

## NGOs, Government and Promotion of Democratic Governance in the Post-New Order Indonesia

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### Abstract

This article focuses on the relationship between NGOs and central government in promoting democratic governance in the post New Order Indonesia. In general, the government has tended to show a form of benign neglect in dealing with the NGO community, and NGOs have taken an ambiguous position in interacting with the government, somewhere between critical collaboration and confrontation. Under such modes of relationship, and supported by international donors, NGOs have sought to promote democratic governance. Even though there has been increasing political commitment to build democratic governance, so far, the government has made little progress. By combining cooperative and advocacy strategies, NGOs has made significant contributions to governance reform.

### 1. Introduction

There have been many encouraging political changes since the resignation of President Soeharto on May 21, 1998. There has been significant political liberalization. Restrictions on the freedom of speech and expression, freedom of association and assembly and other civil rights were lifted. Political parties with their ideologies have been allowed to organize. The depoliticization policy and repressive approaches that were applied by the New Order regime ( 1966-1998 ) came to an end, and was replaced by political pluralism geared towards democratic competition and representation ( Hikam, 1999a; 1999b; Liddle, 1999 ) Civil society organizations began to play a much more active role in society than at any time in the previous 30 years of the New Order era ( Manning and van Diermen, 2000: 1 )

Evidence shows that in many countries experiencing political changes toward the democratic transition, NGO-GO ( NGO and government ) relations have altered. In the Philippines, for instance, following the fall of President Marcos in 1986, NGO-GO relations significantly changed. In that country, following the enactment of the 1987 Constitution, various Executive Orders, and Local Government Code ( LGC ) of 1991, NGOs had a strong mandate to get involved in development activities. The LGC, for instance, accommodates and legitimizes the existence and role of NGOs in various issues. George ( 1998: 227 ) states, “nowhere in Asia does a law so explicitly accord NGOs a role in local governance”. Collaborative relationships have been remarkable in various development activities, not only between

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NGOs and the local governments, but also between NGOs and various government departments ( Melegrito and Mendoza, 1999; Zialcita et al., 1995; Carada, 1992 ) Such favorable conditions also allow the Philippine NGOs to play a wide role in consolidating democracy ( Clarke, 1998 )

Hypothetically, such experiences provide opportunities for transforming NGO-GO relations and for promoting democratic governance in Indonesia. This article aims to describe and analyze the political dynamics of NGO and central government relations<sup>1</sup> following the political change resulting from the resignation of President Soeharto, and their implication for promoting democratic governance. The first part illustrates the recent development in NGO-GO relations under Habibie and Wahid administrations ( May 21, 1998-July 23, 2001 ) This part also briefly describes organizations constituting NGOs as the focus of study. The second part deals with the concept and promotion of democratic governance and the efforts of the government, donors and NGOs for reforming governance. The last part offers concluding remarks.

## 2. Conceptual Framework

### 2.1. Definition of Indonesian NGOs

The writer refers to three organized sectors ( public, private, and voluntary sectors ) and places NGOs as a subset of the voluntary or civil society sector ( Fowler, 1997; Carroll, 1992 ) Although NGOs are located in the voluntary sector, they include a range of organizations from charity-based organizations to politically motivated organizations. The term NGO generally excludes the academe, media, business and political parties.

Like in many developing countries ( Carroll, 1992; Bratton, 1989 ) in the context of Indonesia, based on ownership or the basis of client groups, a distinction can be made between membership and non-membership NGOs. Membership NGOs refer to those that have membership base and serve for the benefit of their members, like NU, Muhammadiyah, KADIN ( Indonesian Chamber of Commerce and Industry ) IDI ( Indonesian Doctor Association ) HKTI ( Indonesian Farmers Association ) and the like. This type of NGO is usually called 'organisasi kemasyarakatan-Ormas' ( societal organization ) Non-membership NGOs refer to those that do not have membership base and serve for the benefit of the people, like, YLBHI, LP3ES, ELSAM, UPC, KONTRAS, INFID, WALHI, and so forth. This type of NGO can be established either by independent individuals and activists or by societal organizations particularly religion-based organizations. This type of NGO is also called LSM/LPSM<sup>2</sup> and usually takes the legal form of a foundation.

Even though, in practice, there are crosscutting activities and concerns between societal organizations and LSM, this article focuses on non-membership NGOs concerned with developmental issues.<sup>3</sup> Certainly, this type of NGOs refers to formal, independent from government, nonprofit, self-governing and voluntary organizations actively engaged in various development issues, such as grassroots community development, policy advocacy, and other activities to support self-reliant

community development. They include environmental advocacy groups, training institutions, consumer associations, and other development-oriented foundations.

It is reported that many new non-membership NGOs were established after the resignation of Soeharto both in Jakarta and other regions. SMERU estimates there are around twenty thousand NGOs throughout Indonesia<sup>4</sup> concerned with community development and empowerment, advocacy, and litigation ( SMERU, 2000 ) Many advocacy-oriented NGOs were established, particularly in Jakarta. They are established as a response to the challenges of political transition, such as institutionalizing democracy, promoting good governance, strengthening civil society, and combating rapid environmental destruction. However, NGOs of this type have also been established in some regions, such as Aceh, South Sulawesi, and West Nusa Tenggara and are involved in efforts for revitalizing regional governance ( decentralization ) and for overcoming various development problems at the local level. These younger advocacy-oriented NGOs, together with older ones, have been very active in the efforts for advancing democracy in the post-New Order period.

## 2.2. Government-NGO Relations and Promotion of Democratic Governance

The central government can interact and respond to NGOs activities in a variety of ways, ranging from cooperative ways to various degree of control. The general government policy toward NGOs can be assessed by reviewing how government responds to NGO initiatives. Five main modes of relation between the central government and NGOs can be distinguished ( Riker, 1995; 1998 )

The first is autonomy/benign neglect in which the government generally perceives NGO initiatives to be unthreatening and allows NGOs to operate as autonomous actor in development. Financial, organizational and policy autonomy are enjoyed by NGOs. The second is facilitation/promotion. The role of NGOs is seen as complementary to the government activities, and the government creates an enabling policy environment. Collaboration/cooperation is the third mode, within which government perceives a benefit from being involved directly with NGOs. The strengths of each agency can be directed toward a common development endeavor. In contrast to these last two modes, in the fourth mode, cooptation/absorption, government basically controls NGO activity in various ways. A superordinate agency usually guides government's control of the NGO community. Although it is rare, government may also take the fifth mode of dissolution/sabotage/containment. Perceiving NGO( s ) as a political challenge to its authority, by using various forms of repression, government can restrain and quash NGO initiatives.

