

Democracy for the Future Project

Diet Policy Dialogue Program

Delegation to Indonesia

Report August, 2024

A multi-party delegation of Diet members and experts led by Gen Nakatani, former Advisor to the Prime Minister for International Human Rights, visited Jakarta, Indonesia from July 22 to July 25, 2024 as part of Japan Center for International Exchange's (JCIE) Democracy for the Future Project. The delegation discussed the current status of and challenges to democracy and human rights in ASEAN countries, focusing on Indonesia's democratic process, as well as the roles and responsibilities expected of Japan through meetings with the Minister of Law and Human Rights, Chief of Staff to the President, members of the Indonesian Parliament, representatives of ASEAN Parliamentarians for Human Rights (APHR), the Chairman of the National Commission on Human Rights (KOMNAS HAM), and representatives of civil society organizations (CSOs), think tanks, and the media working in the field of human rights and good governance. The delegation also met and exchanged views with H.E. Yasushi Masaki, Ambassador of Japan to Indonesia, and other senior officials at the Japanese Embassy, as well as with representatives of the Japan International Cooperation Agency's (JICA) Indonesia Office including its Director Ms. Sachiko Takeda and their judicial expert. Ambassador Yukio Takasu, Special Advisor to the UN Secretary General and chair of the Democracy for the Future Project met the Indonesian Ambassador to Tokyo to brief him on the plan for the program before the delegation's departure.

BACKGROUND

Democratization in Indonesia

In Indonesia, the reform (reformasi) movement was advanced after the fall of the Suharto regime in 1998, and a great swell of democratization of the political system, eradication of corruption, and removal of restrictions on the press followed, which included the diminishment of the political role of the National Armed Forces, establishment of the Corruption Eradication Commission (KPK) and the National Commission on Human Rights, and the independence of the Press Council. Since the first direct election of President Yudhoyono in 2004 based on the new constitution, the country has grown as a democratic state, enacting the ASEAN Charter and leading the Bali Democracy Forum.

Democratic Backsliding in ASEAN nations

President Jokowi's second term (2019-2024) coincided with democratic backsliding in ASEAN countries such as Cambodia, Myanmar, and Thailand, the grand coalition of ruling parties has weakened the oversight function of parliament, and civic space has shrunk. While infrastructure and economic development are prioritized, the functions of various institutions established in the early years of democratization are being reduced, and amendments of laws such as the Electronic Information and Transactions (ITE) Law have resulted in increased restriction on the activities of the media and CSOs.

Transfer of Power to the New Prabowo Administration

President Prabowo and Vice President Gibran (the eldest son of current President Jokowi) were elected in the presidential election in February this year, and will be responsible for leading Indonesia after the inauguration ceremony in October. The Constitutional Court, headed by President Jokowi's brother-in-law, has been criticized by civil society for its flexible interpretation of the age limit stipulated in the election law, which allowed Gibran to run for the February election. It is important to note that despite these challenges the basic democratic principle of peaceful transfer of power through elections has taken root in Indonesian society. The course of democratization in Indonesia under the new administration will have a very significant impact not only on the country itself but also on ASEAN as a whole (Indonesia accounts for about 40% of ASEAN in terms of both population and economic size) and on the free and open Indo-Pacific.

Towards Vision “Golden Indonesia 2025”

Indonesia is a resource-rich country (nickel, coal, natural gas, etc.) and an open maritime nation with steady economic growth in the range of 5% after the COVID 19 pandemic. In 2022, it demonstrated leadership as G20 President and a leading Global South country. Plans to relocate the new capital city Nusantara to East Kalimantan are progressing, and the opening ceremony of the new presidential palace was held in August 2024.

By the 100th anniversary of its independence in 2045, Indonesia aims to achieve the status of a major economic power (it is currently at the 16th in nominal GDP in 2023) and to enter the OECD to become a member of the advanced economies. It is highly significant to continue urging the senior administration and parliamentary leaders that in order for Indonesia to continue steady economic growth in the global economy and strengthen its leadership position in the international community, it is essential that Indonesia continues to emphasize universal values such as human rights, freedom of expression and media, good governance, rule of law, fair society and correction of social disparity, along with open and responsible economic management and quality job creation. It is also equally important to strengthen cooperation and support for civil society organizations, which are essential elements of democracy.

