

Indonesia: reforming civil–military relations and ending the conflict in Papua

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By virtue of its location, population and size, Indonesia is widely recognised as the most strategically important country in Southeast Asia. Indonesia sits astride many of the world's busiest maritime trade routes, has the world's fourth largest population and largest Muslim population. These factors alone mean that the stability and prosperity of Indonesia is of critical importance to stability and prosperity in the wider Asia–Pacific region. The nation is ethnically, linguistically and culturally diverse with some 300 distinct ethnic groups spread across more than 1000 islands.

The nation gained independence from the Netherlands in 1949 and, whilst having made significant steps towards creating a national identity, building resilient state institutions and improving the lives of its people, it can be argued that Indonesia has failed to achieve its full development potential. Much of the cause for this failure can be traced to difficulties that are direct consequences of the nation's formation and construction; particularly, aspects of the nation's governance and the defining and securing of its territorial limits.

This security White Paper, intended to provide policy advice to the Indonesian Government, will address two issues that are largely consequences of the nation's formation and construction. These issues, the dominant role of the armed forces in politics, and the conflict in the former province of Irian Jaya, remain largely unresolved and continue to present significant challenges to Indonesian policy makers and, by extension, to other governments that have close relationships with Indonesia. The national governance issue to be addressed in this paper concerns the role of the Indonesian Armed Forces (Tentara Nasional Indonesia, TNI)¹ in the governance of the state. The role of TNI in Indonesian politics is addressed because the military is deeply involved in national political life, can be regarded as constraining the development of civilian institutions and attracts much criticism from foreign governments and overseas commentators. The second issue concerns the geographical construction of the nation as it relates to the former province of Irian Jaya, commonly referred to as Papua,² and the separatist struggle that has continued since the early 1960s. The separatist struggle is addressed because it is regarded as challenging the unity of the state and is symptomatic of other separatist struggles in Indonesia.

The nature and causes of these two strategic issues were explored in a related Strategic Assessment Paper 'Indonesia: The Role of the Military in National Politics and the Conflict in Papua'.³ which projected likely futures for the two issues for the next ten years. This security White Paper responds to the issues raised in the Strategic Assessment Paper. Particularly, this White Paper will argue for particular measures to be taken by the Indonesian Government in order to address the challenges presented by TNI's role in the governance of the state and the separatist struggle in Papua.

STRATEGIC CHALLENGES

Indonesian Armed Forces

More than 50 years after independence, Indonesia functions with civil–military relations that have developed little from the ad hoc arrangements of the independence struggle. This lack of development can be explained by the armed force's strong sense of history, operating under autocratic leaders who have used the military as a tool of government to remain in power, diverse internal security threats, and the absence of external security threats.

Throughout the New Order period of President Soeharto, the military dominated the Indonesian political system by controlling both the legislative and executive arms of government and by subordinating the judiciary to the executive branch. This political control extended to the provinces where many governors were serving or retired army generals and military officers filled many parliament seats. This high level of military representation was justified on the grounds that it was necessary to prevent any attempts to change the 1945 constitution and to not lose control of the election of the president and vice president and the legislative process as a whole.⁴ A consequence of the Soeharto era is that the Army developed a comprehensive role in the socio-political affairs of the nation. This was initially used by Soeharto to support his administration and state political party, Golkar, but was later developed to allow the military to monitor and influence Indonesian society.⁵ These arrangements have largely been undone in recent years; the military representation in the national parliament is at one-third the level of 1997, and is to end from 2004. Further, military personnel must now resign from the military in order to hold political appointments.⁶

A legacy of the independence struggle against the Dutch during the 1940s is the Army's territorial structure. This was retained initially to provide a nucleus for a total people's defence against invasions, and was then developed to deal with internal security challenges and to ensure tight socio-political control of Indonesian society.⁷ It is still believed that only through the territorial structure is the government able to maintain territorial control and internal stability and to suppress potential troubles. The retention of the military territorial command structures however provides opportunities for military officers to exercise political influence in the provinces and districts and thus inhibits democratic development at the regional level.

The related issues of TNI's under funding and the organisation's business interests present a further challenge. At the core of the budget challenge is that the organisation's on-line budget of approximately \$US1 billion represents only about one quarter of total TNI income, the remainder coming from a wide variety of legal and illegal business activities.⁸ These operate outside of central TNI control and without management and accounting controls.⁹ Profits from these activities have been used to supplement the low wages of TNI soldiers, to procure military equipment and to finance the militia movements in East Timor.¹⁰

At the core of the strategic challenges related to TNI is that the organisation is not firmly under civilian control. From the independence struggle, TNI has perceived that it has a special responsibility to the Indonesian people to ensure the survival of the state. Indonesia's history is replete with examples of TNI defying political leaders who have tried to steer Indonesia in a direction different from that in which senior TNI officers believed was appropriate.

Secessionist conflict in Papua

Papua's place in Indonesia is a consequence of the construction of the state as a successor to the Netherlands East Indies, and the power of the image of the Majapahit Empire. This history, together with nationalist rhetoric which stresses the existence of a 'unitary state of Indonesia' and that without either Aceh or Papua there is no Indonesia, has created a climate in which policy makers cannot be seen to make any concessions to Papuan demands.

At the core of the conflict between Papuan separatists and the Indonesian authorities is the deeply-held feeling of the Papuan people that they have an identity distinct from that of other Indonesians, and that they have been denied the opportunity to run their own lives in their cultural homeland. This distinct identity arises in part from their Melanesian rather than Malay race, different languages and culture and their distinct homeland—shared with their Melanesian brothers across the land border in Papua New Guinea. This identity was emphasised by the Dutch in the period immediately after World War II; the Dutch intended to grant Papua independence separately from Indonesia, and had initiated the development of institutions required for statehood.¹¹

Building on the sense of separate identity is deep resentment about the way in which Indonesia has administered Papua since the transfer of administrative responsibility from the Dutch in 1963. Most particularly, the way in which Indonesia influenced the conduct of the 1969 Act of Free Choice resonates deeply with all Papuans, and contributes to the widely held belief that Jakarta can not be trusted. From 1969, Indonesian policies have focused on 'Indonesianising' Papuan society and on extracting the region's mineral and other resources for the benefit of the state and government cronies.

