From Alien to Inalienable?
Changing Attitudes about Human Rights in the Indonesian Security Sector

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ABSTRACT

This working paper analyzes the extent to which human rights have been accepted by Indonesian military and police officers since democratization in 1999. It finds that few accept human rights fully but most pay at least lip service. Human rights have not been adopted as universal, are considered alienable or alien to Indonesia. Where security forces embrace an active role as defenders of human rights, there remains a gap in human rights protection. Marginalized groups suffer most from the resulting enforcement failure caused by competing normative convictions and unclear legislation. Future advocacy attempts should stress the active role of security forces in the pursuit of a comprehensive human rights regime and consider possible tensions between individual convictions and the universal claims of the international human rights regime.

INTRODUCTION

One of the most vital objectives of post-authoritarian reform processes has been to adjust the behavior of the existing security forces to the demands of the new democratic polity. In addition to the basic problem of expanding civilian control of the new government over the military[1], decades of authoritarian rule can profoundly affect the outlook of both military and police, prioritizing the protection of regime and state in a narrow sense over the security of citizens. While Trinkunas and others have identified robust civilian strategies of punishment and surveillance of non-compliant behavior as a viable option to sanction the military into submission and enforce human rights[2], such behavior requires considerable political capital and can result in staunch military resistance or even violent backlashes[3].

Given these problems and the difficulty of fostering the necessary reforms from the outside, in the last 20 years Security Sector Reform (SSR) has emerged as the dominant paradigm of donor-driven reform initiatives in post-conflict and post-authoritarian settings with a focus on the security forces[4].

SSR describes the process of transforming "those institutions authorized to use or threaten force in the name of the state as well as to those bodies and agencies responsible for the oversight of such institutions"[5] towards an end state in which they respect and apply "democratic norms and sound principles of good governance"[6]. One of its basic tenets is to shift the priorities of security from state towards human security[7]. To do so, a combination of awareness raising, education and practical training are meant to foster a deeper respect for the idea and practice of human rights among a country's security forces. While this education- and persuasion-based process of socialization is an accepted and less confrontational alternative to enforcement-based approaches for civil-military reform[8], the underlying mechanism and its effects on norm adoption and compliance remains poorly understood in the policy-driven SSR discourse.

In International Relations a sizeable literature focusses on the question how norms like human rights reach new political contexts[9] and in Social and Development Anthropology, the idea of "traveling models" or "vernacularization" of norms[10] have focused on similar questions. Many existing approaches are based on the idea of a linear transfer. However, the understanding of human rights – just like news traveling through the grapevine – is subject to a process of strategic adaptation and cultural interpretations. The process can result in the skewed adoption of these norms with severe implications for the security sector reform process. As for the definition of security itself, local actors will likely have different notions veering between human rights as a mandate for "power and social order" and one as an "entitlement and form of empowerment"[11].

This paper demonstrates these moments during the process of norm transfer in Indonesia and contributes to the understanding of the dynamic process of translation and adaptation and the manifest tensions among and within different security actors it can result in. In Indonesia reform civil society activists and civilian politicians considered military and – to a lesser extent – police reform as the most urgent elements of Security Sector Reform. Consequently, and unlike previous research on this topic[12], this study focusses on the attitudes of military and police officers, the main perpetrators of human rights violations but also the ones who have to enforce human rights against third party infringements.

Indonesia is a young democracy with a recent history of systematic human rights violations by both the autocratic New Order government and its military and police. These were committed against the political opposition during regime crises, under the exceptional circumstances of counter-insurgency operations against separatists as well as in the form of "day-to-day" repression[13]. As in other post-authoritarian settings, international donors and local reform constituencies in Indonesia strove to improve the state's human rights record and have done so through a range of SSR initiatives, stressing trainings and awareness-raising most heavily.[14] [15]

Based on my own interviews and verbatim transcripts of statements by security actors I tackle two main research questions:

1. To what degree has the idea and practice of universal human rights been accepted by state security actors in Indonesia and how did it interact with existing local norms?

2. What are the effects of the resulting normative pattern on the human rights record of security forces?

The working paper proceeds in three steps. The first section looks at existing explanations for the way norms travel and the sometimes incomplete way they adjust to new contexts. Second, I provide an introduction to the cultural and legal reference points for human rights in Indonesian political history. Third, I analyze statements by security actors[16] to determine their stance towards the concept and practice of human rights and present evidence that these prevalent value patterns have affected Indonesia's human rights profile and resulted in a propensity of security forces to engage in "deniable" human rights violations and a serious lack of protection for the rights of minorities against violations of their rights by horizontal challengers. A conclusion summarizes the argument and derives some avenues to adapt human rights advocacy programs.

1. HOW HUMAN RIGHTS TRAVEL

The Security Sector Reform (SSR) approach requires state and security actors to shift from existing patterns of legitimization for repressive and coercive behavior towards an acceptance of human rights as the driving factor. However, the SSR discourse has so far undertheorized the question of *how* its reforms and norms are received in local contexts, focusing on cloudy notions of increasing "local ownership"[17]. There is a long tradition of explaining processes of norm-transfer in Social Anthropology as well as in International Relations.