Members of the Delegation

Diet members

Gen NAKATANI, Member, House of Representatives (LDP); Former Special Advisor to the Prime Minister for international human rights issues; Former Defense Minister

Mitsunari OKAMOTO, Member, House of Representatives (Komeito); Chair, Standing Committee on Economy, Trade and Industry, House of Representatives; Former State Minister of Finance

Masaharu NAKAGAWA, Member, House of Representatives (CDP); Chair, House Standing Committee on Discipline; Former Minister of Education, Culture, Sports, Science and Technology

Shu SAKURAI, Member, House of Representatives (CDP)

Mari TAKAGI, Member, House of Councillors (CDP)

(Note: Ayano Kunimitsu, LDP Member of the House of Representative cancelled participation due to other commitments.)

Executive Committee Members of Indo-Pacific Platform for Universal Values (IPPUV)

Yukio TAKASU, Special Advisor to the UN Secretary-General (Human Security)

Kimitoshi YABUKI, Japan Federation of Bar Associations, Chair of the Board of Committees on International Affairs and Strategies; General Interest Incorporated Foundation, JP-Mirai, Chair of Board

Hideko KATSUMATA, Co-founder & fellow, Japan Center for International Exchange

Japan Center for International Exchange

Shigeko KONDO, Program Officer, Japan Center for International Exchange

Local partners

Ichal SUPRIADI, Secretary General, Asia Democracy Network

Miranti HUSEIN, Stakeholder Engagement Specialist; JCIE local coordinator



Key Discussion Points

1. The Government of Indonesia's Position

The delegation led by Mr. Nakatani, former Special Advisor to the Prime Minister for international human rights issues, explained the delegation's basic position that due diligence in the supply chain, along with democratic governance and respect for human rights, is essential for the long-term stability and sustainable development of a nation. In response, the Minister of Law and Human Rights (former dean of a university's faculty of law) and the Chief of Staff to the President (former Commander of the Armed Forces) both emphasized the importance the government attaches to the protection of human rights and democracy, and reiterated that this basic stance will remain unchanged in the future. At the same time, they justified the administration's response by stating that there are criticisms that democracy has gone too far in some areas and that order cannot be maintained unless a balance is struck between democracy and national stability. They requested Japan for cooperation in the areas of legal system strengthening, business and human rights, and human resource development.

2. Functions of Parliament and Political Parties

During President Jokowi's second term (2019-2024), a ruling coalition was formed (eight of the nine parties in the parliament are part of the coalition), weakening the legislative oversight over the executive branch. The parliament continues to revise a series of laws that were adopted in the midst of Reformasi movement. In order to maintain democracy, it is necessary to uphold the principle of the rule of law (that procedures are appropriate, the content of the law is fair to all, and there is no violation of human rights). Since the existence of opposition parties with a certain degree of power and number of seats in the parliament is important to check the government and is necessary for a healthy democracy, the management of the government in the next parliament session (eight parties have seats) requires close attention. In particular, it is important to monitor whether the amendment of laws related to the national armed force and police will result in a further expansion of the power of the security authorities.

Most party leaders are businessmen, and about 60% of the members of the parliament are involved in business. The political elite also occupy prominent positions in the business world, and some politicians hold seats in the parliament to facilitate their business activities.

Since the house was in recess, the group exchanged views with the chair and leading members of the House Commission 1 (Foreign Affairs, Intelligence, etc.) and Commission 3 (Human Rights, Justice, etc.), as well as the House faction of the Democratic Party of Struggle (PDI-P). Indonesia counterparts expressed a desire to continue parliamentary exchanges in light of their significance and impact. The PDI-P also requested training on the Japanese political system for their young members.