Efforts to Indonesianise Papua through transmigration of people from other parts of the archipelago, rather than easing tensions between groups as intended, has heightened tensions as Papuans have become more aware of their uniqueness. Extraction operations, particularly logging operations and the giant Freeport-McMoRan copper-gold mine are seen by Papuans as stealing their resources and damaging their ancestral lands.

The heavy presence and activities of Indonesian security forces throughout Papua, both to protect extraction operations and ethnic Malay communities, exacerbates the problems of the Papuan people. Activities from the strafing of Papuan villages during the 1970s¹² through to the murder of Papuan Presidium leader Theys Eluay in November 2001¹³ add to the sense that Papua is occupied and oppressed by an external power.

Ten year projection

In his analysis of both these strategic challenges, and projections for the next ten years, Welch concluded that, with respect to TNI:

Whilst civilian institutions of government remain weak and divided, it is likely that TNI will remain involved in internal security affairs and retain the view that it has a special place in Indonesian society responsible for the survival of the nation. It is unlikely that beyond the end of TNI representation in parliament there will be any significant change to TNI's involvement in non-military affairs in Indonesia.¹⁴

And, in relation to the Papua conflict, he concluded that:

Indonesian policy towards Papua is likely to remain confused, contradictory and poorly implemented: steps may be made towards special autonomy, but this will be on Jakarta's terms. Frustrated with broken promises, and a lack of progress, Papuan calls for independence will become louder, direct confrontation with TNI will escalate and casualties will mount.¹⁵

The challenge for Indonesian policy makers is to develop effective policies to deal with these two strategic challenges, noting that both are critical to the stability of the Indonesian state and to stability within the Southeast Asian region.

BUILDING DEMOCRACY

A key element in ending TNI's involvement in Indonesian politics, itself a key in reforming civil–military relations, is the strengthening of Indonesia's democracy. This is necessary because, since independence, both politicians and the military have developed complex woven relationships through which each has used the other to pursue their own goals. Whilst the many reforms since the end of the Soeharto era have changed the environment in which politicians and the military interact, they both still do so to pursue sectional rather than national goals. A consequence of this continuing relationship has been that attempts to reform civil–military relations have been undermined by politicians and political parties who have muted their earlier calls to end the military's political role and who have been reluctant to be seen as opposed to military interests.¹⁶

As a first step, civilian leaders require leverage over the military in order to break the unhealthy alliance between politicians and the military. Harold Trinkunas has argued that civilian leaders can maximise their leverage over the military through strategies ranging from appeasement to divide and rule to sanctioning.¹⁷ Anwar argues that sanctioning strategies, in which officers who cooperate with the democratic civilian government are rewarded with advancement whilst the rebellious ones are severely punished, can be an effective tool in civilian control of TNI.¹⁸

Sanctioning strategies, along the lines proposed by Anwar should be adopted as a first step in strengthening civil–military relations. Under these policies, undisciplined officers must be punished to show the error of their ways and to discourage others from following in their footsteps. Similarly, those officers promoted to higher posts must demonstrate clear support for democratic ideals. Such sanctioning strategies must be absolutely transparent as any suspicion of favouritism or discrimination based on the likes or dislikes of senior politicians will be detrimental to the professional development of the military.

Because of past experience of the military being used as a tool for personal rule by an all-powerful executive,

attempts to make the military into a truly professional force divorced from direct involvement in political, social, or economic affairs must begin with a broad reformation of the Indonesian political system, not simply the introduction of specific measures to deal with civil–military relations.¹⁹

This will require significant change to the nature of democracy in Indonesia.

Consensus on democracy

Trinkunas points out that one of the most important elements for preventing military interventions in politics is a strong consensus on democratisation.²⁰ This consensus must come from all walks of Indonesian society; from politicians, political parties, the military and civil society. This change must be fostered and encouraged by all with unambiguous leadership shown by political and military leaders. This new democracy must not be seen as a zero-sum game in which the civilians win and the military loses, because if military personnel see themselves as democracy's victims they will become democracy's enemies and work to undermine the political process. As a first step, TNI should amend its doctrine such that it becomes the protector of democratic values and institutions rather than of

Pancasila, or the notions of ‘political stability’ and ‘national unity’. Politicians must complement this policy change by ceasing the behaviour of courting the military’s influence in what are essentially acts of political manoeuvring and advantage seeking.

Safeguards for democracy

Strengthening the consensus for democracy must be accompanied by constitutional and legislative frameworks for democracy to first survive and then grow. An underlying problem in Indonesia is that the 1945 constitution was drafted in a hurry and contains many loopholes which previous presidents have used to concentrate power in the hands of the executive. The constitution also legitimises the formal representation of the military in politics as a functional group.

Constitutional amendments are necessary to enforce a clear separation of powers among the executive, legislative and judicial branches and to provide a functioning system of checks and balances. The constitution must also spell out the role of the military and the police, thus closing loopholes for misinterpretation and misuse.

Legislation is then required to establish conditions and safeguards for occasions when the government is compelled to declare a civilian or military emergency. Particularly, the legislation proposed by TNI and presented to the national parliament in early 2003, which would allow a TNI commander, in an emergency, to deploy military forces and only afterwards have to report to the president,²¹ must be abandoned. Further, all laws and regulations which legitimise the military’s political role or *dwifungsi* must be revised or repealed.

Human Rights

Closely related to the necessity of strengthening democracy, in a philosophical sense, is the requirement to strengthen Indonesia’s performance in the broad field of Human Rights. Within the scope of this paper, strengthening Human Rights has a narrow focus concentrating on ensuring that TNI respects the rights of Indonesian citizens, that military personnel are held accountable for Human Rights violations and, more broadly, that government policies that affect Papuans respect their fundamental rights.