The issue of NGO-GO relations becomes important when the recent development discourses and international development policy place and view the NGO community as the agent of development and of democratization ( World Bank, 1997; Edwards and Hulme, 1995; 1997 ) It is also argued that governance reform particularly in developing countries is strongly recognized by international donors as a precondition for successful economic development ( Leftwich, 2000; Turner and Hulme, 1997 )

The increasing number and role of NGOs and the need for governance reform at the global level (Edwards et al., 1999) are the major forces behind the efforts for building democratic governance both as a condition for sustained development and as the objective of development itself.

### 2.3. The Concept and Elements of Democratic Governance

The term 'democratic governance' is recently in common use in the international development community and academic discourses. Santiso (2000) states that this term was first proposed by the Inter-American Development Bank (IDB) as the 'new cure' both for development of transitional countries and the relative ineffectiveness of development aid. While the World Bank continues to use the term 'good governance' in the administrative and economic senses, the IDB has been forcefully advancing it by explicitly promoting a more political agenda. The difference between the two concepts is that while the term 'good governance' emphasizes policy and economic reform especially through policy based lending, the term 'democratic governance' underscores institutional and political reform. In short, the latter stresses the political dimensions of development and institutional environment in which public policies are made.

Brinkerhoff (2000) argues that democratic governance combines features of a political regime in which citizens hold the right to govern themselves (democracy) with structures and mechanisms that are used to manage public affairs according to accepted rules and procedures (governance). Clearly, democratic governance is

a set of procedures that assures meaningful competition among broad participation in the choice of leaders and policies, and in the allocation of societal resources; and a high degree of civil, political, and economic liberties (Brinkerhoff, 2000: 602)

Scholars place different emphasis on the elements of democratic governance. However, in general, the elements of democratic governance consist of some major components proposed by three interrelated and interlocked donor agendas of democracy, good governance, and human rights. The writer refers to several major components of democratic governance proposed by Weiss (2000). While he retains use of the term good governance in a broad sense, he underscores some major elements of democratic governance as follows:

more than multiparty elections, a judiciary and a parliament ... universal protection of human rights, non-discriminatory laws, efficient, impartial and rapid judicial processes, transparent public agencies, accountability for decisions by public officials, devolution of resources and decision making to local levels from the capital, and meaningful participation by citizens in debating public policies and choices (Weiss, 2000: 801)

### 3. General Recent Trends in Government-NGO Relations

Following the resignation of President Soeharto in May 1998, a growing perception has arisen in the NGO community that there was no longer any effective means of control used by the government to restrict NGO activities. This is indicated by the fact that the NGO community seemed uninterested in efforts to repeal the Law of Societal Organization No.8/1985<sup>5</sup> that previously restricted their existence and roles. It can be said that almost all regulations related to the NGOs enacted by the New Order government remained in effect in the post New Order period. NGOs have usually claimed that NGOs are not part of the societal organizations ( Ormas ) and hence they refused to be regulated by the law. NGOs also perceived that although these restrictive regulations were still valid, the more democratic political system prevented the government from using legal weapons for controlling the NGO community in the way frequently taken by the New Order government.

Nevertheless, in late April 2001, the government announced that it was considering enacting a law to govern the existence, roles and activities of NGOs. Minister of Defence, Mahfud MD, stated that “this issue was not final decided yet, but it remained a part of discourse that needed to be socialized to the people in order to find their responses.” He stated that the government considered NGOs an important part of civil society and it would provide freedom for NGOs to engage in activities to support the political bargaining of civil society vis-a-vis the government. He also warned that the NGOs should not play an opposition role to the government ( Kompas, April 25, 2001 )

In the latter part of the Wahid administration, the DPR passed a bill on foundations ( yayasan )<sup>6</sup> on July 7, 2001. The main aim of the bill is to govern many foundations wore social masks to cover their real motives as business entities. As is widely known, this particularly applies to the foundations established by the disgraced former president Soeharto, the military, the police and so forth. The bill also regulates the majority of NGOs that have legal status of foundation. These NGOs expressed fears of potential political repression and opposed the bill. They sent a draft revision to the DPR, but none of this was adopted.<sup>7</sup> They complained that the bill was merely a means for the government to control social activities, like the control undertaken by the New Order government. As stipulated in Article 11 of the bill, a foundation can only obtain its legal status after the Ministry of Justice and its regional offices ratify it. The NGOs perceived that the article provides an opportunity for the government to control the existence of foundations ( Tempo, July 23, 2001; Forum Keadilan, July 15, 2001 ) The government finally enacted the bill as the Law No. 16/2001 on Foundations on August 6, 2001, the first legislation specifically governing foundations.

Considering the political change, Indonesian NGOs have tried to reposition their political stance in dealing with a relatively democratic government. There is an ongoing discourse within the NGO community to define their position towards the government: whether they should oppose or support it.<sup>8</sup> The stories of opposition against the government that they took under the New Order regime, to

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some extent, became embedded in the NGO community, and it is quite difficult for NGOs to depart from this stance now that the government has become more democratic.

The NGO community developed a different political stance in responding to the Habibie and Wahid governments. Generally, from the beginning, NGOs denied the legitimacy of the Habibie administration.<sup>9</sup> INFID, 167 NGOs and 300 individuals joining in a Working Group for Democracy (Kelompok Kerja Demokrasi) student groups and some intellectuals rejected the Habibie government because it suffered from the lack of legitimacy, consisted of several central figures of the New Order government. They asked the resignation of Habibie as the president and proposed establishing an interim collective government with the main task of preparing free and democratic general elections within six months. For NGOs, a newly legitimate government should be established by the new MPR consisting of representatives from the election.<sup>10</sup> However, INFID later considered the Habibie administration an interim government.<sup>11</sup>

In responding to the Wahid administration, NGOs demonstrated an ambiguous stance. This ambiguity is closely related with the position of Wahid as president. Although it was not explicitly expressed, there was no doubt that NGOs tended to support Wahid as president.<sup>12</sup> Wahid was previously an NGO activist, and some Wahid cabinet members were from or closely associated with the NGO community. It is not surprising that NGO activists had direct access to meet with the president.