The group also met with members of ASEAN Parliamentarians for Human Rights (APHR), which currently has 142 members from 8 countries and is promoting dialogue with parliamentarians from ASEAN as well as other countries who are interested in promoting human rights, freedom, democracy, and climate change measures in the region. APHR is also deeply involved in Myanmar, including through dispatching fact-finding missions. APHR expressed hope for greater exchange and cooperation with Japanese parliamentarians.

3. Activities of Civil Society Organizations

Representatives of civil society, think tanks, and others who led the Reformasi movement expressed concern about the regressive situation in recent years.

Gender: Regarding female legislators, former President Wahid has introduced a quota system (30% of candidates) as part of democratization. Among those we met this time, female legislators are active in many fields (e.g., Chair of Commission 1, Chair of the ASEAN Parliamentarian for Human Rights, etc.). Civil society organizations have made great strides in recent years in raising the minimum age for marriage and adopting laws on sex crimes, and their morale seems high. In the area of women, peace, and security, the country has made progress in women's participation in politics, women serving in UN peacekeeping forces, and efforts to promote interreligious dialogue and prevention of extremism.

Resource development and environmental assessment: On the other hand, there has been an increase in human rights violation cases related to land expropriation and environmental assessment in connection with infrastructure development and resource development. Requests were submitted for domestic investigations based on due diligence on human rights in forest development, mineral extraction and environment-related issues and for import bans on sectors violating due diligence requirements. Human rights organizations and environment-related NGOs are facing legal restrictions and a lack of financial resources, as well as threats to the lives of their staff such as arson attacks on their headquarters offices as happened to the Indonesian Legal Aid Foundation (YLBHI). YLBHI receives more than 3,000 requests for legal assistance a year through its 18 offices nationwide, including its headquarters, but they are only able to respond to a portion of these requests due to a lack of financial resources.

Think tanks: It was explained that the government's role has expanded (becoming a "big government") since the government distributed benefits and vaccines directly to the public in the wake of the COVID19 pandemic. As a result, it has become harder for the public to criticize the government, and the administration tends to take advantage of these situations to gain support for the ruling party (voter turnout in this election was extremely high at about 82%). However, it was suggested that it is the autonomy of the people that enhances the value of democracy, and that the government should respect the independence of the people and expand the political role of young people.

4. Freedom of expression and the media

Many of those who met with the delegation expressed strong concern about government control of social networking services as a result of amendments to the Electronic Information Transactions (ITE) Law, which makes it a criminal offense if one is found to express opinions critical to the government. They also expressed concern about continued violence against journalists and activists.

Expectations for Japan

1. All the Indonesian stakeholders at the meetings welcomed Japan as a country with one of the longest histories of democracy in Asia and as a country that upholds democratic values such as human rights, and expressed their appreciation and high regard for the economic

cooperation provided by the Japanese government and JICA. It was evident that Japan is deeply trusted as a friendly partner.

2. During their visit, the delegation members met with the Rector of Darma Persada University, which was established by students who have formerly studied in Japan. The delegation also had an opportunity to ride the MRT subway (North-South Line opened in 2019), a symbolic project of cooperation with Japan. Both trains and stations are very clean and run smoothly on time, making them a convenient means of transportation for citizens commuting to school and work, as well as for short trips into the city center, contributing to easing traffic congestion.
3. The delegation received questions from the government and parliamentary representatives on the background and theme of the visit, which is democracy and human rights, and some strong interest was expressed in holding a frank dialogue. In response, the delegation emphasized that democracy should be maintained through constant efforts and that it is necessary to maintain guarantees for human rights, such as freedom of expression, freedom of the media, and proper suffrage. We believe that the delegation's awareness of the issues related to Indonesia's progress toward democratization was well conveyed to those we met. Many civil society actors and think tanks expressed deep appreciation for the delegation as this was the first time they had received a Japanese parliamentary delegation on the theme of democracy and human rights, and because Japan, which has a close relationship of trust with Indonesia, was interested in following the progress of democratization in Indonesia.
4. The delegation pointed out that in order to maintain a free and open Indo-Pacific, it is important for Japan to play a more active role in the area of universal values such as respect for human rights and rule of law, in addition to cooperation in the areas of economy and security. The importance of strengthening cooperation at the civil society level in parallel with government-to-government cooperation through JICA, which can only provide support based on requests from partner governments, was also stressed. The delegation explained that such coordination and cooperation should be promoted through the Indo-Pacific Platform for Universal Values (IPPUV).