A key precursor to improving TNI’s performance in Human Rights is unambiguous government policy asserting that the rights of Indonesian citizens are of greater importance than, not secondary to, other national interests. Beneath this broad policy should be measures to establish clear guidelines for military and police so they know exactly what they can and cannot do in the line of duty. Further, transgressors, both in the rank and file and their commanders, must be held accountable, with proceedings conducted in civilian rather than military courts.

Policy Recommendations:

Sanctioning strategies should be adopted to strengthen support for democratic ideals amongst military officers.

TNI doctrine should be amended such that the organisation becomes the protector of democracy.

Politicians should cease courting the military for political advantage.

The Constitution should be amended to spell out the role of the military and the police.

Legislation should establish the conditions and safeguards for occasions when the government

is compelled to declare a civilian or military emergency.

Laws and regulations which legitimise the military's political role should be revised or repealed.

Government policy should assert that the rights of citizens are of greater importance than, not secondary to, other national interests.

Clear guidelines should be established for the use of force by the military and police.

Human Rights transgressors must be held accountable, with proceedings conducted in civilian rather than military courts.

MILITARY REFORM

Instituting reform in TNI's involvement in politics and its relationship with government is a complex undertaking. The present-day relationship has developed as a direct consequence of Indonesia's formation as a state, the nature of political activity in the newly independent state and the nature of security threats that the state has faced.²² Reform will be considered first in terms of the insights that civil–military relations theory can provide on how to improve relations, and then in terms of specific measures either to enhance civilian control or to remove TNI from activities and roles which confer political influence or independence of government control.

During the five years since the downfall of President Soeharto, much reform has taken place in Indonesia to remove the military from its direct involvement in national politics and in socio-political affairs.²³ The most significant of these involve the separation of Polri from the armed forces, the reduction in TNI's representation in the People's Legislative Assembly (*Dewan Perwakilan Rakyat*, DPR) and significant limitations on military personnel serving in civilian posts. Although these reforms were significant, observers note that TNI has allowed reform only to the point that it has not affected the power derived from the territorial structure and business interests.²⁴ The limit to the change in TNI's mindset is reflected in the principles TNI postulated for the reforms: 'that the military will no longer be in the forefront of politics', but that it 'will influence the political process indirectly'.²⁵ This intention to indirectly influence the political process may be behind recent remarks by the Army Chief of Staff, General Ryamizard Ryacudu. The general is reported to have called on family members of TNI personnel to exercise their political rights in the 2004 election and vote for candidates who accommodate TNI's interests and are committed to maintaining the country's territorial integrity.²⁶ This is a worrying sign, and suggests how much reform remains to be done to remove TNI from all involvement in politics.

Civil–military relations

The study of civil–military relations theory provides compelling explanations for why it is that TNI has developed into a political force with a self-image of responsibility to the state and people of Indonesia, rather than to the government. The first explanation is offered by Samuel Huntington's examination of societies in terms of their political participation and political institutionalisation. He characterises societies, such as Indonesia, with low levels of political institutionalisation and high levels of political participation as praetorian in nature, and identifies colonialism as one cause of radical praetorianism.²⁷ A second theoretical framework is provided by Michael Desch who has examined the nature of civil–military relations in circumstances of varying internal and external

threats to a state.²⁸ Desch concludes that where a state faces primarily internal threats, it is likely to 'have inattentive civilian leaders working through divided institutions' and that 'the military is likely to be highly unified but internally focused'.²⁹ Both Huntington and Desch offer insights into how a society with praetorian characteristics and a state facing predominantly internal security threats can reform both the nature of the political system and relations between the civilian leadership and the military.

In commenting on the feasibility of the military moving from society from praetorianism to civic order, Huntington notes that the 'ability of the military to develop stable political institutions depends first upon their ability to identify their rule with the masses of the peasantry and to mobilize the peasantry into politics on their side'.³⁰ It is insightful to contrast this observation against TNI's self-image as 'an Army of the Indonesian people'³¹ and note that although TNI mobilised the 'peasantry' on their side during the independence struggle, and still regards itself as needing 'to maintain its closeness with the people',³² some have argued that TNI lost this connection during the latter years of the Soeharto presidency.³³ Huntington also draws on Machiavelli to note that the 'reform of corrupt states or the creation of new ones ... must be the work of one man alone.'³⁴ It could be argued that Indonesia's 'one man' at creation was Soekarno; it is not however yet clear as to who might be Indonesia's next one man (or woman) to lead significant reform. In separate works, Huntington offers two further sets of advice for improving civil-military relations. In providing advice for democratisers, Huntington suggests that armed forces should be redeployed to the boundaries of the state and be given modern equipment to distract them from domestic politics and to give them a useful role.³⁵ He also identifies the importance of a professional officer corps on the basis that the higher the military's level of professionalism, the better the civil-military relationship.³⁶

Desch, in offering prescriptions for improving civil-military relations, observes that 'there is not likely to be much that civilians can do to increase the cohesion of civilian institutions'.³⁷ This does not offer much hope for improved civilian control of the military since he sees that divided civilian institutions are not conducive to control of the military. The only solution that Desch can see is for the state to 'divide coercive power between the military and some internal security organisation',³⁸ this would mean that one organisation would not have a monopoly on the use of power. It is noteworthy that recent decrees of the People's Consultative Assembly (*Mejelis Permusyawaratan Rakyat*, MPR) have sought to create this type of role distinction between TNI and the Indonesia police, Polri.

Control of the military reform agenda

It is now more than 20 years since Indonesia's last comprehensive defence review. In the intervening period, TNI has stepped into the policy void to largely control both national defence policy and the military reform agenda. In the absence of government policy that articulates the mission, size, shape and organisation of the military, TNI has pursued lower order reforms on the basis of vague philosophical concepts contained in high level legislation.³⁹ This has allowed TNI to avoid the reforms that would directly impact on its self-assumed role in Indonesian society.