One family of theories about how norms and ideas spread from one context to another postulates distinct but similar processes of evolution or modernization in both early and late adopting countries[18]: According to this strand of thought, developing states emulate the Western process of modernization and more or less automatically end up with the same value patterns. In crude Marxist terms, the changing social existence after modernization would entail parallel changes in the collective consciousness of developing countries. Ultimately, all countries that complete their modernization process would end up with isomorphic structures as well as norms[19].

In contrast, early proponents of "diffusion" argued that social inventions spread outward from their places of origin[20]. This implies that the global periphery will learn and eventually accept them over time, following a model of sender and recipient. While this version of the argument today is

widely rejected in Social Anthropology and has come under pressure in Sociology and International Relations as well[21, 22, 23], it remains relevant among SSR and other development practitioners[24]. Not only has this tendency been criticized as paternalistic[25], it also oversimplifies reform. If one is to accept its implications, Security Sector Reform becomes a mere matter of international donors explaining and domestic decision-makers "implementing" the proposed institutional prerequisites, learning the "correct" values and procedures and improving the material capacity of local security forces. Following this logic, the success of SSR programs can be evaluated simply by observing the success or failure of legal reform, the incidence and completion of training courses and the volume of material assistance. This is in fact the rationale behind many development agencies' impact evaluations. However, the transfer of norms is a matter much different from the transfer of objective knowledge: Even if the trainings are conducted well much can go wrong in the process of conveying the complex requirements of today's Security Sector Reform agenda. Consequently, any model of this process has to account for its inherent complexities.

During the late 1990s, researchers in International Relations, most notably Risse, Ropp and Sikkink, revived the idea of diffusion in a more complex model to account for some of these problems for the diffusion of human rights, an essential element of the SSR agenda[26]. Even though "diffusion" itself implies a relatively passive and automatic seeping-in of international norms into domestic contexts, this approach provides a more dynamic underlying mechanism. Human rights diffusion, it argues, is based on a discursive process between international community and transnational activist movements on the one hand and state governments on the other[27]. Even though local governments usually deny the accusations levelled against them, the model assumes they will eventual make tactical concessions to ease international pressure. If this pressure persists, the government eventually accepts the prescriptive status of human rights. The authors argue that this process of instrumental adaptation is the more common mechanism in international politics, but reformers can also persuade governments to see the intrinsic merit of human rights, leading to its voluntary acceptance. In any case, the norms will become formally institutionalized, the prescribed behavior habitualized over time. Ultimately, the identities, interests and behaviors of both state agents and the wider population will adapt to internalize these formerly alien norms. Once that happens, the need for incentives or punishment will fade and compliance will become automatic[28].

While this model is certainly more apt at capturing some of the negotiations underlying the extension of Human Rights' reach into new geographic and political regions, it still falls short of the mark. First, it assumes international community and domestic government to be in confrontation with each other[1], but the latter might merely fail to implement an existing conviction into actual policy in the absence of government control over the security services or their national territory[1]. Second, the approach is confrontational toward the security forces: If the target of international pressure is "a particularly awesome violation of human rights"[1], the whole process can elicit resistance from security actors leading to its ultimate failure[1]. If the premise of a persuasion attempt is past misbehavior, the majority of security actors would have to interpret it as a veiled threat of blame, prosecution and punishment. Finally, and most importantly, Zimmerman has pointed out that the model expects target countries either to resist in the presence of strong veto players or to accept a norm completely when it is receptive. Ultimately, she stresses, "there is a linear scale from resistance to norm adoption"[29]. As with other iterations of modernization or diffusion discussed earlier, there is no middle ground and acceptance is dichotomous. This is true even for more nuanced versions of the argument. Jetschke, for example, has focused on state attempts to justify non-compliant behavior through two communicative strategies. First, target states can try to get away with disclaiming responsibility for ongoing human rights violations and shift blame to militia groups or other actors outside their control[30], this works best for human rights violations in areas of weak statehood or contested sovereignty[31]. Second, government perpetrators of human rights abuses can contest the priority of human rights over an equally

accepted international norm. Among these, national sovereignty is frequently invoked to justify human rights violations against groups considered secessionist[32], more general claims of protecting national security are useful against groups who (supposedly) disturb the target state's conception of state or national security norms[33].

A third communicative strategy, not mentioned by Jetschke, provides the first of several rationales for applying anthropological methods to gain a deeper understanding of the way international norms are transferred or not transferred. Instead of relying on international norms, governments and security forces can claim priority of existing local norms over human rights as a justification for non-compliance. This can be ascertained only through participatory observation, focus group discussions and close analysis of statements and attitudes about human rights made by officials. While this strategy does not guarantee governments actually share these norms, it can still provide a strong claim to legitimacy, especially in young democracies and especially towards the domestic population. Of course, local NGOs with their often rights-oriented mindset are an important constituency for reform that can force governments to accept human rights and enforce compliance, as Jetschke argues[34]. However, democratic governments are by their nature accountable to the population at large and their political decisions have to take norms prevalent outside of the movement sector into account. Reforms demanded by international audiences and domestic activist groups can alienate domestic audiences if the latter hold different and less liberal values and attitudes. This is frequently the case in young democracies of the global south and especially in East and Southeast Asia[35]. The task of the researcher then is to 1) ascertain which competing norms are prevalent and 2) how and whether state agents appeal to them.

