surveillance of the Soeharto days, particularly given the current leadership of the National Intelligence Agency (Badan Inteligen Negara or BIN).<sup>6</sup>

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<sup>1</sup>For more background details, see ICG Asia Briefing, *Indonesia-U.S. Military Ties*, 18 July 2001.

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<sup>2</sup> United States Department of Defense, News Transcript, "Rumsfeld Media Availability with Indonesian Minister of Defense", 13 May 2002, [http://www.defenselink.mil/news/May2002/t05132002\\_t0513ma.html](http://www.defenselink.mil/news/May2002/t05132002_t0513ma.html).

<sup>3</sup> See ICG Asia Briefing, *Indonesia: The Implications of the Timor Trials*, 8 May 2002.

<sup>4</sup> "RI-Amerika Pulihkan Hubungan Militer", *Republika*, 15 May 2002, p.1.

<sup>5</sup> "Cara Pentagon Meringkus Teroris", *Tempo*, 12 May 2002 pp. 28-29.

<sup>6</sup> "Pasal Karet RUU 'Pesanan' Amerika". *Forum Keadilan*, No.5, 19 May 2002, p.15.

## II. THE PROPOSED PROGRAM ON ITS MERITS

The most problematic aspect of the package is the funding of up to U.S.\$8 million for a military unit to respond to requests from local civilian authorities, on an emergency basis, to outbreaks of communal violence. The funding is to be used for training and communications equipment. No members of the unit can be drawn from the Indonesian army special forces, Kopassus, because of its record of human rights abuses, just as members of the mobile police brigade (Brimob) are banned, for the same reason, from sharing in any of the counter-terrorism funding set aside for Indonesian police.

Many Indonesian analysts concerned about communal violence, and especially the conflict in Maluku, support the idea of a neutral, independent force with a single chain of command that can stand above local rivalries. The Indonesian Commission on Human Rights (Komnas-HAM) recommended just such a force, and Asmara Nababan, one of the most respected members of Komnas-HAM, is a strong proponent.<sup>7</sup> ICG made a similar recommendation in its most recent report on Maluku.<sup>8</sup>

There are several problems with the force as conceived in the U.S. proposal, however:

- It would reinforce the TNI's role in internal security when the aim should be to strengthen the capacity of civilian law enforcement. There is no question that the police have performed abysmally in response to outbreaks of violence, but it is they who should be the focus of special training, not the army. To enhance military capacity without simultaneously strengthening police capacity is likely to lead to bypassing the police altogether. A leading political party figure in Jakarta who did not wish to be named told ICG that he and his colleagues are increasingly concerned at the growing assertiveness of the army and the inability of civilian officials to exert their authority. Few,

however, are willing to confront the problem directly. "The problem is that although they won't admit it, every party needs military support for the 2004 elections", he said.<sup>9</sup>

- A critical failure in responding to outbreaks of communal and ethnic violence to date has been the decision-making of civilian authorities over when and how to deploy security forces. Creation of a new unit is not going to make that decision-making any better.
- Multiple chains of command have also hampered the effective deployment of security forces in troubled areas. A new unit is likely to create additional problems on this front, coming into an area where a territorial structure of the TNI and police not only already exist but where additional special forces have also often already been deployed. Moreover, a better-trained and equipped unit, dropped in among less well-equipped units on the ground, is likely to add to inter-service and inter-unit rivalries. Such rivalries are not simple disputes: they often end in gun battles.<sup>10</sup>
- In virtually every outbreak of communal violence to date, the presence of security forces has ultimately exacerbated the problem, not least because they have quickly developed vested economic interests in the conflict. These include protection rackets, extortion checkpoints on the roads, control over sale and distribution of basic goods like gasoline, involvement in natural resource extraction and sales of weapons and ammunition to the highest bidder. It is difficult to see how members of a new unit, emerging from the same military culture, will avoid these temptations.<sup>11</sup>
- Better military training will not alter the fact that there is a fundamental lack of political will on the part of Indonesian national civilian and military authorities to exert

<sup>7</sup> ICG interview, Jakarta, 20 May 2002.

<sup>8</sup> ICG Asia Report No. 31, *Indonesia: The Search for Peace in Maluku*, 8 February 2002.

<sup>9</sup> ICG interview, Jakarta, 20 May 2002.

<sup>10</sup> For an example of this see ICG Asia Report No. 18 *Communal Violence in Indonesia: Lessons from Kalimantan*. Jakarta/Brussels. 27 June 2001. p 10.

<sup>11</sup> See ICG Asia Report No. 24. *Indonesia: Next Steps in Military Reform*. Jakarta/Brussels. 11 October 2001.

control over private armies, punish abusive soldiers, end military corruption, or proceed with long-promised reforms.