Related to TNI's assumed role as responsible for the survival of the nation, is its subordination to the president, rather than to the Minister for Defence, and its continuing distrust of civilian politicians. This arrangement leaves the minister with no effective control over the military and makes it difficult to coordinate policy and to plan for TNI's development. In the long term it is healthy for Indonesian democracy for TNI to be subordinate to the Minister for Defence, with ultimate authority over the armed forces resting with the civilian head of government. To reassure all concerned, this transition

should occur progressively with responsibility for formulating defence policy first transferring to the minister, followed by other administrative responsibilities such as development and acquisition and, finally, responsibility for military operations.

The change in the nature of Indonesian politics and society, the recent economic crisis, and the present state of TNI provide good reasons for the government to initiate a comprehensive review of national defence and security.

Military funding and business interests

Indonesia's official military budget meets approximately 25 per cent of TNI's minimal operating costs; at about \$US1 billion, the government contribution is less than 1 per cent of GDP and less than 4 per cent of the government budget.⁴⁰ It is claimed that the military generates the remaining 75 per cent, about \$US3 billion, from legal and illegal business interests ranging from legitimate airlines and trucking companies to oil smuggling, illegal logging and drug smuggling and distribution.⁴¹ Assessments of the cost of maintaining the existing force and meeting essential modernisation of equipment and infrastructure run as high as \$US6 billion, approximately 4.6 of GDP or 23 per cent of the 2001 government budget.⁴² This funding is well beyond the current ability of the government to meet.

TNI's off-line income stream is unhealthy in terms of the government establishing formal control over the military because it provides all levels of the TNI hierarchy with substantial freedom of action and involves military personnel in a wide range of criminal activities. These arrangements have contributed to 'protection' relationships with mining and other enterprises⁴³ and have provided funds used to finance political operations outside the knowledge of the civilian government.⁴⁴

The International Crisis Group has identified three possible options for resolving TNI's budget shortfall; the first is to cut the military to fit the budget, the second to increase the budget to cover the current force and the third a combination of the two broad approaches.⁴⁵ Neither of these is suitable because the first option would leave Indonesia with inadequate forces and expose it to the dangers of enforced demobilisation, and the second would be a waste of scarce government funds because of corruption and inefficiency.⁴⁶

An alternative is to rely on the same business interests that currently sustain TNI's budget, but for these to be brought within central government control and oversight. This could involve 'nationalising' all of TNI's legal business activities and providing oversight through an appropriate government department or agency. The profits generated by these companies would need to be quarantined from government revenue and provided to the Department of Defence to meet TNI's operating and investment costs. Over time, these businesses could be sold to provide funds to support modernisation and further reform. The illegal businesses are more problematic. These must be stopped immediately so as to enforce law and order and also to prevent further erosion of the military's reputation and credibility. Further, the government will have to make up the shortfall from these activities; the quantum of the contribution from these activities has been estimated at \$US2 billion per annum.⁴⁷

This approach is likely to generate much resentment and resistance within TNI. Generations of TNI personnel have grown accustomed to the power and influence that business activities have conferred, the freedom of action that profits have provided, and the personal wealth that has been amassed. This policy would therefore have to be implemented with sensitivity and fairness, whilst ensuring that all business interests are drawn into the new arrangements and that individuals and families are not

disadvantaged by legitimate 'welfare' support being withdrawn. Critical to success will be early and ongoing evidence of funds from these activities being channelled into defence and down to units and individuals.

Internal security role

During President Soeharto's New Order period the military was able to impose its domination directly through its role as an internal security force. There was no clear distinction between internal and external functions, and the police functioned as a branch of the armed services. This led to an excessive 'security approach' being taken in law and order matters and a military culture that assumed that it was almost automatically involved at all times.⁴⁸

Decrees issued by the MPR in 2000 separated Polri from TNI and sought to establish clear roles for each organisation. Specifically, Polri was assigned the task of law and order and internal security, and TNI the tasks of external security, dealing with armed separatist groups and of backing-up the police when required.⁴⁹ The 2003 Defence White Paper asserts that the separate internal security and national defence roles stipulated by MPR Decree for Polri and TNI is not a situation of black and white, but of many shades of grey. From this, the Paper argues that TNI must remain involved in internal security matters.⁵⁰ It is difficult to determine whether the more blurred role was intended by MPR legislators, or created within TNI so as to ensure a continuing role in internal security matters.

Thus Indonesia is still laden with a military culture that assumes that it has a significant role in internal affairs. Recalling the insights offered by Desch, removing TNI from internal security is a key to reforming civil-military relations in Indonesia and to removing TNI from politics. This legacy needs to be broken by organisational reform, legislation and a more assertive political leadership.

The earlier section on strengthening democracy highlighted the need for legislation to further define the roles and responsibilities of both Polri and TNI. This is important so that the blurring of roles, as appears to have been argued by the recent White Paper, cannot occur, and to outline those limited circumstances in which the military may be involved in internal security. A key factor in removing the military from internal security is to enhance Polri's ability to assume responsibility for all but the most demanding situations. This is a particular challenge as the legacy of three decades of the police being an extension of the military cannot be erased overnight, and enlarging the para-military wing of the police to deal with internal security will only perpetuate that legacy.

A related legacy of the Soeharto period that contributes to TNI's continuing involvement in internal security is that the National Intelligence Agency (*Badan Intelijen Negara*, BIN), although nominally civilian and responsible directly to the president, is staffed largely by military personnel. Within TNI, the focus of the Strategic Intelligence Agency (*Badan Intelijen Strategis*, BAIS) has been on what it perceives as domestic threats, with only one section dealing with external intelligence.⁵¹ The culture of BAIS has been far from democratic with military intelligence officers prominent among those alleged to have been involved in Human Rights abuses.⁵² It is also widely believed that BAIS officers are among those stirring up ethnic and regional violence as a means of destabilising the civilian government.⁵³

It is important the BIN be removed from military control and placed under civilian directorship. For this to occur it will be necessary to go through the lengthy process of training civilians in the necessary intelligence gathering and analytical skills, whilst ensuring that they do not embrace the culture of military intelligence officers. It is also important that BAIS's priorities be refocused on external intelligence, with the agency only focusing on internal threats to the extent necessary to

support authorised TNI tasks such as dealing with armed separatist groups. Further, the agency's ability to conduct intelligence support operations within Indonesia should be severely constrained by legislation.

