

INDONESIA'S HUMAN RIGHTS DIPLOMACY:

Then, Now and Beyond

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Abstract

Human rights is an elusive concept that is often be disputed in the practice of Indonesia's human rights diplomacy and although it is widely accepted but few have a genuine belief in Indonesia's political will to promote human rights. Mainly this is due to the political ambiguity behind the motives of human rights promotion in Indonesia as continuous violations of human rights standard remain evident in its domestic context. Previously, the promotion and the development of human rights in Indonesia was like a burning coal. When the wind blew right to its direction, it could suddenly lit up but when the wind went the other direction, it died off. These were the times when the implementation of human rights in Indonesia greatly depended on international pressure and scrutiny rather than its self-indulging conscience. This is why it is fair to say that in Indonesia's past experience, its poor human rights records could safely be concealed behind its active human rights diplomacy. Despite the fact that Indonesia's human rights diplomacy remains to stay on its intended path, but changes for the better have currently occurred in the Indonesia's leadership. Indonesia now tries to send a complete message to the world through its human rights diplomacy by suggesting that it can hold its head up high on the global promotion of human rights and it can bring human rights awareness home to its citizen.

"We must accept finite disappointment, but we must never lose infinite hope."

Martin Luther King Jr.

Introduction

Human rights in the Indonesian context can be understood as "God-given" rights and these rights are attached to human being ever since they are

born and therefore must be protected and respected by the State.¹ Human rights in its development has had a long historical roots that can be traced all the way back to the beginning of civilisations. Human rights as an international concept, however, gained prominence only after the second world war. At the time, World leaders (world war II victors) who later on decided to form the United Nations (UN) in 1945 believed that respect for human rights is essential to end wars among nations. Because of such belief, a small portion of human rights was enshrined in the UN charter such as the importance of human dignity, equality between the sexes, and equal rights among states. In its further development, the UN also created the *Commission on Human Rights* and produce the *Universal Declaration of Human Rights* (UDHR) in 1948. In this period, however, many countries were still concentrating on their hard-fought sovereignty and therefore were sceptical about human rights as most were more eager to develop human rights rather than to protect it.²

Many third world countries also feel their human rights are not properly represented in the UDHR since the rights that are prematurely categorised as universal were mostly derived from the experiences and wordings of their colonial masters while most were still struggling to gain independence. This is due to the fact that the wording of rights as it is maintained today in the UDHR stems mostly from the British Bill of rights, French Citizen Rights, and the American Bill of rights (John Locke's natural rights) which mainly give priorities to individual rights that are embellished with the liberal tradition. Other rights that are equally important especially to third world countries such as economic rights, community rights and religious rights are interpreted only in the context of these individual-centered rights.³ As a result, problems of interpreting the UDHR begin to mount. Such notion causes different interpretations of rights between the first, the second, and the third world which ultimately leads to a different path of development and implementation of human rights. Some of these differences can even sometimes be construed as a violation of these so called universal rights.

¹ Article 1 of Law No. 39/1999 defines human rights based on the Indonesian context

² Nickel, James. W. (1987), *Making Sense of Human Rights: Philosophical Reflection on UDHR*, University of California Press, Berkeley, Los Angeles, London (translated by PT Gramedia Pustaka Utama, 1996, Jl. Palmerah Selatan 24-26 Jakarta 10270), p. 2

³ The third generation of rights was formulated based on third world countries contribution to the international human rights instruments in order to promote a sense of justice. These rights can be categorized as "collective rights" according to Scott Davidson. Pp.60-62

As a response to the existing differences, *human rights diplomacy* would thus serve as the necessary tool for alligning national interests with these universal rights. Human rights diplomacy, in this sense, can be understood as the use of foreign policy instruments in order to promote human rights, as well as the use of human rights issues for the sake of other foreign policy aims.⁴ On one side, human rights diplomacy of the first world can be used to enforce these "universal human rights" across regions and the techniques applied are often deliberative and political as they are often wrapped in a designated aid package for third world countries. Most of these techniques are also not sensitive about the pre-existing values nor about the diverse conception of human rights which already exist in most of the third world countries. On the other side, the third world countries also use a distinctive set of human rights diplomacy as a defense mechanism to protect their established rights, their territorial integrity or simply to justify their authoritarian rule. The Islamic countries, for example, have mostly used their human rights diplomacy to proclaim their own version of universal rights or to astutely select the possible universal rights that can be ratified that do not contravene with their Islamic conception of rights.⁵