Such close ties between NGOs and President Wahid created NGO's ambiguity in dealing with the government. On one hand, with such social ties, the NGO community assumed that the government would provide an enabling situation for NGO activities. To some extent, this expectation prevailed when several government agencies invited NGO activists in various meetings for gaining inputs. For example, Bappenas and the Bank of Indonesia invited NGO activists to discuss a draft of a bill regarding foreign loans.<sup>13</sup> The government also formally invited several NGO activists from INFID to participate as observers at October 2000 Tokyo CGI meeting as observers (Kompas, October 18, 2000)

However, in relation to government policies, NGOs did not always agree and at times even vigorously criticized. One NGO activist stated:

In dealing with the government's policies, we (NGOs) did not generally agree. The government continued the previous economic policies. We had to change, although we knew that changing things could not be fast.<sup>14</sup>

As a consequence, a debate arose within the NGO community as to whether they should take a position inside or outside the system of government.<sup>15</sup> A number of NGO activists felt that this was the right time to make dialogue with the government. The government attitude had changed, and this

allowed involvement inside the government system. Meanwhile other activists viewed changes in government attitude to the NGO community as partly caused by the social background of the President and some ministers. They perceived that although the political regime had changed, the bureaucracy remained intact and was still reluctant to interact with NGOs.<sup>16</sup>

The NGO ambiguity in dealing with the government explicitly appeared when political confrontation between the government and the DPR became increasingly sharp ( Kompas and Media Indonesia, June 24, 2000 ) Nababan, a senior NGO activist, stated that “at this moment, NGO’s criticism is always being manipulated” by the forces involved in political confrontation. Emmy Hafid, executive director of WALHI, explicitly noted that

Our criticism to the government has usually been used by the political party elite in the DPR to dispute with the government, or contrarily, our criticism to the DPR has been used by some parts of the government to confront with the DPR. ( Kompas Cyber Media, June 23, 2000 )

Given this situation, NGOs were in doubt whether to articulate their criticism either to the legislators or the government.<sup>17</sup>

## 4. Promoting Democratic Governance

### 4.1. Donor Agenda and Policy

Recently, the international donor agencies have imposed governance reform as a requirement for their aid or loans to the Government of Indonesia ( Gol ) in overcoming economic crisis. In relation to the efforts for promoting democratic governance, three multilateral donors ( i.e., the IMF, the World Bank and UNDP ) and the U.S bilateral donor, USAID, took important roles.<sup>18</sup>

Following the economic crisis in mid 1997, the IMF has been the most influential donor to Indonesia. The IMF signed its first Letter of Intent ( LoI ) with the New Order government in October 1997. The LoI consists of a wide range of economic reforms in exchange for emergency loans. It also reflects the current global orthodoxy of deregulation, open markets and privatization, combined with an emphasis on improving governance in Indonesia’s financial and legal systems.

In accordance with the IMF, the World Bank lending policies in Indonesia were intended to support efforts to overcome the economic crisis. The Bank policy strategies focused on three main areas: the reinforcement of social safety nets to help protect the poor, the efforts for stabilizing the economy, and strengthening institutions to support sustainable growth ( the World Bank Resident Staff in Indonesia, 1999: 9 ) In the latter areas, the Bank stressed governance reform and attached it as a major requirement for loans. The World Bank states this policy agenda

Our lending operations will fully integrate these governance reforms, including the forthcoming

NGOs, Government and Promotion of Democratic Governance in the Post-New Order Indonesia structural adjustment loans, and a propose special public sector reform loan. This program will create a framework within which nearly every major segment of Indonesian society - government, civil society, NGOs, academics, media, private sector, and the international donors - can work together to tackle issues of governance and public sector reform ( the World Bank Resident Staff in Indonesia, 1999: 12 )

Aside from attaching the governance reform as a condition for its loans, the Bank also sought to consult and cooperate with NGOs. The Bank claimed that cooperation with NGOs had strengthened during the crisis, and it helped to respond better to Indonesia's changing needs. Several meetings with NGOs and other CSOs were held by the Bank, such as in preparing the Country Assistance Strategy ( CAS )<sup>19</sup> in responding to a growing reports of corruption in development projects funded by the Bank, and in preparing several structural adjustment loans ( the World Bank Resident Staff in Indonesia, 1999: 18 )

In regard to the 1999 election, UNDP and USAID provided important assistance. The government of Indonesia turned to UNDP in July 1998 and asked for its assistance for the 1999 election. In November 1998, UNDP and the GoI signed an MoU under which all international technical assistance to the 1999 election process would be channeled through UNDP. UNDP managed donors pledged a total of \$90 million to the Technical Assistance Program, of which \$30 million was managed directly by USAID.

In the post-election period ( 2000-2003 ) UNDP is providing assistance to the DPR and the DPRD ( Provincial and District Legislative Councils ) and some NGOs ( UNDP, 1999: 76-82 ) Through its 'Democracy and Governance' ( DG ) program, USAID has concentrated its support for sustaining and deepening the transition to democracy. USAID's strategic objective is to strengthen both government capacity to design and implement key reforms and civil society ability to engage government through analysis, advocacy, and monitoring. Certainly, USAID provides assistance to NGOs and other CSOs so that they can play four essential roles: "as independent analysts of key reform issues, as effective advocates of reform, as constructive partners with government to collaboratively address key reform issues, and as independent watchdogs of government" ( USAID, 2000 )

In early 2000, funded by several donors, mainly the World Bank and ADB, the government introduced a program intended to reform governance, namely, 'the Partnership for Governance Reform in Indonesia'. The program promotes governance reform in six main areas of reform ( e.g. judicial sector, civil service, electoral systems and management, legislature, civil society and media sector, corporate sector and two crosscutting issues, namely, decentralization and anti-corruption ( UNDP, 2001: 25 )

## 4.2. Relationships between NGOs and Government for Promoting Democratic Governance

In the post New Order period, the government has made progress in establishing foundations and policies for reforming governance. NGO activities that were directed to governance reform also significantly increased. These activities were particularly conducted by advocacy-oriented NGOs concerned with issues of good governance, civil society, human rights and environment. Several salient efforts at reforming governance conducted by NGOs and the government are described below.

### a. Enhancing Democratic Political Transition

Even though NGOs generally opposed the Habibie government, they accepted and supported the government decision to hold the 1999 general election. NGOs were very active in carrying out the election watch and voter education. Both national and international election monitoring organizations (EMOs) were involved in the election watch. National EMOs consisted of KIPP, UNFREL, Rectors Forum, JAMPPI, and SBSI. UNDP funded the operation of five EMOs. They fielded more than 545,572 monitors at the polling stations. International monitors comprised 579 persons. International EMOs came from 14 organizations, such as the National Democratic Institute (NDI) the Carter Center, and Asian Network for Free Elections (ANFREL), International Republican Institute (IRI) ACILS, as well as foreign government delegations from Japan, New Zealand, and Australia (UNDP, 1999: 64-74)

Because of the massive mobilization of so many election monitors, UNDP (1999: 64) states that "it was the biggest election monitoring effort the world had ever seen." With the support of international observers and international funding agencies, NGOs played an important role in helping build trust in Indonesia's electoral process. They also significantly contributed to a relatively fair electoral process.