Army territorial structure

A legacy of the independence struggle, and of TNI's socio-political role, is the Army's territorial structure that allows TNI to exert considerable influence at district and village level. The recent Defence White Paper has emphasised the inviolate nature of these structures:

TNI has to know and live with the people. Hence, efforts to separate TNI from the people are denials of TNI's nature as an army that comes from the people, fights with the people, and for the people's interest.⁵⁴

These territorial structures however present problems in the context of democratisation in that 'the military's capacity in the field of internal security can also be directed toward intervention in local politics under the guise of maintaining "stability"'.⁵⁵ The key challenge with dismantling the territorial structure is deciding what to do with the approximately 140,000 personnel currently serving in military commands across Indonesia. The International Crisis Group has identified two possible options: transferring the personnel to the police force⁵⁶ or, in combination with personnel from the Police Mobile Brigade (BRIMOB), create a third force along the lines of a gendarmerie.⁵⁷ A third option is to transfer personnel into the centralised commands, Kostrad (strategic reserve) and Kopassus (special forces). Transferring personnel from an oversized army to an undersized police force appears attractive, but would be unattractive with soldiers who perceive the army as the superior service. It would also hinder the professionalisation and demilitarisation of Polri. The option of combining 'surplus' army personnel with BRIMOB, to create an independent gendarme-like force with responsibility for internal security, border security, resource protection, and assistance to the police and the military, would not automatically improve the performance or conduct of the security forces. It also creates another agency that the government must coordinate and administer.

The best option appears to be to disband the territorial structure from the bottom up, and to transfer personnel to fill-out any vacancies in the strategic reserve. Then, depending on the outcome of a government review of defence policy, personnel should be either transferred to an expanded central command, transferred to Polri, or returned to civilian life. The disbanding of the territorial structure should start in regions where police and local government are well established, and there are no pressing internal security problems.

Civilian oversight

Previous sections have highlighted the extent to which TNI conducts itself independent of national government. The breadth of non-military activities indicate how TNI has been allowed by national governance arrangements to determine the activities in which it participates, and highlights the consequences of successive governments having little real control over the organisation. If future governments are to exercise effective control over TNI they must be able to understand and oversee military activities.

An earlier section outlined the requirement to subordinate TNI to the defence minister. This alone will not be effective as the Department of Defence, the minister's principal advisory organ, is currently largely manned by military officers on posting from their Services. Whilst military officers have roles to fulfil in the department, there is a need to appoint civilian experts on security and military affairs to the ministry. Over time, this will lead to the transformation of the department into a civilian agency which oversees military activities under the executive branch.

There is also a need for the national parliament to establish arrangements to oversee military and security matters. This could be in the form of a standing committee of the parliament supported by a team of experts and specialists on military matters. This oversight will be enhanced through the development of independent think tanks and academic courses, as well as through informed media reporting.

Policy Recommendations:

A comprehensive review of national defence and security should be conducted.

Higher defence command relationships should be amended to place TNI subordinate to the Minister for Defence.

TNI's legal business activities should be placed under the oversight of an appropriate government department or agency.

The involvement of TNI units and personnel in illegal businesses should be ended.

Legislation and doctrine should be amended to end TNI's routine involvement in internal security.

Polri's ability to assume responsibility for all but the most demanding internal security situations should be enhanced.

BIN should be placed under civilian directorship.

BAIS priorities should be refocused on external intelligence.

The Army territorial structure should be disbanded.

Civilian experts on security and military affairs should be appointed to the Ministry for Defence.

The National Parliament should establish arrangements and procedures to oversee military and security matters.

FINDING A SOLUTION TO THE PAPUA CONFLICT

Finding the ingredients of a solution to the secessionist conflict in Papua, acceptable to both Jakarta and Papua, is highly complex. The issues at the centre of the conflict, the territorial integrity of the state, and the separate identity of the Papuan people, are seen as incompatible and hence impossible to compromise. Jakarta's efforts to resolve the conflict have largely been unsuccessful; decades of Indonesian rule have heightened the Papuan sense of uniqueness, resource extraction operations have created the sense that Papua is being exploited, and security operations intended to end the conflict have only served to harden Papuan attitudes. Recent initiatives to devolve autonomy and to divide Papua into three provinces have heightened rather than defused tensions.⁵⁸

The Indonesian Government faces a stark choice. It must choose between seeking to 'defeat' secessionist groups or to remove the causes of the conflict, whilst recognising that both approaches run the risk of the loss of Papua. This paper will argue for policies that address the causes of the conflict.

Ethno-nationalism

The concept of ethno-nationalism, loyalty to a self-identifying ethnic group, has arisen from the manner in which states have been constructed. The phenomenon is most common in Africa and Asia because ‘policies of politically dividing Africa and Asia along the former political and administrative lines of empire created a large number of trans-cultural states’.⁵⁹ Within these post-colonial trans-cultural states, periods of social development have brought peoples of different national groups into contact with each other, making each aware of the differences between them. The noted authority on ethno-nationalism, Walker Connor, argues that gaining a sense of being ‘unique in a most vital sense’ is a key to transition from being an ethnic group to having a sense of ‘nationhood’.⁶⁰

Various writers have identified the circumstances under which a self-identifying national group develops a sense of nationhood and how this can lead to struggle against the parent state.⁶¹ High among these are a mythical bond between a distinctive group of people and a distinct territory, ethnicisation of bureaucracy, exclusion of one ethnic group from state apparatus and the unequal distribution of the goods of state being perceived as ethnic discrimination. These circumstances are very much present in Papua.