In these cases the appeal to domestic norms – just like the shifting of blame or the appeal to alternative international norms as Jetschke describes – are merely communicative defense strategies and part of an arsenal of other "official denials"[36] rather than signs of a (partial) acceptance of international norms. However, state actors might just as well be unwilling to accept the applicability of human rights or skew their implementation if they would otherwise compete with prevalent cultural norm patterns. Under these circumstances, the encounter between international norms and distinct value-laden local contexts can not only produce handy excuses but a manifest, often creative tension between the different norm systems that affects not just whether human rights are adopted, but the actual content and shape of the resulting domestic enactment.

In line with this realization, dichotomous conceptualizations of diffusion are now widely discredited in Social Anthropology and have come under pressure in International Relations as well[37]. Instead, alternative approaches study specific aspects of the process of how ideas spread and often arrive at diverging evaluations of its outcome. Some of these explicitly concentrate on the object of diffusion, in this case the idea of human rights, and the process of mediation and reconstruction is has to undergo while it is adapted to a new context[38].

This process has variously been referred to as translation[39], vernacularization[40], hybridization[41], syncretization or creolization[42]. In essence, all of these concepts describe very similar empirical phenomena: Norms claiming purchase on a new context are rarely adopted as they are but rather become adjusted and transformed. This is a highly creative and selective process. Target populations have the agency to pick certain cultural traits according to their own habits and wishes and turn the formerly foreign concept from something strange into something of their own. During this process, the flow of constituent parts of the wider concept is largely determined by the resonance it evokes in a target subject's own value system[43] and their relevance for individuals learning about them. The adaptation of "travelling models" like Human Rights can profoundly change their appearance but Levitt and Merry stress that they will often retain the essence of the norm and even make it more relevant to its new context[44].

Goldstein describes how Human Rights were appropriated by indigenous movements in Bolivia to become a weapon of the poor for social justice rather than a weapon of the rich to defend their liberal prerogatives[45]. Authors in this tradition have criticized terms like hybridization or syncretization for carrying a pejorative undertone, for implying that these adjustments make the translated and adapted version of a norm something *less* than the original[46]. Even though proponents of terms of mixture like hybridization have rejected this criticism[47], there is some truth behind the implication that the adjustments can detract from the original concept. SSR discourse has picked up the idea that "hybrid security" concepts allow for the analysis of a multitude of arenas where "security is enacted and negotiated"[48]. Moreover, in a sense the new emphasis on true localization of SSR has brought a drive towards not just local input but true participation to reflect local priorities in the reform agenda[49].

Accepting these new mixtures as something valuable, however, does not mean that every aspect of security governance arrangements should be negotiable: chaotic and violent arrangements are not automatically valuable from an SSR standpoint simply because they are supposedly in line with local traditions[50]. The same goes for the Human Rights concept. Its numerous constituent rights and freedoms allow for some level of recalibration. Absolute property rights can be relaxed in order to guarantee their responsible use or to increase social welfare, respect for religion might lead to moderate restrictions on the freedom of expression. However, as soon as local priorities deeply infringe on other people's rights – if the freedom of a minority religion is violated on behalf of the majority – or basic tenets like the right to life, liberty and security of person are endangered for the sake of the moral sensitivities of others, the local hybrid of Human Rights has in fact become less than the original concept. Local elites might favor and legitimize certain readings of a norm that are in line with existing value patterns not because they truly believe these competing norms valid but rather for purely strategic reasons[51].

These considerations have three consequences for this study. First, the process in which Human Rights as an international norm are introduced into a new context is neither linear, uni-directional and deterministic nor is acceptance necessarily complete. Consequently, evaluating the success of a transfer means looking deeply inside the rhetoric of local actors, to grasp at the attitudes they hold. To do so, anthropological research is invaluable. By studying actors and events up close through direct observation or in-depth questioning, anthropologists are able to go beyond merely stating that some form of mixing or creolization has occurred. They can observe micro-level dynamics and hence understand how norm circulation and translation evolves where normative concepts are actually applied[52]. This kind of analysis can help uncover instances where local norms are merely used as a form of defense against the adoption of human rights and instances where they become part of an actor's vernacular and often adopt a slightly different meaning after translation. Whether actors behave the way they do because of their system of beliefs or rather for merely strategic reasons has important implications for future advocacy and reform efforts.

Second, because the acceptance of an international norm has to be measured on a continuum and because strategic considerations as well as cultural values influence the shape and content of an outcome norm, different domestic groups will likely translate the norm differently. Whereas reformist forces like NGOs might prefer an expansive reading, security actors will likely adopt a more limited reading of the same norm. Since the SSR agenda aims to change the attitude of security forces towards a wider understanding of security, it is their rhetoric and attitudes that measure success best.

Third, since Human Rights have a universalist essence and as such are only negotiable to a certain extent, the idea of vernacularization, though not all of its normative implications, are a valuable tool to understand the process of (partial) acceptance of human rights. The underlying model calls for an analysis of the interaction between human rights and existing normative models among the security forces to identify points of tension and resonance. Furthermore, attitudes held by security actors have implications for their behavior. The extent to which human rights are respected and

enforced by security forces can therefore suffer if security forces adopt a version of them that falls short of their essence. I will therefore preface the analysis with an overview of the pertinent value patterns among Indonesian state actors at the time of democratization. Then, the main section analyzes a) how these values have interacted with the global human rights concept to form different vernacularized human rights concepts and b) how incomplete hybrid interpretations have influenced the resulting Human Rights practice.