A similar enthusiasm appeared in voter education. Many NGOs were involved in voter education. UNDP funded 92 NGOs, of which 21 were funded directly. Some of these NGOs were LP3ES, PKBI, Solidaritas Perempuan, Solidaritas Buruh, and Koalisi Perempuan. Two foreign NGOs focused on the media, the BBC World Service Trust and Article XIX were also involved in the activity.

These NGOs made a significant contribution in providing political information regarding the system and process of election to the voters. By utilizing and harnessing religious, social, and economic networks, NGOs reached out to the ordinary people, raising their sense of ownership of a political system that in the past had merely dictated rather than consulted. UNDP notes that:

An estimated 40 million Indonesians were reached through the mass media campaigns of the voter education NGOs, and approximately 800,000 voters were trained directly throughout the country. Out of this 800,000 trained directly through in-class training, workshops or political dialogues, an estimated 80% were women. A network of some 17,000 trainers on voter education was also developed. Thirty-three dialogues with political parties were held in major urban cities. 610

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television, print, and radio journalists were trained by two media NGOs... ( UNDP, 1999: 61 )

As part of the post-election activities, some NGOs were involved in further efforts to revise three laws on politics as the legal basis of the 1999 general election. These three laws required revision in accordance with the amendment of the 1945 Constitution. Aside from a revising team formed by the government, NGOs established a coalition for drafting three new political laws.<sup>20</sup> In this regard, the NGO coalition, for instance, actively promoted the importance of direct election of the president to enhance the quality of democracy.

#### b. Advancing Civil Rights

NGOs sought to pressure the government to pay more respect to people's rights by amending some repressive laws and ratifying various UN and other international Conventions. YLKI succeeded in forcing the government and the DPR to enact the Consumer Protection Law No. 8/1999. YLKI proposed the consumer protection bill to the DPR in 1981, a rare move made by an NGO at the time. In December 1998, YLKI again proposed the bill to the DPR and the government enacted it on March 31, 1999 ( Suara Pembaruan, April 1, 1999 ) A year later, on April 20, 2000, the law was implemented. By enacting the consumer law, activities in defending and protecting consumers should be strengthened and have a strong legal basis<sup>21</sup> ( the Jakarta Post, April 16, 2000 )

SBSI and several labor unions rejected government's plan to revise the Law on Manpower Affairs No.25/1997 ( Undang-undang tentang Ketenagakerjaan ) Instead they demanded drafting of a new law regarding labor unions ( Suara Pembaruan, November 26, 1999 ) Under the law, workers can democratically form unions and even form sectoral and intersectoral federations. The law was enacted in October 1997 and was scheduled to take effect in October 1998, but in October 1998, the parliament decided to postpone implementation until October 2000 to allow revision and consultation with concerned groups ( U.S. Department of State, 2000: 52 )

While the government failed to revise the law, it proposed a new bill on labor unions in early 2000. PBHI, YLBHI rejected the bill proposed by the government and instead asked for the DPR to ratify the 1948 International Labor Organization ( ILO ) Convention No.87 on Freedom of Association and Protection of Worker's Right to Organize. For these NGOs, the bill clearly showed that government was trying to control workers, and hence it would restrict worker's rights ( the Jakarta Post, March 28, 2000 ) After the parliament revised and approved the bill, in August 2000, the government enacted it as the Law on Labor Unions No. 21/2000. The government finally ratified the ILO Convention No.87. Both legislations provided wide political space for labor union activity in Indonesia.

NGOs also successfully contributed to setting up agrarian reform. Since the 1990s, NGOs have focused on land disputes as a key development issue. It is not surprising that they were usually behind agrarian movements. In contrast to the New Order government that frequently suppressed

any actions for agrarian reform, the post-New Order government built a dialogue approach for preventing the mounting protests regarding agrarian issues. Since Soeharto's demise in May 1998 up to the end of 1999, there have been around sixty meetings and fora on agrarian issues organized by a wide variety of NGOs and networks, including legal aid institutions, farmers' organizations, research institutes, student groups, and government agencies. In this respect, many NGOs joining in KPA<sup>22</sup> ( Consortium for Agrarian Reform ) for instance, were able to impose the recognition of *adat* ( indigenous law ) authority over land as a major issue of agrarian reform ( Lucas and Warren, 2000: 220-238 )

### c. Improving Human Rights Performance

Indonesia's legislation for protecting human rights and for prosecuting human rights violators is almost complete, although there remains uncertainty regarding its implementation. Aside from the existing criminal code, the government enacted the Law on Human Rights No.39/1999 in September 1999, and the Law on Human Rights Court No. 26/2000 in November 2000. Provisions for protection of human rights were also stipulated in the amendment of the 1945 Constitution resulting from the 2000 MPR annual session.

Particularly through the KOMNAS HAM, a semi governmental body established in 1993, the government sought to strengthen human rights enforcement. As a response to a growing international pressure regarding human rights violations by the armed forces following the 1999 referendum in East Timor, in September 1999, KOMNAS HAM established a Commission for Investigating Human Rights Violation in East Timor.<sup>23</sup> The main mandate of the commission was to gather facts and evaluate reports of human rights violation after the August 30 vote in East Timor. The mandate was revised to include also abuses occurring from January onward ( U.S. Department of State, 2000: 37 ) Some NGO activists from PHBI and YLBHI, and ELSAM were appointed as expert members of the commission ( Sobary et al., 2000: 369; Kompas, March 18, 2000 )

Considering that not all gross human rights abuses can be judicially resolved, as stipulated in the Law on Human Rights Courts, the government resolved to establish a Truth and Reconciliation Commission ( TRC ) The initial drafting was entrusted to ELSAM. ELSAM prepared successive versions that were considered by a working group set up by the Department of Law and Legislation ( since August 2000, the Department of Justice and Human Rights ) Dialogues and seminars were held with a wide range of community groups and representatives of countries - including South Africa, South Korea and various Latin American states - that had TRCs. The final draft bill was expected to be sent to the DPR in early 2001 ( ICG, 2001a: 21-3 )

On the NGO side, NGOs perceived that both Habibie and Wahid governments made little progress in advancing human rights. In general, human rights performance remained poor. ELSAM, PBHI, and KONTRAS, for instance, stated that there was no significant progress achieved by the Habibie

NGOs, Government and Promotion of Democratic Governance in the Post-New Order Indonesia government in 1998. ELSAM even called the transition from the Soeharto to Habibie governments as a transition “from one violent order to another violent one” ( Suara Pembaruan, December 23, 1998 ) KONTRAS, in its 2001 annual report, argued that human rights improvement stagnated in the year of 2001<sup>24</sup> ( The Jakarta Post, March, 13, 2002 )