Connor notes that states almost always adopt the wrong policy prescriptions to resolve ethno-nationalism conflicts. He observes that often governments promote policies of assimilation between different ethnic groups in the belief that a greater awareness of what groups have in common will lead to an easing of tension. Connor identifies many examples of precisely the opposite result arising from increasing contact between groups.⁶² This is useful in explaining why attempts to ‘Indonesianise’ Papuan society have exacerbated rather than reduced tensions. Connor also identifies that minority communities in ethno-nationalist conflicts seek significant alteration to the political system in which they exist so as to achieve greater autonomy.⁶³ It is particularly noteworthy that Connor identifies that ‘most members of national minorities are prepared to settle for something less than separation’.⁶⁴ The explanation for this distinction being that ethno-nationalist concerns are more obsessed with a vision of freedom of domination by other groups than with a vision of freedom to conduct foreign relations with states.

The challenge therefore is for the state government to develop some form of autonomy that would be acceptable to both the ethnic minority and the broader population. As Connor notes:

A successful formula will require a significant measure of decentralisation of authority, and governments, by nature, are ill disposed toward the relinquishing of power. However, governments may come to realise that a measure of devolution would actually increase their authority over otherwise rebellious national groups.⁶⁵

Broad policy direction

The Indonesian Government faces a stark dilemma over its approach to the Papua conflict. It can continue with its present strategy—employing security forces to defeat armed separatists and making limited administrative concessions—and run the risk of further hardening Papuan attitudes and limiting the opportunities for settlement in the future. This strategy also risks generating greater interest and concern amongst the international community. In turn this may lead to either calls for a review of the legitimacy of the 1969 Act of Free Choice, a questioning of whether Indonesia is meeting its ‘responsibility to prevent’ the conflict in Papua, or the accepting of a ‘responsibility to protect’ in Papua.⁶⁶ This could lead to the ‘loss’ of Papua, the very outcome that Jakarta most seeks to prevent.

An alternative approach is for the Indonesian Government to systematically address the root causes of the conflict. This will involve making concessions to Papuan demands, something that Jakarta had not previously been able to accept. From Jakarta's perspective, the risk to this approach is that it may embolden Papuan leaders and initiate a process that would lead first to a form of federalism and then to an independent Papua. That initiatives consistent with this strategy, such as devolution of special autonomy, have been supported by foreign governments, has fed suspicion that some governments seek to dismember Indonesia. This suspicion has curtailed the extent and utility of the concessions offered.

Policies over the past five years have oscillated between these two broad approaches. The government has devolved special autonomy to the provincial government, but less than two years later sought to divide the province into three, throwing the province's administrative status into legal limbo and undermining moderate Papuan leaders who had supported the special autonomy package. Similarly, three weeks after the special autonomy law was passed, a respected Papuan leader who had been one of the government's negotiating partners, but who had spoken out rejecting the package, was murdered by Kopassus soldiers.⁶⁷

Indonesian Government policy on Papua has been contradictory and confusing. The recent Defence White Paper notes that Law No 3 of 2002 assigns TNI the task of overcoming armed separatist groups, and outlines the policy for overcoming the Free Papua Movement (*Organisasi Papua Merdeka*, OPM). The approach is to first adopt 'persuasive methods' and, if this approach does not bring a positive response from the OPM, TNI will adopt 'other methods, which may be more effective'.⁶⁸ The Coordinating Minister for Security and Political Affairs, Susilo Bambang Yudhoyono, recently commented that the priority in Papua is to first defeat the OPM, and then to conduct peacekeeping operations. His message was however immediately confused by comments that 'the challenge in Papua is political, how to implement special autonomy' and 'proper implementation of special autonomy will resolve tensions in Papua'.⁶⁹ Such inconsistency illustrates the extent of policy confusion within government, and has served to sustain Papuan suspicion of Jakarta's motives.

To bring the Papua conflict to an end, the government should adopt a consistent set of policies designed to remove the causes of the conflict. This will necessarily involve the making of concessions and the devolution of substantial autonomy to the province.

Devolved administration

In the development of Indonesia's special autonomy law, Jakarta first sought the input from Papuans, represented by the provincial government and community leaders, to establish the terms of autonomy. The Papuan proposal for autonomy established Papua as a region of self-government within Indonesia with authority in all areas of government except foreign affairs, external defence, monetary policy and the Supreme Court.⁷⁰ This draft was substantially watered down in Jakarta, in ways that reveal the gap between Papuan and Indonesian perspectives; the final bill removing provisions for a separate police force and the provincial government having a say in the use of the security forces. The final bill particularly de-emphasised the distinctive nature of Papuan culture and history and emphasised Papua's place in the unitary state.⁷¹

The efforts to establish the framework for Papuan autonomy suffered from a lack of consultation between the interested parties, being caught up in partisan politics and most importantly from a deep suspicion of the motives and intentions of the parties from each other. The efforts have been further complicated by the reinvigoration of the plan to divide Papua into three provinces. Each of these

failings provides an indication about how policy makers could attempt to reassess the nature of and timetable for devolution of special autonomy.

A first important step is to resolve the administrative and legal status of Papua by separating the issues of autonomy and provincial division. However, government ministers are sending confusing messages on the relationship between the two issues. The Coordinating Minister for Political and Security Affairs, Susilo Bambang Yudhoyono, has said that the government will indefinitely postpone the division of Papua into three provinces,⁷² yet three weeks later the Minister of Home Affairs, Hari Sabarno, indicated that the government will proceed with the division despite Papuan opposition.⁷³ Against the background of these conflicting messages, it is not surprising that Papuans are suspicious of government officials and their statements of policy. The Indonesian Government needs to clarify its policy on both special autonomy and the division of Papua. Proposals to divide Papua should be set aside, and autonomy devolved.