In response, as civil society activities are severely constrained financially, many of the stakeholders expressed their hope that IPPUV will provide support and cooperation to civil society, stating that they would be grateful for support from Japanese organizations with which they have a relationship and trust. It was mentioned several times that obtaining fund from Western organizations has become challenging and that many CSOs are facing financial difficulties since the focus and funding have shifted to Ukraine, Gaza, and other regions, which leads to even higher expectations for Japanese support. In relation to the move to amend the National Armed Forces Law, some expressed that as much as Indonesian civil society appreciates and looks forward to ODA cooperation from Japan that contributes to people's livelihoods in the future, they wish Japan to be cautious about providing OSA (Official Security Assistance) to Indonesia.

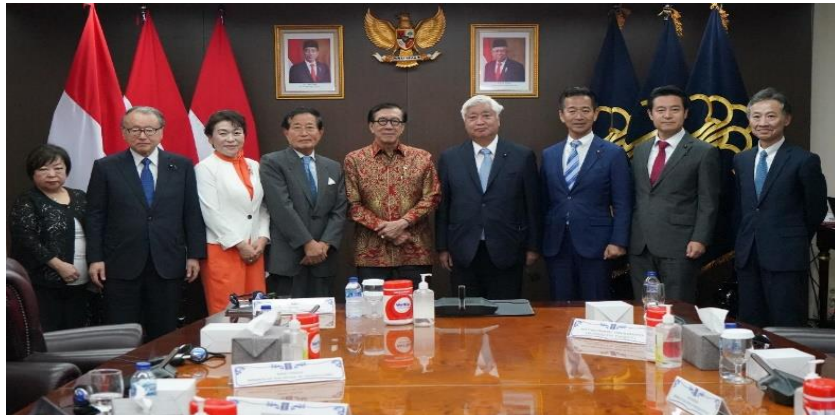
Indo-Pacific Platform for Universal Values (IPPUV)

The Government of Japan and JICA have been providing assistance for democratization based on intergovernmental agreements, including legal system development, administrative capacity building, and elections. However, in many cases, government-to-government assistance and support for civil society and the media is difficult to come by on a request basis, and there are limitations to what can be accomplished in democratization support through such official cooperation alone. To this end, JCIE's Democracy for the Future Project formed the Indo-Pacific Platform for Universal Values (IPPUV) as a mechanism to support civil society organizations and media in the Indo-Pacific region (2023).

Funds: Private donations and government grants (currently requesting)

Activities:

- (1) Enhance domestic understanding of the importance of defending and promoting universal values (e.g., dialogue and exchange with legislators)
- (2) Collaborate with CSOs in the Indo-Pacific region (e.g., Tokyo Youth Democracy Forum, Business and Human Rights)
- (3) Support civil society organizations and media in the Indo-Pacific region (e.g., support for human rights advocacy and legal aid activities)
- (4) Provide opportunities to support human rights education and research activities outside one's own country (e.g., support for foreign researchers living in Japan)



Potential Future Activities

1. Support for Indonesian Civil Society Activities

In order for Indonesia to achieve its goals of sustainable economic growth and becoming a developed country, it is extremely important to uphold universal values such as human rights, good governance, and the rule of law, and the activities of civil society organizations are an essential element in achieving this goal. However, many of these organizations face challenges both in terms of finance and human resources, as well as various other constraints. One of the potential future initiatives for us is to strengthen dialogue, collaboration, solidarity, and support at the civil society level with civil society organizations in Indonesia and other Asian countries. To this end, it is desirable to strengthen intergovernmental cooperation provided by the Japanese government and JICA, while also expressing solidarity with civil society organizations operating on the ground such as the Indonesian Legal Aid Foundation, and provide concrete assistance through grassroots grant aid and non-governmental frameworks such as IPPUV.