- The TNI's interests are different from the U.S. government's. The TNI has its own domestic constituency to please, and its idea of the unit in practice may differ substantially from the way it was conceived in Washington. If the TNI wants to establish a unit, it will find the funds to do so whether the U.S. comes through or not. As one military analyst told ICG, "Within TNI, everything's fungible". Once the U.S. gives U.S.\$8 million to the TNI, it has little control over how the money is used. Unless these issues can be addressed, it may be money down the drain.

The conflict in Maluku is a case in point. Since it first erupted in January 1999, Indonesian authorities have experimented with a number of different military solutions, with varying degrees of success – or more often, failure. For the first two months, the government left security to troops who were understaffed, poorly trained, poorly equipped, and often partial to one of the parties to the conflict. When reinforcements for local troops were sent in from Sulawesi, they were largely from Muslim ethnic groups whose members had been the target of Christian attacks. Allegations that the new units were siding with the Muslims, and the local police with the Christians intensified.

In March 1999, the Indonesian government established a special armed forces team under Major General Suhaidi Marasabessy, composed of nineteen Ambonese officers. The decline in violence over the next four months, by Marasabessy's own acknowledgement, had less to do with the success of his team (though he gives them credit for being able to solicit better intelligence than non-Ambonese officers), than with preparations for the June 1999 national elections that kept outside parties at bay, temporarily.<sup>12</sup> Fighting broke out again shortly after the elections were over.

Neither the armed forces, the police, nor civilian authorities took any effective measures to

prevent the arrival in April 2000 of Laskar Jihad, nor has the Laskar Jihad presence been effectively dealt with since.

On 27 June 2000, then President Abdurrahman Wahid established a state of civil emergency, giving additional powers to the military and police but placing them under a command structure headed by the civilian governor. The governor never succeeded in establishing his authority, and both openly flouted his orders. Weapons and ammunition from police and army continued to find their way into the hands of both Muslim and Christian forces. If a new peacekeeping unit is indeed created, establishing effective civilian control over it will be one of the most difficult tasks.

As part of the personnel shifts that took place in connection with the civil emergency declaration, the Ambonese Christian regional military commander was replaced with a Balinese Hindu, Brigadier General I Made Yasa, who made the removal of communally-biased troops a priority.<sup>13</sup> Even so, reports of "phantom forces" – *pasukan siluman* – composed of army and police deserters and sometimes of active members fighting on one side or the other continued to surface, and Laskar Jihad fighters continued to arrive, with no serious move to stop them.

In August 2000, Indonesian military headquarters tried to create the kind of unit perhaps envisaged by the U.S. proposal, a joint battalion (*Yonif Gabungan* or *Yon Gab*) of 450 troops composed of the special forces of the army, navy, and air force. It was seen as a tactical command unit for use in emergencies.<sup>14</sup> In many respects, it was an improvement over other initiatives, and it showed a determination to move against unauthorised armed groups. But it, too, ultimately failed. It used excessive force in some of its operations, leading to the deaths of Muslim civilians that earned it the lasting enmity of Muslim groups in Maluku. While its three components operated under a single chain of command, it had little impact on the multiple chains of command that continued to exist

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<sup>12</sup> ICG interview, Jakarta, 20 May 2002.

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<sup>13</sup> ICG Asia Report No. 31, *Indonesia: The Search for Peace in Maluku*, Jakarta/Brussels, 8 February 2002, p.10

<sup>14</sup> *Ibid*, p.11.

among the local police and army. Hostility between the Yon Gab and police reached new intensity. The longer it stayed in Maluku, the more its members became caught up in local rivalries and economic interests. In June 2001, a Kopassus unit replaced it, and General I Made Yasa was replaced with the current commander, Brigadier General Mustopo.

The best hope for a resolution of the conflict came in February 2002 when the central government intervened to broker a peace agreement known as Malino II, after the town in Sulawesi where it was signed.<sup>15</sup> But civilian authorities remain reluctant to deal with incidents of violence, or if they try, to move against subordinates who fail to carry out their orders. They also remain impotent in the face of the local military.

For example, at least eight serious incidents have taken place since Malino II was signed, the most serious being the attack on the village of Soya on 28 April 2002 in which twelve people were killed. Long before it took place, Maluku Governor Saleh Latuconsina gave orders to arrest Laskar Jihad leader Jafar Umar Thalib, but local police and military both refused. Endriartono Sudarto, the army chief of staff and now Megawati's choice to head the armed forces, acknowledged the refusal to carry out the orders and justified it, saying neither the army nor police believed the time was right.<sup>16</sup>

One other complication that will confront any new unit in Maluku is the deep involvement of *preman* or thugs-for-hire. On 14 May 2002, a fight broke out between Kopassus and Brimob in Ambon, after Brimob tried to arrest a gang leader with Kopassus connections. The individual in question, who was finally arrested, is an Ambonese Christian who is thought to have been used by TNI elements to provoke violence on both sides. The 14 May clash led Coordinating Minister for Politics and Security Susilo Bambang Yudhoyono to call for improved coordination of security forces in

Maluku.<sup>17</sup> If a new tactical unit were to be sent to Maluku under present circumstances, these coordination problems would have to be overcome first.