Whereas problems of "rights" interpretation have also become a concern for beleaguered Indonesia, but through out its history, Indonesia's human rights diplomacy has been displaying a dual role in its human rights interpretation and development. First, Indonesia's human rights diplomacy has played a protagonist role in which Indonesia is recognised as a democratic nation that conforms with most of the international human rights standards and a pioneer in human rights development world wide. Second, Indonesia's human rights diplomacy has also played an antagonist role or as a country that is suspected of committing human rights violations by defending the notion that Indonesia is still a staggering developing country in the third world in need for a prioritisation on the state's rights and economic development. In playing such a complex role, Indonesia's status tend to change over time and at times, Indonesia's ambiguity often sends a wrong message about its human rights development even though it continues to improve in a steady pace.

This essay points out the ways in which Indonesia has significantly improved in terms of human rights condition through its human rights

⁴ Mullerson, Rein (1997) *Human Rights Diplomacy*, Routledge, p.2

⁵ Ismail Suny discusses how the Islamic states manage to formulate the Cairo Declaration of Human Rights as a contender for UDHR.

diplomacy, regardless of the interchangeable status that has always been attached to Indonesia's performance. The first part explicates on Indonesia's important role in vindicating human rights at the early stage of its statehood. The second part confers on the the grim period where Indonesia's different interpretation of human rights causes a heavy blow to its human rights development as well as its human rights diplomacy. The third part illuminates on the success of Indonesia's democracy and human rights diplomacy from the reformatian era onwards. The final part talks about how challenges for Indonesia's human rights diplomacy in the near future should be met and followed by a concluding remark.

A Unique Historical and Socio-Cultural Path

Whereas the world seems to take notice on the importance of human rights only after the NAZI genocide in the second world war or even after the birth of the UDHR in 1948, Indonesian leaders have already made a significant breakthrough by inserting human rights elements in its 1945 constitution.⁶ For example, rights to freedom from all kinds of oppression, rights to justice, rights to political equality, and other related rights have been firmly implicated in the preamble of Indonesia's constitution based on Indonesia's own cultural experience in its long struggle against colonialism and oppression. Infact, Indonesia's foreign policy goals and most of Indonesia's human rights diplomacy aims are based on the fourth paragraph of the preamble regarding the protection of Indonesia's citizen, social justice, education rights and peace through cooperation. In the body of its constitution, Indonesia has even put forward the idea of a democratic government where the highest sovereign power lies in the hand of the Indonesian people and a number of articles (from article 27 to 34) have clearly set out the basic human rights standard for Indonesian citizens. This makes Indonesia, with or without the UDHR, one of the first countries in Asia with a fully fledged rights that are embedded within its own constitution.

In its effort to raise global awareness for human rights, Indonesia's historical experience has also shown how its peculiar set of human rights diplomacy could be effective in accomplishing such aim. To begin with,

⁶ Ismail Suny elaborates on human rights elements that are implicated in the preamble and the body of Indonesia's 1945 constitution in Suny, Ismail (2004) *Hak Asasi Manusia*, Yarsif Watampone, Jakarta pp.1-14

Indonesia was certainly one of the pioneers in vindicating the protection of human rights as it was one of the South East Asian countries to boldly struggle against colonialism and to defend the importance of human rights such as the rights to freedom and self-determination. Indonesia's success in its fight against colonialism had inspired many third world countries to claim their rights as independent states and Indonesia's human rights diplomacy continued to pave the way towards the improvement of human rights world wide. Indonesia's significant role in raising human rights awareness through its human rights diplomacy among third world countries was evident in its initiations in convening the Asia-Africa Summit in 1955 and producing the "Dasasila Bandung" or the "10 Bandung Principles" that provided the third world countries in Asia and Africa with a minimum standard of human rights awareness.⁷ Indonesia's historical position up till now in supporting the establishment of a Palestinian state through dialogue and other peaceful means is also valid indication that Indonesia is freely and actively displaying its human rights diplomacy through its consistent support for freedom from any kinds of colonial blueprint.