2. Political participation of women and youth

The introduction of quota system as part of the country's democratization and as an effort to increase opportunities for female legislators to play an active role in Indonesia has been bearing fruit. In addition, since there are achievements in the area of Women, Peace, and Security (WPS) and in efforts to promote the political participation of young people, it is highly significant to promote exchanges with Japanese parliamentary organizations that are engaged in related activities. As part of this effort, it would be desirable to hold the Tokyo Youth Democracy Forum, which IPPUV an initiative of JCIE's Democracy for the Future Program held in June 2024 to promote the political participation of young people, on a regular basis in the future.

3. Business and Human Rights

Officials have claimed that Indonesian government has established standards and indicators of respect for human rights to be observed by businesses, and requires companies to confirm these standards and indicators. It would be highly significant to share information on Japanese efforts, such as action plans and guidelines on business and human rights. In parallel with cooperation at the government level, IPPUV could hold a symposium to strengthen cooperation at the level of civil society to ensure that effective efforts are made to respect human rights.

4. Increased Parliamentary Exchanges

The role of parliamentarians is important in defending democratic values such as human rights and the rule of law, and there are many experiences that can be shared by members of Asian countries. In a meeting with the House faction of the Democratic Party of Struggle (PDI-P), we received a request for cooperation to train young party members in Japan (both short and long-term) to learn from Japan's democratic political system.



Considering the significance of continuing parliamentary exchange with Indonesia, we would like to ask for positive consideration by the parties concerned to support this plan. It is also desirable to deepen cooperation through the ASEAN Parliamentarians for Human Right in order to exchange information and strengthen ties for the promotion of democracy, freedom, and human rights in the region, especially for the democratization of Myanmar.

5. Increased Exchange Among Judges and Other Judicial Practitioners

Our observations through the meetings are that the functions and roles of the judiciary, particularly prosecutors and courts, are not sufficiently thorough or pervasive. The Japanese Ministry of Justice has long been involved in a number of initiatives to support the development of the legal system in Indonesia, including the acceptance of trainee judges and capacity building for drafters, and it is hoped that these activities will be further developed to endorse the upholding of the principle of the rule of law in the region more effectively. IPPUV, as a private platform, can reach out to relevant organizations to encourage and further enhance such initiatives. Specifically, IPPUV could invite judges, prosecutors, lawyers, etc., and provide them with opportunities to experience how the separation of powers and rule of law are enforced in Japanese daily life through exchanges with Japanese counterparts, legislative and executive branch officials, researchers, CSOs, media, and others.

Comments by the Head of the Delegation: Gen NAKATANI, Member of the House of Representatives

A bipartisan group of Japanese Diet members visited Jakarta on a Policy Dialogue Program organized by Japan Center for International Exchange's (JCIE) "Democracy for the Future Project".

In Indonesia, the Suharto regime collapsed in 1998, handing the presidency to former Vice President Habibie. The Habibie administration pursued political reforms and made every effort to liberalize the press, release political prisoners, free political associations, and bring back ethnic Chinese who had fled from the country and their associated capital, and it instituted policies that allowed freedom of association and freedom of speech.

The democratization of Indonesia then progressed from the Megawati to the Yudhoyono era, and from 2004 to the end of the decade, the country enjoyed a very stable political situation. It was also during this period that Indonesia took the lead in enacting the ASEAN Charter and establishing the Bali Democracy Forum. In 2014, Joko won a runoff against Prabowo to become president, and the Joko administration experienced impressive economic growth. Indonesia has been attracting attention along with India in the Global South, and has developed into a nation at the core of the global economy that can demonstrate leadership as a model for ASEAN as well as a leading country in the Global South as the G20 chair and the outreach country for the G7's Hiroshima Summit. Currently, its population is 270 million, with a high percentage of young people. There are many factors that are conducive to achieving economic growth, and the country is aiming to join the OECD (Organization for Economic Cooperation and Development), a 'developed country club,' and many member countries, including Western countries, have expressed their support for the Indonesia. In recent years, however, China's rising economic influence has resulted in the fraying of free and democratic governance structures and the rule of law for basic human rights, as well as the widening of income inequality, weakening the fair social order.