2.   HUMAN RIGHTS IN INDONESIAN POLITICAL HISTORY

Indonesia's Dutch colonial legacy deemphasized individual human rights in favor of peace and order. While governance of the colony was initially very narrow in both geography and its effect on the daily lives of Indonesians[53], colonial rule quickly became more repressive. A short liberal phase at the beginning of the 20th century also saw the repression of "backwards" cultural practices, like the widow-burning and the slave trade[54]. When the simultaneous expansion of education opportunities resulted in an upsurge of political activism and public criticism of colonialism the Dutch constricted public space and abandoned an expansion of political rights in favor of "*rust en orde*", a quiet and orderly society[55].

During their short occupation between 1942 and 1945, the Japanese created religious and nationalist militias (*laskar*) to channel societal mobilization against a potential return of the Dutch. When they did return after 1945 the Indonesian government initially tolerated a much higher degree of political mobilization and encouraged Indonesians in their pursuit of political participation[56]. Even when President Sukarno completed a self-coup to give himself dictatorial powers in 1959, his rule was based partly on the support of the Indonesian communists who advocated the ideal of a mobilized and politically active public. The chaos of the 1965–66 anti-communist politicide gave Major General Suharto the chance to return Indonesia to a more subdued political culture. The initial overt repression of political opposition under the headlines of "security and order", *keamanan dan ketertiban*, and controlled by the notorious Operations Command for the Restoration of Security and Order (Kopkamtib) was quickly transformed into a less overtly violent system of surveillance and strictly limited mobilization. Political rights and civil liberties were no longer part of the goals of governance. Instead, Suharto's established the organicist "New Order" based on the value of a harmonious society and a security system known. Of course this was always based on the normative convictions of the "moral majority" or more precisely the political establishment: Advocates of human rights, regime critics but also perpetrators of unwanted horizontal violence were locked away or murdered quietly where possible, suppressed in bouts of violence where necessary[57]. Meanwhile, Indonesia developed a strong tradition of vigilantism under which neighborhood watches and people's security committees cooperated with BIMMAS, a special liaison department within the National Police Polri. In the absence of external threats, the Indonesian security forces, focused on suppressing the political opposition and dealt with secessionist rebels like the Movement Free Aceh (GAM), the Operation Free Papua (OPM) and – most importantly – the Revolutionary Front for an Independent East Timor (FRETILIN) that fought for Timorese independence after the Indonesian annexation of the territory in 1975. In fulfilling their assigned tasks of guaranteeing Indonesia's territorial integrity and regime security military and police both routinely violated human rights[58]. Under Indonesia's brand of nationalism – rooted in the unity of the state rather than cultural homogeneity – separatism was regarded a threat to the very existence of Indonesia itself even among regular civilians.

During most of Indonesia's existence, constitutional protection of human rights was inexistent. The Indonesian Basic Law of 1945 on which Sukarno's as well as Suharto's regime were based, did not even list human rights. Only the Provisional Constitution of 1950, in existence for a mere nine years until 1959, is an exception. It established several fundamental rights for Indonesians and was largely in line with international standards of the time[59]. These rights only returned to political

prominence and to the text of the Indonesian constitution during the process of constitutional amendments between 1999 and 2003. Today, the constitution includes an expansive bill of rights and provisions for the rule of law. Among other things, it still lacks a negative freedom of religion and basic rights can be suspended for security reasons or to protect religious sensitivities[60]. Indonesia acceded to the Covenants on Civil and Political Rights and Social, Economic and Cultural Rights only in 2006 and even then insisted on interpreting the right to self-determination in a way that would exclude secessionist movements.

Considering this lack of a liberal political tradition it is unsurprising, that the concept of human rights was neither accepted nor even fully known by most security actors following the transition to democracy in 1998/99. Rather, most of them had internalized the preference for a quiet and peaceful rather than lively, participatory and mobilized society during the long years of Suharto's rule and were willing to subordinate human rights to a host of competing principles.

In civil society, the long legacy of the New Order government had inculcated democracy activists and the proponents of human rights with an intense distrust of the Indonesian government and its security forces[61] and even though the transition saw many acts of horizontal violence, few advocated a more active role or even an expansion of the authority of the state security forces to counter these acts of violence.

3.   PATTERNS AND CONSEQUENCES OF HUMAN RIGHTS CONCEPTIONS SINCE 1999

The following analysis of statements by security actors during focus group discussions between 2002 and 2010 and interviews in 2010 and 2013 demonstrate that few adopted an understanding of human rights fully in line with the international standard. Most of the following statements were made during meetings organized by the ProPatria Working Group for SSR. The British Department for International Development had funded this civil society organization to host a series of focus group discussions with members of civil society, politicians and the security forces. Under the terms of the Chatham House Rules, statements and proposals made during these meetings could be used for policy decisions by participants but not ascribed to individuals and the atmosphere was frank and participants spoke their mind. Since the material was recorded under condition of anonymity and in the absence of foreign donors, the effects of social desirability are of less concern, increasing the chance to observe more unmediated attitudes. Even though the transcripts contain the full name and position of all participants, the following quotations are anonymized and refer to the speaker only by his or her status group membership to respect the terms of the meetings[62].