Unfortunately, Indonesia's international record in vindicating human rights and democracy during this period (1945-1966) was not followed by its domestic record. Majority of the population of the newly independent state of Indonesia were poor and uneducated. During this period, the government could not safeguard the constitutional rights of its citizens especially concerning economic rights. Indonesia's economic performance was volatile as inflation hits its highest mark and starvation was lurking behind. Indonesian government was also burdened with the external debt from the Dutch colonial era as stated in its obligation in the 1949 UN sponsored-Round Table Conference and government's large international debt crisis had constricted most its governing activities.⁸ The priority given to the state's political rights over its citizens economic rights was clearly demonstrated as part of Indonesia's effort in resisting colonialism and to prevent the possibilities of colonial resurrection in Indonesia, making economic progress and rights to be the least of concern for the government.

What is important to note at this stage of Indonesia's historical

⁷ Human rights as one of the materials discussed in the 1950 Asian-African Summit in Bandung and the results produced in the 10 Bandung Principles (Dasasila Bandung) shows a great deal of human rights awareness in *Sejarah Diplomasi Republik Indonesia Dari Masa ke Masa Periode 1950-1966*, (2005) Buku II, Departemen Luar Negeri Republik Indonesia, pp.480-502

⁸ Ibid, pp.32-33

experience was the fact that the set of rights that are put forward were mostly based on democratic cultural values and social-economic condition that had existed within the third world context in general and Indonesia in particular. For example, when Soekarno formulated the "Pancasila" as the state ideology, he tried to combine 5 elements of rights that are vital for Indonesia's survival comprising of religious rights, humanity and legal rights, state's rights to maintain unity, citizen and political rights, and social justice in the form of economic/developing rights. Such formulation is indeed imperative for a fledging country like Indonesia where problems like ethnic-religious tensions, and economic disparity can be a ticking bomb for Indonesia's unity if human rights discourse is not handled cautiously. The Indonesian context clearly points out the limits of the individual rights as set forward in the UDHR as well as the dominance of collective rights of the community or state that is essential in maintaining social cohesion and unity.

The Ups and Downs

Although Indonesia in its inception has had an impressive start in the promotion of human rights, but it does not mean that Indonesia can maintain its plausible international reputation through out its development. At a certain period of history, Indonesia has also been associated with numerous human rights violations which deliver a significant blow to the overall Indonesia's human rights diplomacy. During the Soeharto era (1966-1998), for example, Indonesia is heavily linked with a number of human rights violations especially concerning civil and political rights. The Balibo Incident in Timor, the DOM (military operation) in Aceh, the practice of *Petrus* (mysterious gunmen), the Tanjung Priok Incident, and the heavy restriction on freedom of speech were only to name a few of the violations committed during the Soeharto era.

It was also in this period when Indonesia associates itself with the *Asian Values* argument. By emulating Singaporean and Malaysian authoritarian regime which maintain strict social order and social cohesion over individual freedom and civil liberties as part of the Asian way, Soeharto tried to compensate the civil and political rights of its people with the much cherished economic and development rights.⁹ During this period, Indonesia