After the presidential election in February 2024, the new Prabowo government is expected to form a solid six-party ruling coalition with 417 seats, or 70% of the total number of seats in the legislature. The new president is highly motivated to vigorously manage the economy, and his pledges of fiscal spending on the relocation of the capital and disbursements to low-income groups have manifested in inflation, especially in daily necessities. There are concerns about the future outlook, as the country is being forced to manage its economy and public finances under severe economic and fiscal pressures, including interest rate hikes in response to the depreciation of the rupiah, the economic slowdown in China, and supply concerns such as sluggish production in the agriculture, forestry, and fishing industries due to abnormal climate conditions, which are also leading to inflationary pressures. The retreat of democratization and the rise of the religious right over the past few years are also of concern.

Meanwhile, the world is pointing to three authoritarian democratic setbacks: the castration of anti-Jokowi political groups, pressure on civil society movements, and institutional attacks on checks and balances. As former President Megawati, the leader of the PDI-P, exerted strong pressure on Jokowi from within the party, President Joko has actively called on various political parties to join the coalition government in order to reduce his dependence on the PDI-P and to

form a larger ruling coalition, which has resulted in eight out of nine parties in the parliament joining the ruling party. However, the ruling coalition has grown so large that it has secured a super majority in the parliament, with close to 90% of the seats now under the control of the ruling party, and parliamentary officials and civil society groups we have met with are finding it difficult to criticize the government. The parliament is no longer functioning as a check on the administration, and civilian control is being stripped back.

In addition, as the overall report indicates, Joko has been strongly criticized by civil society for allowing his own son to run as a vice-presidential candidate by forcing the Constitutional Court to relax the age limit in the electoral law to enable him to run. Prabowo had lost both of the last two presidential elections to Joko, who remains popular and trusted by voters, and therefore Joko's tacit support for his eldest son, Gibran, to serve as the next vice president is said to have led to Prabowo's victory.

In Indonesian politics, the institutionalization of political parties is weak, and rather than fighting elections based on policies and promises, parties tend to attract votes based on the popularity and performance of party leaders, and no party actively appeals to the differences in its policies and campaign pledges compared to other parties. Even in TV debates, policy differences tend not to be discussed or even contested. As for the parliamentary elections, a middle electoral district system has been adopted, but since multiple candidates from the same party run in one electoral district, intra-party competition, bribes, and popularity contests are rampant, and the battle is not fought over promises or policies. The 81.78% turnout announced by the Central Election Commission was a surprise to Japan, where turnout is low and the number of independents and apathetic voters is increasing.

On the security front, the country is at odds with China over its economic interests in the South China Sea, making cooperation with Japan, the US, and Australia essential, but there is no change in its past diplomatic policy of not taking sides with either China, or Japan and the US.

On the economic front, it is said that by 2050 Indonesia will be the fourth largest country in the world in terms of GDP, after the US, China, and India. What Japan is required to do is to speed up decision making as Japan's slow decision making in the business field is a major frustration for Indonesia. While it is difficult to change the traditional bottom-up corporate culture, and/or the fundamental mind-set of Japanese investments to avert and minimize risk, Japan is left behind as Chinese and Korean businesses take the risk and make swift decisions resulting in them winning important projects one after another. To break out of this situation, it is necessary for Japan to change from risk aversion mind-set to decision making that takes both risk and responsibility.

Other issues and possible future initiatives are described in the delegation's report.

This report was prepared in Japanese by the secretariat and the participants, led by Ambassador Yukio Takasu, Special Advisor to the UN Secretary General and chair of the Democracy for the Future Project and translated into English by the Japan Center for International Exchange (JCIE).
The comments from Gen Nakatani were also originally written in Japanese and translated into English by JCIE.