In addition, legal prosecution for gross human rights violators had been far from smooth. Only four cases had been brought to the court and resulted in convictions, namely, the cases of Trisakti shooting, kidnapping by security forces, killing of Acehese prisoners, and killing of Bantaqiah and followers in Aceh. The other gross human rights violations, such as the July 27, 1996 incident, the May 1998 Riots, and Violence in Aceh, Irian Jaya, and East Timor ( before and after the 1999 Referendum ) had been under investigation ( ICG, 2001b ) Some senior military and civilian officials were suspected of being involved in these cases, and they enjoy impunity to continue human rights abuses ( Lubis, 2002 )

Consequently, the advocacy NGOs actively pushed the government to investigate human rights abuses, including the shooting of demonstrators by security forces, and civil and ethnic war in some regions. They also acted as defense counsel in political trials, sought to offer assistance to the victims of human rights abuses, and urged improvements in government policies and legislation regarding human rights ( U.S. Department of State, 2000: 36 )

#### d. Monitoring and Combating Corruption

The government has made progress in establishing foundations and efforts for combating rampant corruption. Starting from June 1998, the Habibie government reviewed and even canceled existing contracts, joint operation agreements, concessions, and other work in progress that were based on improper procurement procedures ( the World Bank - Residence Staff in Indonesia, 1999: 6 ) In order to combat corruption, in 1999, the government enacted the Law on Clean Governance No. 28/1999 ( UU tentang Penyelenggaraan Negara yang Bersih dan Bebas dari KKN ) and the Law on Eradication of Corruption No. 31/1999 ( UU tentang Pemberantasan Tindak Pidana Korupsi )

Based on the law No. 28/1999, on September 2, 2000, the President announced the establishment of a Commission for Investigating State Officials' Wealth ( Komisi Pemeriksa Kekayaan Penyelenggara Negara-KPKPN ) Subsequently the DPR handed in 45 names that passed a fit and proper test, and the President selected 25 of 45 nominations as members of the Commission. The commission has actively investigated the state official's wealth and published the results ( Sobary et al., 2000: 334 )

The advocacy NGOs were very active in disclosing several practices of corruption and of money politicking. Established at the mid of 1998, ICW was the first NGO disclosing the alleged bribe received by the Attorney General, A.M.Ghalib, in the mid of 1999 ( the Jakarta Post, June 4, 1999 ) ICW reported some actors behind a scandal involving several high government officials, the Golkar party and businessmen that later on became known as the “Bank Bali scandal” ( Suara Pembaruan,

August 23, 1999 ) Several practices of money politicking were also revealed by ICW, such as in the election of the governor of Central Kalimantan ( detikcom, May 29, 2000 ) and of members of local legislative councils ( DPRD ) in districts of Depok, Surabaya, Padang and Bali ( Kompas, February 18, 2000 ) UPC actively disclosed the fund leakages and the practices of money politicking occurring in the implementation of the SSN programs ( Suharko, 2001 ) A watchdog NGO, GOWA, revealed the alleged role of President Wahid in the scandals of Buloggate and Bruneigate, prior to the establishment of the DPR Special Committee ( Pansus )( The Jakarta Post, June 10, 2000 )

With emphasis on controlling public policy, MTI was active in criticizing regulations and policies that contained or legalized the practices of corruption, collusion and nepotism. MTI analyzed 523 Presidential Decrees ( Keppres ) enacted by former President Soeharto during 1993-1998 and it was found that 79 of them legalizing the abuse of power and became ground of the practices of corruption, collusion and nepotism. Because of this, MTI called for re-evaluating the existence and impact of these deviating Decrees ( MTI, 1998 ) In addition, MTI also promoted for establishment of an independent anti-corruption body to combat the rampant practice of corruption.

However, during the Habibie and Wahid governments, the Attorney General made little progress in combating corruption particularly in the case of corruptions taken by the former President Soeharto and his cronies.<sup>25</sup> Only few of the alleged offenders were taken to court, and instead they became more self-confident than before because the lack of law enforcement and political protection ( MTI, 2001 ) It is widely believed by the public and lawyers that many of these cases have failed because of the common practice bribing prosecutors and judges ( ICG, 2001a: 9 ) This is the main weakness of the judicial and legal system in Indonesia.

In order to strengthen judicial and legal reform, during the Wahid administration, two bodies were established. The National Law Commission was formed in February 2000. The commission functions as an adviser team to the President through analyzing various policies regarding the issues of judiciary and human rights. In a similar vein, in March 2000, the President established the National Ombudsman Commission ( NOC ) An NGO activist from ICW is one of six members of the Commission ( the Jakarta Post, March 18, 2000 ) The main function of the NOC is to scrutinize and clarify various legal conflicts raised by the people ( Sobary et al., 2000: 324 )

#### e. Advocating for Accountability of the Government, the Business Sectors, and Donors Regarding Environmental Destruction

In the issue of environment, there have been three salient NGO activities contributing to democratic governance.

First, NGOs have supported the local people's protest and movement to close the operation of Inti Indorayon Utama ( IIU ) Company. The case of IIU has occurred since the mid 1980s up to the present. The construction of the IIU factory occupies 225 ha of land in Sosorladang village, sub-district

of Porsea, Toba Samosir district, North Sumatra Province ( ANGOC et al., 1991: 59 ) During the New Order, although most people refused the IIU, because of its repressive-military approach, the local people and NGOs failed to close the operation of the plant. Some people were sent to jail after protesting the operation of the plant, while NGOs failed to assist the people in the court.

The case of IIU resurfaced in late 1997 when the reform movement began. Grassroots and NGO protests became stronger and effectively affected the IIU after the resignation of Soeharto. Thousands of people of North Tapanuli joined in the Coordinating Forum for Anti-Environmental Destruction Groups ( Forum Koordinasi Kelompok Anti Pengrusakan Lingkungan - KAPAL ) coordinated by the North Sumatra chapter of WALHI, and a huge demonstration demanding the closure of the plant took place on June 8 and 9, 1998 in front of the North Sumatra Governor's office and in the North Sumatra Provincial Legislative Council ( DPRD ) As a result, from June 9, 1998 the IIU temporarily closed the operation of the plant ( Suara Pembaruan, June 10, 1998 )

In order to keep the plant permanently closed, the local people and NGOs continuously held various protest actions, such as doing demonstrations, blockading the road, and burning the property of the company.<sup>26</sup> The Minister of Environment during the Habibie government, Panangian Siregar, who was also a former member of North Sumatra Legislative Council, supported the people's demand to permanently close the operation of the IIU, or move to another location ( Suara Pembaruan, October 27, 1998; Down to Earth, No.41, May 1999 ) On March 19, 1999, President Habibie ordered temporary closure of the plant ( Kompas, April 21, 2001; Frances Carr, 2001 ) The North Sumatra chapter of WALHI welcomed this decision but said it came too late to prevent loss of life on both sides of the conflict ( Down to Earth, No. 41, May 1999 )

During the Wahid administration, the central government was split over the IIU. On the one hand, the Ministry of Environment, Sonny Keraf, recommended the BKPM( Investment Coordinating Board ) and other authorities to permanently close the operation of IIU.<sup>27</sup> There was convincing evidence that the IIU had violated environmental regulations. This recommendation went along with the DPR's previous recommendation ( the Ministry of Environment/Bapedal, 2000 ) Environmental NGOs, such as WALHI, ICEL and ELSAM endorsed this recommendation. On the other hand, the Ministry of Industry and Trade asked for resumption of the operation of the plant, arguing that foreign investors would be afraid to invest their capital in Indonesia if the factory were closed.