### III. THE CONSEQUENCES OF EASING HUMAN RIGHTS PRESSURE

If the administration's request is approved, the power of the Leahy amendment, and the pressure for human rights accountability, will be weakened. The Leahy language will probably remain in the Foreign Appropriations Act, and training under the IMET program specifically will remain suspended. But once some training for whatever purpose begins, more is likely to follow.

What are the consequences of reduced U.S. pressure on human rights? The most important is that in Aceh and Papua the lack of accountability will strengthen support for independence, as it has in the past.<sup>18</sup> Justice for past abuses has been an important demand by civil society groups in both areas, and while prosecutions alone would not end that support, no lasting reconciliation with the central government is possible without it.

Secondly, it will suggest that respect for the rule of law is somehow less important an element of military reform than other aspects, such as fiscal transparency. As ICG has written earlier, until the challenge to improve human rights is taken up by the TNI, "no amount of education and training will prevent abuses of power".<sup>19</sup>

Easing human rights pressure now will lull the Indonesian government generally, and the TNI in particular, into believing that the U.S. has accepted that the measures taken to date, including setting up the ad hoc tribunal on East

<sup>15</sup> Malino I was a peace agreement relating to the conflict in Poso, Central Sulawesi, that was signed in the same town.

<sup>16</sup> *Tempo*, 12 May 2002

<sup>17</sup> Anton Aliabbas, "SBY Minta Koordinasi Operasi Keamanan di Maluku Diperbaiki", *Detikcom*, 19 May 2002.

<sup>18</sup> See ICG Asia Report No.18, *Aceh. Can Autonomy Stem the Conflict*, 27 June 2001 and ICG Asia Report No.23, *Indonesia: Ending Repression in Irian Jaya*, 20 September 2001.

<sup>19</sup> ICG Asia Report No. 24, *Indonesia: Next Steps in Military Reform*, 11 October 2001, p.19.

Timor, are adequate responses to the abuses in question. Secretary Rumsfeld's remarks quoted above leave no doubt that the Bush administration is eager to give its seal of approval to a deeply flawed process.

Finally, whether true or not, the U.S. will be seen by important constituencies in Indonesia as backing away from its commitment to democratic change and from a principled position in support of civilian supremacy.<sup>20</sup> The fact that U.S. assistance to civil society programs remains strong does not lessen the symbolic importance of resuming ties to the TNI at a time when it has made no meaningful progress towards addressing its human rights record.

#### IV. CONCLUSION

Improving communication channels and developing confident relations with the Indonesian military makes strategic sense for the United States, just as improving communication with China's People's Liberation Army or any other armed force of a regional power is useful. The war on terror notwithstanding, senior officials in the Bush administration continue to see China as a potential threat and the armies of Southeast Asia as a potential counterweight. As one professor at the National Defense University put it (before the Bush administration took office), "As one looks at the strategic world of the future, the great national conflict is between the United States and China. The principal arena in which this would be played out is Taiwan and Southeast Asia."<sup>21</sup>

However one may characterise that view of Indonesia and China's roles in the wider balance of power in Asia and the world, the U.S. certainly has an interest in seeing that the major sea lanes passing through Indonesian territorial waters are protected, and in working with Southeast Asian intelligence agencies to gather information about international terrorism. More fundamentally, the Indonesian military remains a

key player in, perhaps even arbiter of, Indonesia's transition to democracy, and officials in both Democratic and Republican administrations have made the argument that they need to know more about the younger officers coming through the ranks – and training programs are one way to do that.

If these are the basic arguments for trying to strengthen relations with the Indonesian military, they should be made openly – so they can be debated and contested openly – and not cloaked in the disguise of helping address communal conflicts or rewarding the TNI for progress in human rights accountability when there has been none. The overall impact of such a move on Indonesian perceptions of U.S. government support for democratic change, however, should be carefully considered.

**Jakarta/Brussels, 21 May 2002**

<sup>20</sup> ICG interview, Jakarta, 20 May 2002.

<sup>21</sup> Jim Garamone, "East Timor Tiny Crack in U.S.-Indonesian Relations Grows", American Forces Press Service, 9 September 1999. [http://www.defenselink.mil/news/Sep1999/n09091999\\_9909094.html](http://www.defenselink.mil/news/Sep1999/n09091999_9909094.html).

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