Even on their own, these patterns of acceptance and denial are indications of the degree to which human rights as an international model have travelled successfully. However, the results are also in line with patterns of human rights violations in democratic Indonesia since democratization.

Shortly after the transition, some military officers still disputed the fact of past human rights violations by the security forces. One of them angrily replied to charges of human rights violations by civil society activist Munir Said Thalib during a ProPatria event that "Just because Munir thinks it is true doesn't make it so"[63]. As early as five years after the transition very few active military or police officers still denied the factuality of abuses. The stance of most individual officers towards the role of human rights in the security sector follows one of several patterns of limited acceptance at best.

3.1   Undue Burden

In interviews and during focus group discussions many security officers implicitly, but often also explicitly, gave competing norms precedence over the value of human rights. In their view, human rights had to take a backseat to security and the upkeep of social harmony, which they considered their core task. Otherwise, an increased threat of prosecution for human rights violations would

become an almost debilitating concern to officers in the field. One military officer stressed this in 2002 in reaction to an upsurge in "small town wars"[64] – horizontal conflicts between different ethnic and religious groups at the local level without the involvement of state security forces

> "If the local governments need help, there should not be a problem! Then the governor and [head of district government] can say: Please just help, already. You do not have to be afraid of human rights and so on."[65]

Following this line of argument also meant that an expansion in human rights education had in fact compounded the problem. Another military officer stressed:

> "If the security forces are already aware of the role of human rights, they will be very careful. […] Soldiers and police don't want to become involved in investigations because they fear they will be blamed afterwards if something goes wrong."[66]

This attitude was not prevalent in the military alone. A police officer made it quite clear that human rights violations were a necessary evil if the security forces wanted to be effective. Units in troubled areas naturally had to ignore or even violate human rights to prevent these crises[67].

In the minds of police and military officers alike, upholding the social harmony and peace so stressed in Indonesia's political history was still more important than respect for the relatively more recent idea of human rights. Military officers made the same argument even more emphatically when it came to threats to what they traditionally valued most, i.e. Indonesia's territorial integrity. Talking about the fight against the GAM separatists in Aceh province a military member of the department of defense said in 2003:

> "I know human rights are important, but there is a point where it is bad for morale if rebels can go free."[68]

In reference to the same group, an army general summarized this position quite bluntly:

> "Always respecting human rights will make Indonesia weak."[69]

The common argument was that the fight against separatism, Indonesia's territorial integrity would necessarily suffer should human rights ever be given precedence. Human rights were simply a nuisance that limited the effectiveness of security forces.

Indeed, officers at this stage of "denial" would be inclined to ignore human rights in any situation where higher goals like harmony or territorial integrity were at stake. The early years of the Indonesian transition are ripe with cases where security forces were willing to violate human rights even where it was visible to the outside world. Beyond everyday instances of manhandling criminal suspects, these cases included unrestrained violence against GAM separatists[70] as well as open repression against peaceful proponents of independence in East Timor province in 1998[71]. Similarly, Papuan independence activist Theys Eluay was murdered by off-duty members of Indonesian Special Forces in 2001 – his murderers later called "heroes" by members of the military leadership[72]. Finally, even democratically legitimate protestors came into conflict with what security officials considered their ideal of social harmony. Following a series of anti-government protests against interim-President Habibie in 1999 the military agreed to the use of violence against the demonstrators in what is today called the "Second Tragedy of Semanggi", killing at least two and injuring several more[73].

3.2 Instrumental Respect

While there are certainly some officers who openly express their opposition against human rights, most accept an – albeit grudging – adherence to the new standards. Many among them do so for instrumental reasons rather than an intrinsic appreciation but their reasoning varies. Many older officers who spent most of their careers fighting separatists or posted in combat outfits worry that accusations of human rights abuse can become a pretext for foreign intervention in Indonesian affairs just like violence in East Timor following the independence referendum in 1999 ultimately

resulted in a UN mission. A hardline senior military officers who had been accused of committing human rights violations in the aftermath of the 1998 transition himself said:

> "The penetration of Western culture and human rights have damaged the character of this nation by eroding nationalism and this might in turn be very dangerous. […] There is so much talk about democratization and human rights today […] if we violate these principles it can lead to foreign intervention."[74]

Even known moderates who otherwise favored military and police reform espoused similar attitudes during interviews and focus group discussions[75] and their position is aptly summarized in this half-joking statement:

> "For the survival of this nation we face external and internal threats. The external threats are called HAM [human rights], the internal threat is called GAM."[76]

Two important consequences flow from this first narrowly instrumental stance. First, it can further aggravate the strained relationship between the security sector and civil society activists looking to document existing abuse. Several civil society activists have made a note about the prevalence of this criticism especially among the military[77]. Fearing an increase in external meddling in Indonesian affairs, a senior military field officer explicitly accused civil society activists of employing human rights as a weapon to hurt Indonesia's national interests:

> "If NGO or other bodies report on human rights abuses, sometimes even if the accusations are not true, this can hurt Indonesian interests. We should take care of our own problems, no need to involve foreigners."[78]

Second, officers advocating compliant behavior merely on the basis of the negative reaction human rights violations can provoke from among the international community and domestic reform constituency would not necessarily object to covert human rights violations: Their attitudes suggest only tactical concessions to avoid further pressure for reform. Given plausible deniability of military involvement or an area of operation inaccessible to NGOs or the media their behavior would likely change. Actual examples of human rights violations that can result from such attitudes include the military-induced militia violence against proponents of the 1999 independence referendum in East Timor[79], the murder of Human Rights activist Munir by a suspected operative of the Indonesian National Intelligence Body (BIN) in 2004 as well as numerous human rights violations during covert operations and a media blackout in Aceh between 2001 and 2004[80]. Even though the underlying attitudes are still very prevalent among mid-ranking military officers[81], the military leadership no longer condoned these forms of covert activities after 2005, significantly reducing the scope and frequency of human rights violations[82].

The second line of argument for an instrumental acceptance of human rights is less likely to result in human rights violations even under attenuating circumstances. While they might not embrace human rights as a basic norm, many officers have at least accepted the fact that violations would only create more insurgents or terrorists. Summarizing this stance expressed by many younger officers during their informal discussion with me, Ansyaad Mbai, head of the Indonesian counter-terrorism agency BNPT told me:

> "If you arrest the wrong people, shoot them, there will only be more people. Everybody has a brother, a nephew […] if you kill someone wrongly, his relatives will be angry and you create a new terrorist or two. Then the problem gets worse. For the military that used to be no problem, they just treat everyone as enemy. But in law enforcement today you have to be very careful. You need a different mindset."[83]

Finally, in their conversations with me some military officers even applaud the fact that the increased pressure on the military helped to accelerate the wider acceptance of military reform among the troops. Again, this is not necessarily a sign human rights are fully embraced but at least underlines the relevance of the instrumental effect international and domestic pressure for human rights compliant behavior can have even if they remain an essentially alien concept to some officers[84].

3.3   Rights as Alien or Alienable

Even though the former statements indicate a reluctance to actively violate human rights, it is clear that many officers still believe human rights to be alienable, overall alien or not yet right for Indonesia. Even among officers who accept human rights either for intrinsic or instrumental reasons there are many who believe that not all of them are created equal, giving precedence to religious sensitivities or denying protections against wrongful arrests or right to an attorney[85]. Moreover, many doubt that this full on respect for human rights is even appropriate for Indonesia's current state of development. A senior army officer said:

> "In Indonesia the transition has to happen gradually, not in a revolution tomorrow. In my opinion that is not healthy […]. I guess I am saying TNI is not good, not well yet. The military man consists of blood, flesh and emotions but TNI has the faith to try it. Now [...]. If there are still violations much later on, our kids can pursue them."[86]

Many military officers have echoed this attitude in private or more informal conversations and there is a similar attitude among the police. At least in its current situation, a soft-handed human rights driven approach is supposedly ill-adapted to Indonesian realities as one mid-ranking police officer expressed during a focus group discussion:

> "I think the police has to be like its society. A tiger cannot protect a goat. A goat cannot protect a tiger. So you need a tiger to protect a tiger. It depends on the society." (PP 27.04.2004)

Specifically, Indonesian citizens are seen as too immature and too rash in their behavior as to be awarded all the rights that come with liberal democracy. For all the moments social harmony and peace that are portrayed as quintessentially Indonesian, security officers still consider actual Indonesians somewhat childlike – irresponsible and unruly – a contradictory but well-known trope of the Suharto dictatorship[87]. Even today officers otherwise known for their moderate outlook hold this attitude:

> "I am not certain that Indonesia can or should already guarantee full human rights for its population. Today people only see one side of the coin. The only think of freedom, they only think of the state providing security. They do not see that this calls for them to act, to behave a certain way, to behave responsibly. Nobody wants to do anything or limit their actions to be able to be safe. You know ideally, it should really be 'human responsibility' first, then human rights."[88]

On the surface these statements are a sign that human rights are not yet widely accepted as an intrinsic goal that surpasses other competing norms like security or social harmony among security actors. The flip-side of this attitude is that it can 1) deprive groups considered undeserving of the protection of human rights, including criminals or other trouble-makers and 2) in certain circumstances even turn the burden of guilt from perpetrators to victims of violence.

Especially among the police there are officers who prioritize an orderly society over respect for human rights. This can evoke hostile or even violent reactions towards those considered deviant or not deserving of human rights protection. Among other things, this is indicated by the denial of humane treatment for prisoners. One participant of the ProPatria focus group discussions reported a complete lack of understanding by local police officers when confronted about the inhumane conditions of their holding cells, since these were "for criminals only"[89]. Actors who interfere with the established ideas of peace and order are less likely to find understanding and protection from security forces, even if they are exercising their democratic rights. Again, supporters and active members of secessionist groups suffer most from this. However, younger, mid-ranking officers also complain about political protests, stating that "going demonstrating like that interferes with the smooth running of everyday business"[90], an attitude confirmed during many of my informal discussions with even younger and very reformist police officers. The situation can be more difficult for religious minorities, as religious freedom is most often targeted by security actors as a source of social unrest. There are several recorded instances where security actors actively

pressured perceived deviants or heretics: A West Java military commander encouraged members of the majority Muslim community to occupy mosques of the Ahmadiyya minority sect to convert them back to the Sunni Islam of the majority. Ahmadis who became victims of violence have even been prosecuted for proselytizing instead of their attackers[91].