Particularly during the Wahid administration, WALHI frequently facilitated policy dialogues between groups of local people affected by the operation of the plant and the President, the Minister of Environment, the Minister of Industry and Trade, and some commissions and factions of the DPR. In addition, the North Sumatra NGOs themselves also took similar actions. In March 2000, for instance, Fourteen North Sumatra-based NGOs joining in the IIU Anti-Pollution Solidarity proposed the closure of the plant to the Minister of Environment and to the President. As a result, president Wahid announced his commitment to the closure of the IIU ( Gatra 22/VI, April 15, 2000 ) and the DPR

shared and supported the demands of Toba Samosir people ( WALHI, 2002 )

However, in a cabinet meeting on May 10, 2000, particularly because of strong foreign investor pressure,<sup>28</sup> the Wahid government finally took a partial decision to close the mills or rayon production but to continue the pulp mill under tight environment policy. The government allowed the IIU to produce pulp for one more year, after which production would be audited again. If environmental problems remained, it would then be closed as well ( Media Indonesia, May 15, 2000 ) WALHI, ICEL and ELSAM were disappointed and planned to propose a lawsuit against the government agencies and the IIU ( Media Indonesia and the Jakarta Post, May 15, 2000 )

On March 31, 2001, the scheduled date of re-operation of the IIU, a big demonstration occurred. The IIU accused NGO activists of instigating the demonstration. They replied that it was purely the people's own strong feeling against the re-operation of the plant ( Kompas, April 3-4, 2001 ) Up to the time of writing, the plant has failed to re-open because of resistance and protests of the local people and NGOs.

Second, NGO activity took legal action against the government and private companies. This is part of the efforts to enforce the environmental law. NGOs joining in WALHI filed lawsuits against three companies<sup>29</sup> which were responsible for environmental destruction ( WALHI, 2002 ) They also took legal action against the government regarding the project of "one million hectare peat soil area" in Central Kalimantan which had been implemented since 1996 and was recently stopped after the economic crisis ( Suara Pembaruan, August 18, 1999 )

Among these WALHI lawsuits, the case of Freeport gained wide public attention, particularly because of a long history of conflict between NGOs and this gold and copper mining company which has operated in Irian Jaya since the 1960s. Unlike the New Order government that usually protected such companies, the Wahid government showed a different view and approach. The Minister of the Environment, Sonny Keraf, shared a similar view with the NGOs concerning environmental destruction caused by the operation of the plant. He agreed with WALHI's view that an explicit legal action should be taken against the companies proven to be being damaging the natural resources. He clearly stated that:

The FI Company committed some serious violations of law, especially in throwing waste materials from mines dug by the ton into Wanagon Lake and rivers surrounding Timika, even when the waste consists of poisonous and dangerous materials ( Suara Pembaruan, May 17, 2000 )

WALHI filed a lawsuit against the Company in mid 2000 following a landslide of material overburden which overflowed Wanagon Lake and killed four workers in May 2000. WALHI's lawsuit against the FI Company has contributed significant progress in the enforcement of environmental law after the South Jakarta District Court finally awarded the NGO legal victory in August 28, 2001. The

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Court decided that FI Company had caused the environmental destruction of Wanagon Lake in Papua ( Media Indonesia, August 29, 2001; Tempo, September 9, 2001 )<sup>30</sup>

Third, environmental NGOs have been vigorously engaged in combating the massive practices of illegal logging that cause rapid deforestation. In August 1999, EIA ( the Environmental Investigation Agency, a UK-based NGO ) and a forest NGO, Telapak, published a report ( 'The Final Cut' ) on illegal logging in two Indonesian national parks and presented it to the 1999 CGI Forestry seminar in Jakarta. Following the seminar, ministers of forest and of environment joined with NGO activists in a press conference calling for tough action against illegal logging ( DTE, No.44 February 2000 ) FWI, an NGO coalition for forest watch,<sup>31</sup> also made a report to the IMF and the World Bank stating that security forces and government officials were involved in the illegal logging ( Suara Pembaruan, August 25, 1999 ) In addition, only three weeks after the new forestry minister of the Wahid cabinet took office, some NGOs asked him to reverse a decision by the outgoing forestry minister to issue 51 new logging permits ( HPH ) ( Media Indonesia, November 13, 1999 )

Starting in early 2000, the environmental NGOs began a publicity and advocacy campaign linking the rapid deforestation with foreign loans provided by international donors and also with the implementation of WTO's agreement promoting trade liberalization. After the Bank published an evaluation report on Indonesia's forests, INFID, WALHI, and other regional NGOs argued that the World Bank and CGI countries were responsible for rapid deforestation, and therefore should be active in overcoming this problem ( Indonesian NGO Statement, April 26, 2000; Media Indonesia, May 1, 2000 )

In order to combat the huge illegal logging, in February 2000, the government pledged to carry out measures to improve forest management ( ICG, 2001b: 8 ) As a response to increasing criticism regarding deforestation, donors also started to pressure the government to fight the illegal logging. In the 2000 Tokyo CGI Meeting, both donor countries and the Gol made an agreement to fight the illegal logging. However, a year later, NGOs monitoring the situation reported that no significant progress had been achieved by the Gol. An NGO Coalition for Debt and Forest consisting of WALHI, INFID, Communication Forum for Community Forest ( Forum Komunikasi Kehutanan Masyarakat-FKKM ) FWI, and Community Based Forest Supporter Consortium ( Konsorsium Pendukung Sistem Hutan Kerakyatan-KPSHK ) stated that "almost no points of agreement had been completed and there was indication that actions taken by the government were merely intended to fulfill minimum donor requirements, without any real commitment".<sup>32</sup> Because of this, the coalition asked its foreign NGO counterparts "to pressure members of the CGI not to give loans to Indonesia unless the government firmly enforces the forestry law" ( the Jakarta Post, February 16, 2001 ) In addition, WALHI withdrew from IDCFC ( Interdepartmental Committee for Forestry ) a committee established by the Gol as a part of the agreement to overcome related problems of deforestation.