A report sponsored by the independent Council on Foreign Relations has recommended that, in parallel with moving ahead on implementing the special autonomy law, the government should appoint a widely respected and experienced Indonesian as a ‘Papua Coordinator’ to provide leadership and direction to the implementation of special autonomy.⁷⁴ This coordinator, assisted by Indonesian and Papuan experts and international specialists, would work with provincial officials to draft laws and regulations required for implementing special autonomy. This individual would also be well placed to identify opportunities to refine the nature of special autonomy to best meet both national and Papuan needs and interests.

Mindful of the deep suspicion that Papuans hold towards Jakarta, it will be essential that all aspects of the implementation of special autonomy are consistent, transparent and free from the deception that has characterised much of Jakarta’s previous dealings with the province.

Resource extraction

The struggle over land and natural resource rights is a key aspect of the conflict in Papua. The National Government has often disregarded the customary rights of Papuan communities when granting concessions to resource companies, whilst earning substantial tax and royalty revenues. The issues surrounding the extraction of resources from Papua are particularly complex because of the entanglement of business, political, bureaucratic and military elites in extracting and sharing the province’s wealth. The security forces guarding these operations have frequently committed murders and other Human Rights abuses against civilians.⁷⁵ The situation is further complicated by the involvement of senior state officials and others close to government in logging and other business activities in Papua.⁷⁶

The special autonomy package will address in part the legitimate complaints of Papuans that they are not sharing in the economic benefits of resource operations. The special autonomy law provides for 80 per cent of state income from mining, forestry and fishing to pass to the province, and 70 per cent of oil and gas income.⁷⁷ Leaving aside the ability of the provincial government to manage these funds for the benefit of all Papuans, this change does not address the substantial exclusion of Papuans from employment in resource operations, or the widespread illegal logging activities that do not contribute to state revenue.

Policies to address this contributing factor to the conflict will need to address the Human Rights and environmental practices of legitimate resource extraction operations, widespread illegal logging operations and establish procedures by which future resource extraction proposals can be assessed. Related to these is the need to end the military’s role in protecting national resource infrastructure.

Impact of military reforms

The previous section addresses a range of reforms designed to improve the nature of civil–military relations in Indonesia. If implemented, these reforms will enhance Jakarta’s ability to assert complete control over local security activities and eliminate, or at least curtail, many TNI activities and behaviours that have contributed to the resentment felt by Papuans. Specific policies to end the military’s role in protecting resource infrastructure and to sever the ‘protection’ relationship between TNI and extraction operations will greatly assist to counter the association Papuans make between oppressive security operations and the exploitation of resources and environmental damage. Policies to end the military’s role in illegal business activities may contribute to a reduction in illegal logging operations, and also lead to a further lessening of tension between Papuans and the national government.

The International Crisis Group has recommended that all security disturbances in Papua be treated as law enforcement problems,⁷⁸ and that TNI’s presence in the province be limited to units required for the external defence of the province.⁷⁹ The climate in Indonesia, within government, TNI, Polri and on the ground in Papua, is not yet amenable to these ambitious recommendations. Nonetheless, these represent reasonable long-term ambitions to which officials in Jakarta and Papua should aspire.

Most problematic in TNI’s behaviour is the contention that the organisation’s involvement in protection schemes and illegal business is dangerous because it gives the security forces a vested financial interest in conflicts and, some argue, a reason to keep conflicts going. For this reason, it is essential to resolving the Papua conflict that TNI be brought under civilian control, lose its responsibility for internal security and end its involvement in illegal business activities.

Building local governance

The special autonomy law provides significant powers to the provincial government and diverts a substantial proportion of state revenue from resource extraction operations to the provincial government. Implementation of special autonomy has been hampered by a lack of capability in Papua to handle increased administrative and financial responsibilities. Already the handling of this additional money has come under criticism over the allocation of the bulk of the budget to running costs of the administration itself, including large sums to vaguely defined purposes that could be embezzled or misspent. There are also complaints that Papuan officials are as prone to corruption and high-handedness as their non-Papuan predecessors.⁸⁰

Measures are urgently required to develop the skills of Papuan officials at the provincial and district levels. Development is required in a broad range of administrative, financial and management skills. Whilst Indonesia is capable of providing much of this training it is preferable, for reasons of respecting Papuan sensitivities, that international NGOs are involved. A report of the Council on Foreign Relations recommends that the United Nations Development Programme (UNDP) establish a ‘Papua Professional Corps’ of national experts and international specialists to assist with the development of good governance and with social and economic development projects.⁸¹ The report recommends that the Corps be sponsored by donor countries, international business and NGOs. This presents a viable method of building Papuan governance capability, but will be viewed with deep suspicion by Jakarta, who will be wary of building institutions capable of sustaining Papuan independence. Reassuring Jakarta will be a challenge for donor countries and NGOs to tackle head on.

Policy Recommendations:

The objective of all government policy should be to bring the conflict to an end through a strategy of removing the causes of the conflict.

Previous government policy to divide Papua into three provinces should be abandoned.

Special autonomy should be devolved to Papua.

A ‘Papua Coordinator’ should be appointed to provide leadership and direction to the implementation of special autonomy.

The activities of all resource extraction operations should be reviewed to identify oppressive Human Rights practices and unsustainable environmental practices.

Legislation should be amended to end TNI’s role in protecting national resource infrastructure.

As conditions allow, TNI’s presence in Papua should be reduced to the units required for the province’s external defence.

The skills of Papuan officials should be developed.

BUILDING SUPPORT FROM FOREIGN GOVERNMENTS

Indonesia has repeatedly argued that the conflict in Papua is an internal matter, and has only sought support from other countries to affirm its territorial integrity and unity. Foreign governments have repeatedly expressed the support for Indonesia’s unity and territorial integrity, whether during heads-of-government meetings or in national policy statements.⁸²

Indonesia cannot however assume that this support will endure regardless of the situation in Papua. The emerging international norm of a ‘responsibility to prevent’ internal conflict may, if conditions in Papua worsen, give rise to foreign governments and international organisations taking a closer interest in the conflict and possibly invoking a ‘responsibility to protect’ the Papuan people.

