



AP R2P

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SPOTLIGHT ON R2P

Indonesia: National Dialogue on R2P and Atrocities Prevention

The Asia Pacific Centre for the Responsibility to Protect (APR2P) and its partner organization Human Rights Working Group-Indonesia (HRWG) organised the first National Dialogue on R2P and Atrocities Prevention in Jakarta on 15-16 August 2016. The Dialogue is a follow up to the experts meeting held previously in Jakarta on 12 November 2015, and focused on implementing R2P in Indonesia through developing a national action plan that includes appointing a national focal point for R2P in Indonesia.

Some 20 local participants from various sectors attended the dialogue, including the representatives from civil society, the national human rights commission, think-tank institutions, and the National Police Commission (Kopolnas).

The dialogue focused on 1) developing a consensus among participants on implementing R2P in the domestic context; 2) Identifying the pertinent risk factors for atrocities in Indonesia and how these could be managed by government and other sectors in society; 3) Identifying the strengths

and weaknesses of the country's existing institutions, agencies, and mechanisms in dealing with these risk factors; 4) Examining relevant past and present human protection issues in the country and to what extent the capacity of the state and society could be enhanced to ensure the prevention of future atrocities; and 5) Exploring the development of a national action plan to implement R2P, including the appointment of a national focal point, for purposes of building and strengthening national capacity to prevent atrocity crimes.

In his opening remarks, Dr. Noel M. Morada, the Director (Regional), APR2P, emphasised that the focus of this meeting was to have further discussion on implementing R2P based on assessments of the risk factors faced by Indonesia. He also pointed out that participants will also be given the opportunity during the dialogue to examine the idea of developing a national action plan for prevention of mass atrocities in Indonesia, including the appointment of a national R2P focal point.

For her part, Ms. Yuyun Wahyungrum, Senior Advisor on Human Rights and ASEAN, HRWG and Indonesian country program coordinator of the Centre, underscored that no society is immune from mass atrocities and that it is very important for states to build its capacity to prevent atrocities from occurring. She lamented the fact that discussion on mass atrocities prevention and R2P is not yet popular among the Indonesian stakeholders. Nevertheless, HRWG as one of the leading human rights institutions in Indonesia, views that this prevention aspect is crucial as the country will be well-prepared to prevent for any potential of those atrocities to take place in Indonesia and the region.

Among the highlights of the dialogue's discussions were:

1) Understanding and Implementing R2P in Indonesia

- R2P as a concept is still difficult to understand especially among civil society groups in Indonesia. Therefore, there is a need to continue conducting seminars and training on this principle of it to be better understood, especially at the grassroots level.
- On addressing the risk factors, there is still a question of how to develop an early-warning system that is relevant to the Indonesian context.
- On the participation of women, further discussion is needed on how to increase women's involvement in supporting the implementation of R2P, particularly



Dr. Noel Morada (APR2P) and Ms. Yuyun Wahyungrum (HRWG) opening session.

in its prevention aspect.

- There are still many challenges in implementing R2P in Indonesia, which includes the lack of learning from past cases of human rights violations and the coherence of existing legislations with the Constitution. Regarding the latter, the Indonesian Constitution itself has to some extent adopted the R2P principle which is incorporated in the national vision to protect the Indonesian people. However, many of the derivative regulations have not reflected and in fact even violated—the R2P principle. For example regulations that discriminate the minority groups, allowing military to have control in politics, etc.
- The lack of learning from the past poses three major challenges. First, there is serious misunderstanding, or even misuse of R2P, particularly among some government actors and academics. The term “responsibility to protect” has been abused to justify government's action in the past to put the victims of violence into exile as part of “protecting” them from their attackers, who were actually the violators of human rights. Second, there has been no clear efforts to deal with serious human rights violations that occurred

in the past notwithstanding the government's stated commitment to do so. Third, in the education sector, there has been minimum effort to introduce correct understanding of R2P.

- With regard to reforming the police, there are also challenges especially in transforming its existing structures, instruments, and culture to protect human rights. For example, the Chief Police regulation number 8/2009 on incorporating human rights protection as part of police function has not yet been internalised by all police personnel. Specifically, many police officers still have no knowledge of how to deal with hate speech. Related to culture, some high-ranking officers are still protective of their junior officers who have committed violence in order to maintain high corps spirit.
- There is still a huge knowledge gap on human rights among the police, particularly dealing with ethno-religious conflict, especially between the police stationed in the major cities and the remote areas.