In the light of the slow progress in forest management reform, in April 2001, WALHI started to call

for a moratorium ( temporarily closure ) on industrial logging for two to three years, until the forest industry and management can be reformed. It is argued that the illegal logging can effectively be stopped during a period when no industrial logging is allowed. Only by a logging moratorium, according to WALHI, can the government implement its commitment to solving structural problems related to the forestry sector.<sup>33</sup> On several occasions related with the donor meetings, WALHI has been actively campaigning for the logging moratorium.<sup>34</sup>

## 5. Conclusions

The political change following the resignation of President Soeharto altered the political space for NGO activities and NGO-GO relations. The government, for its part, tended to show a form of benign neglect in dealing with the NGO activities. In contrast to the New Order government that always highly controlled the NGO activities, to a certain extent, the two post New Order governments generally perceived the NGO activities to be unthreatening and allowed NGOs to operate as autonomous actors in the development process. For their part, NGOs took an ambiguous position dealing with the post-New Order governments between taking critical collaboration and confrontation.

As the government dependence upon foreign fund resources increased following the economic crisis in mid 1997, international donor agencies intensified their efforts to promote democratic governance through attaching the elements of democratic governance as conditionality in development aid and loans. Within the scheme, the government should complete various governance reforms as stipulated in the agreements on development aid. In addition, some donors have directly channeled their aid to NGOs engaging in democratic reform, human rights, environmental protection, and other advocacy activities.

Under the more democratic system, supported by donors, the government and NGOs have sought to build democratic governance. In this regard, the policy and role of the government are central. The government enacted various legislation and established several commissions to enhance governance reform. However, so far, the government has made little progress. The main weakness is particularly at the implementation level. This is partly caused by legal and political constraints and weak government capability in challenging the vested interests opposing the reform.

In order to promote democratic governance, NGOs have combined cooperative and advocacy strategies in dealing with the government. They have pursued cooperation with the government when political opportunity was available. They have employed advocacy strategies to watch and to influence government policies.

By taking such strategies, NGOs have made significant contributions in governance reform. NGOs, often in cooperation with other CSOs, were able to contribute to the relatively fair and just 1999 election that in turn provided strong political legitimacy for the new government. They made a similar contribution in the promotion of civil rights, particularly regarding consumer and worker

NGOs, Government and Promotion of Democratic Governance in the Post-New Order Indonesia rights. They actively disclosed various practices of corruption and human rights violations, in particular, by the security forces and government officials.

The environmental NGOs have been involved in the policy making process and have even brought to court several companies that were responsible for environmental destruction. These NGOs also articulated the rights of indigenous and local people in the protection of the environment and in the use of natural resources. Even, through mobilizing the people and public opinion, the environmental NGOs have sought to influence the government and donor countries regarding environmental degradation.

By taking such activities, NGOs demonstrated a role as a pressure group. More than just articulating the ‘voice’ of the people that they claim to represent, NGOs vigorously put political pressure on the government. This role has prevailed particularly when they raise certain public issues in the media, publicize opinions regarding a certain policy, hold policy consultations, participate in policy discussion with the government, and watch and control government policies.

#### Glossary and Acronyms

Bappenas	National Development Planning Agency
CGI	Consultative Groups on Indonesia
DPR	House of Representatives
ELSAM	Institute for Policy Research and Advocacy
FWI	Forest Watch Indonesia
GoI	Government of Indonesia
GOWA	Government Watch
ICEL	Indonesian Center for Environmental Law
ICG	International Crisis Group
ICW	Indonesian Corruption Watch
INFID	International NGO Forum on Indonesian Development ( known as INGI until 1993 )
JAMPPPI	Indonesia Community Network for Election Monitoring
Kehati	Biodiversity Foundation
KIPP	Independent Election Monitoring Committee
KOMNASHAM	National Commission on Human Rights
KONTRAS	Commission for Missing Persons and Victims of Violence
LP3ES	Institute for Economic and Social Research, Education and Information
LPSM	Institute for Developing Community Self-reliance
LSM	Self-reliance Community Institution
MTI	the Indonesian Society for Transparency

MPR	the People's Consultative Assembly
Muhammadiyah	Modernist Muslim Organization
NU	Resurgence of the Islamic Scholars
PBHI	Indonesian Legal Aid and Human Rights Association
PKBI	Indonesian Family Planning Association
Rector Forum	Commission on Election Monitoring and Development of Democracy
SBSI	Indonesian Prosperous Labor Union
SMERU	Social Monitoring & Early Response Unit
UNFREL	University Network for Free and Fair Elections ( a poll watchdog )
UPC	Urban Poor Consortium
WALHI	Indonesian Environmental Forum
YLBHI	Foundation of the Indonesian Legal Aid Institute
YLKI	Foundation of Indonesian Consumer Institute

## Notes

- 1 . During the New Order period, the pattern of development planning and implementation, and the decision-making process were basically centralistic in nature. Following the downfall of the New Order regime, the centralistic pattern has been loosened and has gradually been replaced by a de-centralistic one particularly after the decentralization policy was formally implemented in January 2001. However, up to the end of the Wahid government in mid 2001, it is too early to say that there has been a significant shift in the general pattern of development planning and the political decision-making process. This is the rationale for focusing on NGO relations with the central government.
- 2 . LSM/LPSM operate either directly as primary or grassroots organizations or as support or intermediary organizations at varying degrees of physical, social, and organizational distance from the local scene. As a rule of thumb in Indonesia, LPSMs fall into the intermediary category, LSMs may be of both kinds, though in either case they will be smaller, nearer to or at the grassroots compared with LPSMs ( Eldridge, 1995:17 ) A list of acronyms used in this article can be found at the end of the article.
- 3 . Unlike Eldridge ( 1995 ) I exclude the co-operative from this discussion of developmental NGOs. Eldridge defines the Indonesian NGOs as 'non-party and non-profit organizations, although co-operative enterprises which share profits among their members are included'. However, I share a similar path with Eldridge on the major focus that is on organizations promoting the interests of the poor and disadvantaged, although several of them pursue more general public interest objectives. Therefore, organizations with a purely charitable or welfare orientation are excluded, as are cultural and recreational associations of the non-poor ( Eldridge, 1995:3 ) The character of non-membership base is emphasized by Riker ( 1998 ) He defines Indonesian NGOs as "indigenous, independent, development NGOs which are issue oriented, non-constituency ( i.e., non-membership ) organizations that promote self-reliance through a wide range of development activities and/or

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engage in empowerment and advocacy” ( p.26 )