3.4   Signs of Hope?

Despite the widespread resistance to the universalism of human rights in attitudes and practice and the persistent problems that result from it, there are also some encouraging signs. Several officers report a growing awareness and acceptance of human rights among their colleagues [92] and seem to have accepted the new normative order that emphasizes individual rather than state security:

> "At the time we did not appreciate human security or human rights. Of course it used to be that there are individuals as part of the state. But today it can no longer be said that the state is superior to the individuals."[93]

Others have come to accept Indonesia's human rights record as an essential benchmark indicator for good governance[94]. For most of these officers, human rights call for more restraint from the security forces. However, there are some military officers who recognize a mandate for a more active role of their services to protect the population against violent non-state actors who threaten their security:

> "In the case of enforcement of human rights during a horizontal conflict [one without participation of state actors, PL], if there are agencies that are in charge of it, right then? If the institution concerned is not performing its duties and obligation, in curbing this disorder, then this is a violation by omission as well."[95]

Still, few officers believe they have a robust mandate against such third party violations and a more passive outlook prevails: Many police officers indicated a preference for restraint over enforcement when it comes to horizontal conflicts. During an interview one officer stressed:

> "Yes, even if someone threatens violence, you know – like with the church in Bekasi – I think it is the first duty of the police to mediate the conflict. If you don't mediate and you just arrest people who are aggressive, there will only be more problems. People will blame the Christians if we arrest them and there is little support from us from the government."[96]

Even from this statement it is apparent that the resulting lack of involvement in horizontal conflicts can erode minority rights. Riots against existing Christian churches or their new construction in Muslim majority areas ultimately resulted in a withdrawal of building permits or closing of the church in question rather than prosecution of the instigators of violence[97]. Furthermore, extremists believe existing religious norms are a pretext for deadly violence against Ahmadis. During a public rally in 2008 the secretary general secretary of the radical Islamic Defenders Front (FPI) said:

> "It is halal to shed the blood of the Ahmadis. If people say that this killing violates human rights, I say, 'Go to hell, the Human Rights declarations! Tai kucing (shit!), the Human Rights declaration! [...] Fight the Ahmadiyya, kill the Ahmadis, and exterminate the Ahmadis in Indonesia!"[98]

Again, security forces regularly act too slowly or fail to provide protection against such third-party threats and the resulting human rights violations altogether[99]. Another police officer explicitly mentioned the Islamic Defenders Front during an interview and stressed that they would have to be treated like any other group in a democracy:

> "I don't like what the FPI is doing […] they are very angry, very aggressive. But they are part of the community as well. It is democracy, […] we have to recognize the aspirations of the people. FPI have human rights, too. So if they advocate something, then we have to endure it. If they advocate against Ahmadiyya that is democracy as well."[100]

Considering that police officers present at the interview who agreed with such notions had also expressed annoyance at the behavior of (peaceful) democratic protesters indicates the extent of

remaining tensions between human rights and other competing norms even within the minds of younger, well-educated and reformist officers. The resulting lack of minority protection and sometimes active state discrimination against them under the banner of a more harmonious society have been identified as a major problem of Indonesia's young democracy[101]. Even though individual convictions, might play a role among more junior military and police officers, police officers apparently also feel they lack the institutional capacity or even mandate to intervene[102].

3.5   Ambivalent Effects of Civil Society Activism

Why have domestic civil society organizations advocating in the human rights field so far been unable to push for such clearer mandate and with it better protection against horizontal violence? One of the reasons is that many activists remain unable to trust the security forces. In their public statements they ask security forces to respect, less to enforce human rights. Human rights are considered a weapon against the security forces, not one to be wielded by them. Most importantly, many activists are unwilling to grant the state the necessary mandate and authority to protect minority groups. Representative of this position, a well-known human rights defender made it his explicit priority to eliminate every regulation from a proposed National Security Bill that had even the potential for state abuse. This came at the cost of delaying or stopping the law altogether that was needed to delineate the lines of authority between military and police[103].

Such blanket suspicion against the security sector as a whole is not rare. Until today, rumors about secret government agendas and sinister motives behind the establishment of overall clearer authority for internal security operations in horizontal conflicts abound. In recent years the "Law on the Management of Social Conflict" was the source of such debates. The law is meant to establish clear lines of responsibilities between civilian authorities, police and military in cases of horizontal violence and local unrest. Civil society security experts had long demanded such clearer regulations. After a more universal national security bill had failed under public resistance a more specialized bill was roundly criticized by many and suspected to spring from mostly economic interests of the government. Rather than welcoming the greater willingness of the security forces to become an arbiter in violent horizontal conflict different activists told me numerous versions of the following:

> "This is all part of the World Bank agenda. They want to push for their kind of development at the local level and they do not want to have any local protests against this."[104]

> "We don't need this. The law was only passed because there was money behind it from international companies."[105]

As a direct consequence of this obsession with the vertical dimension of human rights, i.e. the focus on restraining security forces, other attempts to assign clear responsibilities for ending horizontal conflict have failed[106]. This and the attitudes in the security sector have exacerbated the gap in human rights protection for minorities. Without an intrinsic appreciation of human rights, officers with an instrumental attitude are likely to drag their feet in horizontal conflict for fear of punishment for human rights violations by commission and those who think human rights alienable and value harmony and security are likely to shift at least some blame towards the victims with the same result.