2) Appointing a national focal point

- With regard to the national focal point, there are two potential institutions where it could be housed, given that they already have the authority and mandate on human protection, namely: the Coordinating Ministry of Politics, Law, and Security and the National Human Rights Commissions.
- It was agreed that in order to support the implementation of R2P, the appointment of a national focal point should be made as soon as possible. In its domestic capacity, the focal point could serve as coordinator between government and civil society, particularly to communicate what government has been doing so far in protecting human rights.
- The focal point should be located within an institution that has the authority and mandate for human protection but at the same time should be inclusive and open to interacting with civil society to receive inputs on human rights protection issues.

which can provide early-warning if certain conflicts are worsening or are potentially planting the seeds for mass atrocities Think-tanks can also have better and direct influences in policy-making process. CSIS, for instance, was involved in pressuring the Indonesian government to take the initiative in pushing for the creation of the ASEAN human rights body, which was unthinkable after the ASEAN creation.

- The National Violence Monitoring System (NVMS) was developed not only to monitor problems that could potentially lead to mass atrocities but also to increase the capabilities of stakeholders to process the data related to risks of violence.
- Think-tanks could also play an important role in synchronizing efforts at the national and local levels in preventing atrocities and violence from occurring. THC, for example, has conducted several discussions in different conflict areas in Indonesia, which aimed at gathering local views that may be totally different from the perspectives of stakeholders in the capital. Such direct engagement with lo-

cal people in conflict areas can bring new perspectives about conflicts for the policymakers, academics and civil society.

- Partnerships between think-tank, civil society organisations, and private sector are also important in atrocities prevention even as the private sector also has strong interests in conflict prevention.

4) The role of media in implementing R2P

- Conflict has what is called as “news value” and this regard, the media has the potential to worsen conflict situations since it is often trapped into taking sides when reporting about it, especially with regard to ethnic or religious sentiments.
- The media’s social responsibility is to shift the news values into promoting “peace journalism” – borrowing the term from famous peace scholar Johan Galtung. In peace journalism, journalists have the responsibility to answer the question “why” in order to reveal the root causes of the conflict. Therefore, media should also attempt to offer solutions to the conflict as well

3) The role of think-tanks in implementing R2P

- Some specific roles that think-tank institutions like CSIS and the Habibie Center (THC) can play to support prevention of R2P crimes in Indonesia include conducting policy-oriented research and providing policy recommendations to the government concerning potential issues which could undermine human protection. For example, CSIS has undertaken research on religious tolerance among the law enforcement actors, religious groups, as well as general public at large. Other example is THC that has taken the initiative to develop the National Violence Monitoring System (NVMS)



Ms. Roichatul Aswidah(NHRI(Left) joined by Ms. Yuyun Whayuningrum and Ms. Poengky Indarti(National Police commission) (Right)

as to point to some implications if conflict continues.

- As well, the media should take the initiative to bring up “peace champions”, publishing the works of those who promote peace. In addition, valuable news should provide clear and accurate information.
- It is also the responsibility of media to report on “negative” news and point to negative deeds, such as corruption, injustice, etc. rather than hiding them.
- Apart from peace journalism, the media should also develop “diversity journalism” in which journalists support respect for diversity, have empathy for the victims (usually the minority groups), and promote gender-sensitivity and human rights protection. A survey conducted in 2012 revealed that most journalists in Indonesia are still supporting attacks against minority groups and defending radical thinking. Therefore, civil society should monitor media so it keeps playing positive role in preventing mass atrocities.

Recommendations for implementing R2P

Participants deliberated on three critical issues related to implementing R2P in Indonesia,: 1) Creating a network of “Friends of R2P” in Indonesia; 2) Identifying the criteria and functions that should be attached to the national focal point; and 3) Identifying the risk factors in Indonesia and how to develop early warning/monitoring mechanisms.

1) Creating a domestic network of R2P champions

There is support for creating a local network of “Friends of R2P” in Indonesia but using a different name, such as “Network for Preventing Social Conflict” (Jaringan Pencegahan Konflik Sosial) simply because R2P is still not yet widely known in Indonesia. The timeline to develop this network is six months. Regarding the name, however, there are at least two concerns. First, the use



Mr. Usman Kamsong (Media Indonesia) (Centre) listening to comments by Indonesian NGO participant.

of other name has the potential to abandon R2P, which is the important element. Second, the proposed name also carries potential problem since it is identical with the Law on Preventing Social Conflicts. It can be misleading since the network is not going to focus on social conflicts only, and also the fact that the said law remains problematic because some its provisions are not acceptable to civil society.

2) Appointing a national focal point

A number of options were recommended for appointing a R2P national focal point in Indonesia. Specifically, there were pros and cons with regard to where the focal point would hold office. First option is the Office of the Presidential Staff (Kantor Staf Presiden or KSP); the second option is within the National Human Rights Institution; and the third option is to create a new independent task force which will be composed of representatives from religious groups, academics, civil society, NHRI, National Commission on Women (Komnas Perempuan), Ministry of Home Affairs, National Police, etc.

- While it is true that the Office of the Presidential Staff is powerful and within the inner circle of the president, placing the office to be in direct link to give advice to the President, however, to make the office as a national focal point of R2P will develop

three problems. First, the office by nature is having the function to give support rather than action-oriented. Second, it is less transparent due to its nature as an advisory institution to the president. Finally, there is a strong chance for the office to be dismissed at any time if the current president is no longer in power.