- 4 . During the new order period, Hikam ( 1999c ) predicted that there were more than ten thousand NGOs. By 1996, Ministry of Home Affairs listed eight thousand NGOs ( LSMs ) nationwide ( Kompas, November 2, 1996 ) A similar account was noted by ADB ( 1999 )
- 5 . As stipulated in National Development Program ( Propenas ) of 1999-2004, there is a plan to amend the law. See, the GoI, 2000, p. III-18. However, up to the time of writing, no initial indication shows that the law will be amended.
- 6 . The enactment of the bill, to a certain extent, was imposed by the IMF as a part of the loan requirements ( Forum Keadilan, July 15, 2001; Tempo, July 23, 2001 ) However, there is doubt that the new bill can restrict or control such business practices. The final draft of the bill was actually a result of compromise between interest groups wanting to redefine the foundations as for-profit entities and other interests groups seeking to posit the foundations as purely non-profit organizations ( Kompas, July 13, 2001 )
- 7 . Interview with Binny Buchori ( INFID ) July 18, 2001.
- 8 . In 1998, INFID facilitated several workshops and a national meeting to discuss and formulate the position and role of NGOs in regard to the political change after the fall of Soeharto. Concerning the result of these activities, see, Bonny Setiawan ( ed. ) 2000 and Kompas, June 24, 2000.
- 9 . Bonnie Setiawan ( INFID ) clearly confirmed that “no NGOs supported Habibie, including INFID”. Interview with Bonnie Setiawan, June 20, 2001.
- 10 . See, the 1998 INFID Lobby Position Paper-Japan, Canada & USA, June 17-26/29, 1998 and Kompas, August 18, 1998
- 11 . See the Report of INFID Lobby 1998 to the IMF and the World Bank.
- 12 . Interview with Bonnie Setiawan, June 20, 2001.
- 13 . Interview with Binny Buchori ( INFID ) July 18, 2001.
- 14 . Interview with Bonnie Setiawan, June 20, 2001.
- 15 . Munir, the coordinator of KONTRAS, also stated that “after the fall of Soeharto many NGOs seemed to lose their sense of direction. They only had in mind toppling Suharto, so that when he was gone they were confused.” *Inside Indonesia*, No.63 July-September 2000.
- 16 . Interview with Binny Buchori, July 18, 2001.
- 17 . It is worthwhile to note that in the context of political confrontation between the President and the DPR/MPR, the majority of NGOs clearly demonstrated support for President Wahid. In late May 2001, 27 NGOs and 13 individuals established a National Coalition of Anti-New Order ( Koalisi Nasional Anti-Orde Baru-Lindas Orba ) to support the Wahid presidency ( Kompas, May 30, 2001 ) Up to the end of the Wahid presidency, the majority of NGO activists demonstrated their support to him. See, for instance, *Media Indonesia*, July 24, 2001; *Suara Pembaruan*, July 25, 2001, and *Gamma magazine* on line, no. 23-3, July 31, 2001.
- 18 . It should be noted that following the demise of the New Order government, aside from these three donors, there are many others providing assistance for governance reform. The World Bank, ADB, and the Dutch

- government have been active in the area of justice reform. Donors active in the area of decentralization consist of the World Bank, GTZ, the Ford Foundation, and the German foundations. For strengthening the legislature, assistance has come from the UNDP, DFID, and JICA. The Canadian, Australian, and Ford foundations have provided assistance for civil society building. In addition, UNESCO, the BBC, FNS, and the Dutch government are supporting the strengthening of the media ( USAID, 2000 )
- 19 . As a part of the preparation of the 2001-2003 CAS, the Bank asked for LP3ES to facilitate a series of public consultations with various civil society organizations and NGOs, and published the result on January 22, 2001, "Indonesia Country Assistance Strategy, World Bank Consultations with Civil Society".
- 20 . See the coalition, at: <http://www.cetro.or.id>
- 21 . By the end of 2001, however, in its annual evaluation report, YLKI was disappointed with the ongoing implementation of the law. The government had violated the law by failing to protect the consumer rights of middle and the lower class people in various policy decisions increasing oil and electric prices, telephone tariffs, and so forth ( Media Indonesia, December 29, 2001 )
- 22 . An umbrella organization of NGOs that brings together a large number of local organizations struggling for land reform and indigenous land rights.
- 23 . With a similar function, KOMNAS HAM formed a commission for investigating human rights abuse in the cases of Tanjung Priok occurred in 1984, of the May 1998 riots in Jakarta, and of the July 27 1996 incident.
- 24 . During the year of 2000, KONTRAS reported that the army and police continued to torture routinely detainees in Aceh. It is reported that 106 persons remained missing, 159 persons tortured by TNI, 15 documented cases of rape in Aceh since April 2000 ( U.S. Department of State, 2002; KCM, December 28, 2001 )
- 25 . Although an investigation regarding corruption by the former president Soeharto was conducted, the prosecutor always failed to present him in the court. The court even suspended further legal allegations against him on the grounds that he was chronically ill.
- 26 . In September 1998, the local people refused an MOU signed by the IIU and a local NGO, Sinta Mardongan foundation and supported by the North Sumatra Governor for re-opening the operation of the plant ( Suara Pembaruan, September 3 and 6, 1998 )
- 27 . Previously no company in Indonesia had ever been shut down on environmental grounds. This recommendation was based on the research findings of environmental cases, including the case of IIU published by the Ministry of Environment/Bapedal through a press release in January 17, 2000.
- 28 . The owner of the IIU was reported to lobby President Wahid by arguing that the closure of his plant would have negative impact on foreign investment in Indonesia. President Wahid and economic ministers agreed with such reason. See, Mas Achmad Santoso, 2000; DeTAK-online, November 20, 2000.
- 29 . The three companies are the Freeport in Irian Jaya, Wana Nusa Perkasa and Batu Gata Persada companies in the Central Sulawesi, and Wong Budi Indonesia, Sinar Bambu Mas, and Budi Acid Jaya companies in Lampung.
- 30 . A similar decision was taken by the Bangkinang District Court of Riau province which won Bapedal's law

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suit over Adei Plantation company ( Kompas, December 21, 2001 )

31 . FWI published a comprehensive assessment regarding the problems and causes of the deforestation in Indonesia, and the needed policy reform, see, FWI et al., 2002.

32 . See, Statement's NGO Coalition for Debt and Forest, February 14, 2001.

33 . This call was first proposed in the Jakarta Mini-CGI Meeting on April 23-24, 2001. See, "Call for a Moratorium of Industrial Logging" proposed by WALHI for the Jakarta Mini-CGI Meeting, April 23-24, 2001.

34 . See, the Jakarta Post, June 9, 2001; WALHI statement on the Forest Law Enforcement and Governance ( FLEG ) Ministerial Conference, Denpasar-Bali 11-13 September 2001.

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