Like security actors, many civil society activists have seemingly adopted a concept of human right that differs from that advocated by international agencies. Often broad and undifferentiated, it seems to imply a preference for powerless security forces. During an interview the program director of one human rights group justified these oversimplifications. He suggested that his group had to use simple language and overly broad conceptions of human rights in the media:

> "We have to tailor our message to the audience. If I talk to academics I can be specific, detailed. If I talk to the media they want clear messages. I have to make things simple so everyone can understand it. You know […] everybody knows about human rights, but sometimes the people get confused […] when I talk about freedom of religion, freedom of

the press […] sometimes that is too complicated. People get confused. That would hurt our message."[107]

In reality, undifferentiated public allegations have not only further aggravated tension between security forces and civil society. They also alienated some moderate military officers who might otherwise have a more positive attitude towards the values underlying SSR. Several officer summarize these grievances:

"I don't get it. Today everything is always a violation of human rights!"[108]

"Human rights defenders want to prevent us from acting preventive and preemptive. But in fact we actually want to fight for human rights! Whose rights are more important? That of terrorists or those of the possible victims?"[109]

Security officers across all services and age groups have expressed profound weariness of being summarily criticized by civil society. Even some civil society activists admit this might be part of the reason civil society organizations are again seen as "trouble makers"[110] disturbing the social peace. This image was commonly used for them during the years of the "New Order" dictatorship.

4. CONCLUSION

In Indonesia competing cultural and legal norms have been an obstacle to the acceptance of human rights. Security actors had a predominantly instrumental approach to human rights for at least the first decade after democratization, leaving room for covert violations. They often interpret the term or its implications in existing cultural categories and subordinate it to competing international or local norms. Rarely do actors espouse or at least profess an understanding that is in line with the "universal" concept and even if they do, they often feel without a mandate from government or society to enforce it.

In contrast to the expectations of more linear models of human rights diffusion still prevalent in International Development, International Relations and more specifically the Security Sector Reform canon, human rights in Indonesia are a "travelling model" that underwent a process of vernacularization: Entered though internationally funded trainings and by local activists, the concept became subject to a process of translation and adaptation to local circumstances. In their adjustment attempts, security actors have chosen to deemphasize the protection of deviant groups to legitimize their non-compliance and implemented an understanding of human rights in line with prevalent cultural norms of social harmony. While this has reduced the incidence of vertical human rights violations of the state against its own population overall, the adaptation carried the cost of very limited protection for deviant or marginal groups.

At the same time, vernacularization has created new lines of conflict between proponents and opponents of different translations of human rights: Civil society activists have attempted to use human rights as a tool to limit state capacity while security actors often recognized the need for additional authority to realize a minimum of protection against horizontal human rights violations. There is no linear pattern of acceptance or denial: enthusiastic proponents in the armed forces coexist with those who believe human rights protection will have to wait; civil society groups who still demand restraint from security forces sometimes clash with those who demand expanded authority for state actors. Even individual officers seem torn between their ostensible acceptance of democratic participation and a version of democratic tolerance that could even include violent groups like the Islamic Defenders Group on the one hand and their existing cultural preference for social harmony that makes them scoff at unruly protesters.

International human rights advocates will be worried to discover that even after more than fifteen years of trainings and open discourse about human rights there are still honest misunderstandings among the security forces. One of the reasons for this stagnant development is the dilemma human rights organizations face in post-authoritarian settings. While they have to demand more restraint from security forces than under the authoritarian regime, they can weaken the capacity and resolve

of the state and create an enforcement gap in human rights protection. Most of Indonesia's human rights organizations have erred on the side of distrust towards government and security forces. While the state today is no longer the major perpetrator of human rights violations it once was, its agents do too little, too late, to prevent third-party violations.

Human rights trainings in young democracies should take this dynamic adaptation and its potential for incomplete adoption of norms into account. Before reform programs are developed, anthropologists should be consulted to identify local norms that could clash or compete with the substantive results of a human rights-oriented education. Actual trainings will have to stress the state's protective role to a larger extent, tackle the problem of minority protection explicitly and elucidate solutions to the democratic dilemma of suppressing undemocratic dissent. Trainings have to include actors already professing a preference for human rights and communicate the importance of creating assertive security forces. Only careful training programs can demonstrate to the security forces and civil society reformers alike that the supposedly competing mandates of doing their job of establishing security and respect for human rights can be reconciled. Moreover, the success and failure of such trainings should not be measured by merely looking at the number of schooled participants or the public rhetoric of senior members of the security forces but rather include follow-up interviews, and observations of daily practice.

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