It therefore behoves the Indonesian Government to demonstrate to the international community that it is working actively to resolve the conflict and improve the lives of the Papuan people, and is making real progress to this end. The international community has much to offer Indonesia, both in terms of resolving the conflict in Papua, and in improving civil–military relations. The Indonesian Government should therefore, as much as possible, enjoin the international community in solving these challenges.

The priority area for international assistance for the improvement of civil–military relations is in developing the ability of civilian officials, both parliamentarians and civil servants, to contribute to the oversight of military activities. The government should pursue support for a program of parliamentary visits to and staff secondments with developed and developing countries with well established civilian control regimes. Military to military relationships should also be pursued, in a limited range of areas, to enhance general professionalism and Human Rights. Over time, as the confidence of foreign governments improves, restrictions on military combat training and on materiel support to combat systems are likely to be lifted by respective governments.

As was highlighted in the previous chapter, the principal area in which foreign governments and international organisations can best support the resolution of the Papua conflict is through contributing to the building of governance institutions and practices, and through the provision

of essential infrastructure. Because the situation in Papua is likely to be fragile for some time, it is preferable that support from foreign governments and NGOs be channelled through respected agencies such as UNDP and the Asian Development Bank. This will assist Indonesian and Papuan authorities to maintain visibility of activities and to reassure Jakarta that agencies are not working to create an independent Papua.

Policy Recommendations:

The assistance of the international community should be sought to both improve civil–military relations and to resolve the conflict in Papua.

A program of parliamentary visits to and staff secondments with other countries should be developed to enhance the ability of civilian officials to oversight military activities.

The assistance of the international community should be sought to build governance institutions and practices, and to provide essential infrastructure in Papua.

Conclusion

The two strategic challenges for Indonesia considered in this paper have arisen as a consequence of Indonesia's emergence as a post-colonial state and the way in which the state's first two leaders used the military as a tool of the executive branch to remain in power. This background has contributed to the creation of a military that is distrustful of civilian leaders and the institutions of democracy, and believes that it has a special role in ensuring the stability and unity of the state. It has also led to a mindset when dealing with regional issues that the interests of Jakarta must prevail.

Now, as Indonesian leaders work to build and strengthen the state's fledgling democracy, there is a need to eliminate all threats and impediments to the institutions of democracy. Highest amongst these is TNI's residual role in national affairs. Although TNI's involvement has reduced markedly in the past five years, the organisation still dominates the national security debate, maintains the Army territorial structure paralleling civil administration down to village level, and provides approximately 75 per cent of its budget from a range of legal and illegal business activities. It is important that these legacies are tackled because they provide the organisation independence of action from legitimate civilian government, generate resentment among a broad range of groups and involve a key government institution in organised crime.

The theory of civil–military relations provides some insights into how the nature of relations in Indonesia may be changed. This may occur through the strengthening of civilian institutions, professionalising the officer corps, or removing the military from its internal security and sociopolitical roles. Tackling these entrenched practices will not be either quick or easy. It will require clear direction and firm leadership from national leaders, among them the president, members of parliament and senior TNI officers. The most important step in the process of reforming civil–military relations is for civilian leaders to take control of the setting of national defence policy and the military reform agenda. Also highly important is establishing oversight of military affairs by civilians, both in the national parliament and the Department of Defence.

One of the most difficult tasks for the reform process will be to end TNI's role in business, both to remove the freedom provided by the income from these activities, and to end the involvement in illegal activities. A related challenge will be for the government to make-up the yet to be quantified budget shortfall when income from illegal activities ceases. A further complex challenge is to remove the military from its role in internal security. This requires a multi-faceted approach, strengthening

Polri's ability to handle all but the most challenging internal security challenges, ending the role of the security forces in protecting national resource infrastructure, and ending the military's control over and involvement with agencies responsible for domestic intelligence.

Indonesian history, together with nationalist rhetoric which stresses the existence of a 'unitary state of Indonesia', has created a climate in which policy makers cannot be seen to make any concessions to Papuan demands. Against this background, policies have focused on meeting only Jakarta's needs, rather than an accommodation of both national and Papuan perspectives.

Indonesian leaders have an important policy choice to make. They can continue to attempt to 'defeat' the secessionist movement in Papua, an approach that has not succeeded over the past 35 years; or they can address the root causes of the conflict, and make concessions to Papuan demands, something that they have not previously been able to accept. To date, Jakarta has focused on the risk of 'loosing' Papua should they take any steps to acknowledge Papuan concerns or meet Papuan demands, yet the same decision makers appear to have been blind to the possibility that the present 'defeat' strategy might lead to the same outcome.

The theory of ethno-nationalism provides insights into how the causes of the conflict in Papua can be addressed. Addressing the causes will require Jakarta to devolve a significant degree of authority to the province; possibly along the lines of the draft special autonomy bill prepared in 2001. The granting of autonomy will present great challenges to policy makers in Jakarta. If the autonomy does not involve substantial authority, or if empty promises are made, Papuan attitudes will harden and the calls for independence will become louder. Alternatively, if autonomy is of sufficient scale to satisfy Papuan demands, it will face strong challenge from Jakarta elites fearing the loss of the province and break-up of the unitary republic.

To provide an opportunity for special autonomy to succeed, it is necessary for the Indonesian Government to abandon the intended separation of Papua into three provinces. Separation cuts across the objectives of special autonomy and has served only to antagonise Papuans suspicious of Jakarta. Equally important for the successful development of an autonomous Papua is a concerted effort by Indonesia and others to build the institutions and practices of Papuan governance. International institutions including UNDP and the Asian Development Bank have a great deal to offer this effort, and should be encouraged to participate.

Perhaps the greatest challenge facing the resolution of both these strategic challenges is the strong united leadership required at all levels of government and the bureaucracy. Division among them, particularly among civilian leaders, will constrain the extent and effectiveness of reforms. These two challenges are too important for Indonesia's future to become victim to political leaders, military officers and bureaucrats more concerned with sectional and individual power and influence rather than on national greatness.

Endnotes

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