- The advantage of the second option is that the NHRI is a state institution established by the law and has mandates to investigate. By nature, it is also much more transparent than the first.
- With regard to the third option, the task force can be put under the NHRI and its creation may be formalised by a decree issued by the institution. However, there are at least two challenges if the focal point is under NHRI. First, the national focal point will have limited mandate as it cannot go beyond the mandate of NHRI. There is also the danger of the focal point being abandoned if the subsequent commissioners are no longer interested in it. Second, the focal point's effectiveness may be limited given that recommendations from NHRI, especially on serious human rights violations, are often not taken seriously by the government. Third, if the focal point is appointed under a new office, it is unlikely to have the support of the current

government that prefers to trim down the bureaucracy for efficiency. Nonetheless, the group proposed that the national focal point be appointed within the next four months and should be in charge of monitoring risks, coordinating with different stakeholders, and providing policy inputs related to human protection and atrocities prevention.

3) Risk factors and developing early warning system

The major risk factors faced by Indonesia include religious intolerance and racial intolerance; as well as weaknesses in the rule of law and state institutions.

- Religious intolerance and racial intolerance remain serious issues in Indonesia
- With regard to rule of law, significant attention should be given to problems within the police and military institutions, specifically in responding to crisis situations. Capacity building assistance is needed in this sector particularly skills development, professionalism, and training in human rights protection. Weakness in the rule of law stems mainly from some vested interests among law enforcement actors in Indonesia.
- Continuing engagement with academics, scholars, civil society organizations, and government on R2P are needed to ensure a deeper understanding of the principle in order to prevent any misunderstanding or even misuse of R2P principle that could lead to adoption of wrong policies.
- Part of the weakness of government institutions in Indonesia is the lack of sustained institutional memory to continue the legacy of good leaders that support human rights protection. This poses a challenge to long-term support for R2P given the tendency of leaders or candidates to adopt political pragmatism where they usually play the eth-

nic/religious cards to win support from majority groups.

- Existing legal frameworks and regulations in Indonesia are sufficient to create early-warning system. However, the problem lies in the lack of political will to implement these regulations by the government in preventing future atrocities. Some recommendations to address these problems include: First is the need to undertake conflict mapping. While some institutions (national police, intelligence agency, Ministry of Home Affairs, and others) may have created their own conflict mapping, there is urgency to have one comprehensive conflict mapping to be used by all stakeholders to ensure coherence in policies. As well, more funding support is needed to make the mapping more accurate and current. Second, there is a need to set up a hotline, could be in the form of mobile application to respond faster to any report of human rights violations. Third, in connection with the appointment of a national focal point, it is important consider appointing also a counterpart focal point at the local level by involving the local leaders, especially in conflict areas.

4) Deepening the commitment to R2P in Indonesia

Ambassador Makarim Wibisono, member of the High Level Advisory Panel Report on the Prevention of Genocide and on the R2P, pointed out that since mass atrocities is like a huge rock to move, the approach should be gradual and with full care. He specifically shared the story of how human rights was initially rejected in ASEAN but then gradually accepted and incorporated in ASEAN Charter and resulted in the establishment of ASEAN Human Rights Commission on Human Rights (AICHR). He also stressed the need to be flexible in finding local champions for R2P and should be decided on the basis of the needs on the ground. For religious conflict, for example, it should include engagement of religious leaders or even women's groups. In regard to the establishment of national focal point, he fully supports this initiative. He personally prefers NHRI to be the national focal point due to its current mandates. Furthermore, he recommended that civil society should be extremely careful when introducing certain principles like R2P. It is very important, for him, to find ways not to give the impression that the principle is a new thing that comes from outside, while in fact it has been long developed and em-



Ambassador Makarim Wibisono member of the High Level Advisory Panel Report on the Prevention of Genocide and on the R2P, interacting with participants in the dialogue.

braced at the domestic level. When talking about R2P, for example, one should be careful not to refer only to the United Nations initiatives, discussions, and so on because it can cause rejection from internal actors.

Therefore, he suggested to first refer to the existing frameworks that already exist at the national level rather than always referencing from outside. Ambassador Wibisono also underlined the importance of engaging the young people as early as possible in this initiative for prevention of mass atrocities because they are the next generation of leaders. Finally, in regard to the national focal point, he pointed out that it can be in the form of special team and the tasks should be to raise awareness on atrocities prevention.

Overall, the first national dialogue on R2P and atrocities prevention in Indonesia served as a useful forum for critical stakeholders in the country in generating consensus on the strategies and in identifying the priority areas for implementing the principle in the medium-term. The Centre will continue working with HRWG Indonesia and other local partners in Indonesia in preparation for convening a follow-up national dialogue in the next six months or so, focusing on more detailed aspects of the national action plan, including the appointment of a national focal point.



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