⁹ Kleden Ignas, "Hak Asasi Manusia: Siapa Manusia dan Seberapa Jauh Asasi?" in Howard, Rhoda E., *HAM: Penjelajahan Dalih Relativisme Budaya*, pp.vii-xxvi

enjoyed a steady economic growth (over 5 %) and transformed itself from an agricultural-based economy to an industrial-based economy.¹⁰ By relying on the ongoing economic miracle, Soeharto managed to transform Indonesia into one of the promising "Asian Tigers" together with Lee Kuan Yew from Singapore and Mahathir Muhammad from Malaysia. By enlarging the economic "cake" at the expense of civil and political rights, and by acting swiftly against alleged troublemakers, insurgents, and separatist movements, Soeharto seemed to have all the answers for Indonesia's inherent problems such as separatism, poverty and illiteracy.¹¹ This is proven by the slogan in which he was referred to as "bapak pembangunan" or "development father" for most Indonesians during his tenure as the President. Indonesia's human rights diplomacy at the time, nevertheless, was severely brought down in defense for such classic third world rights and claims demonstrated in the immense international pressures exerted over Indonesians diplomats in most international fora.

Interestingly, under the "orde baru" or "new order" era led by Soeharto, Indonesia kept on pursuing the aims of its human rights diplomacy based on its 1945 constitution by signing up to most of the international human rights instruments and erecting its own human rights institutions. During Soeharto's reign, Indonesia ratified the Convention on the Political Rights of women in 1958, Convention on the Elimination of Discrimination against Women (CEDAW) in 1984, and Convention on the Rights of the Child (CROC) in 1990.¹² Another interesting fact is the National Commission on Human Rights was also established in 1991 to show Indonesia's willingness to investigate human rights abuses despite criticisms which suggest that most of these human rights instruments and institutions were nothing more than sheer formalities.¹³ But aside from that, Suharto is also known for his great contributions in ensuring compulsory education in Indonesia's education system as one of the positive rights that needs to be guaranteed by the state

¹⁰ O'Rourke, Kevin (2002), *Reformasi: The Struggle for Power in Post-Soeharto Indonesia*, Allen & Unwin, Crows Nest NSW, p.6

¹¹ *Ibid* p.22

¹² List of human rights instruments ratified by Indonesia at <http://www.universalhumanrightsindex.org/hrsearch/search.do?lang=en&accessType=country&countries=76&orderBy=category®ionCountry=country>

¹³ On the 7th of June 1993 Soeharto through Keputusan Presiden/Presidential Decree No. 50/1993 formed the Indonesian National Commission on Human Rights/Komisi Nasional Hak Asasi Manusia (Komnas HAM). The decree was a follow up to the recommendations produced in Human Rights Seminar initiated by Indonesia's Department of Foreign Affairs and UN in Jakarta on 22 January 1991 <http://www.komnasham.go.id/portal/id/content/sejarah-komnas-ham>

as stipulated in the 1945 constitution. This is indeed a slim progress for a government that was considered as an authoritarian and violators of human rights internationally. It also sends a powerful message by indicating although human rights violations may have been committed but Indonesia had envisaged that its human rights condition would improve in the future.

The Suharto period maybe considered as a grim period for the overall development of human rights in Indonesia, but such condition did not occur only due to domestic factors since from 1960s to the 1990s foreign interests had also played a major part in advancing human rights impunity in Indonesia. This was obvious as international scrutiny towards Indonesia's human rights records (especially the Timorese issue) intensified only after the collapse of Communism in the 1990s as Indonesia in the eyes of its foreign stakeholders no longer holds a strategic position in the US-led containment policy especially in the South East Asian region. Many political analysts believe that during the "new order" era as a product of the cold war, foreign stakeholders supported Suharto's military ways and his authoritarian regime while others received a great deal of economic benefit by collaborating with Suharto's cronies.¹⁴ With the foreign scrutiny exempted the Indonesian military human rights records, Indonesia's human rights development continued to plummet further and government was free to treat its citizens as it sees fit which may not be in line with its own human rights standard let alone international human rights standards.

The Triumph of Democracy

Perhaps a significant milestone in Indonesia's human rights diplomacy would come about in 1998 during the "reformation" era. The 1997 financial crisis had deeply crippled the Indonesian economy causing majority of its population to be deprived of the economic benefits and thousands began storming into the streets in protest. The crisis ultimately ended with the downfall of the "new order" regime as symbolised by Suharto's step down as the second President of Indonesia.¹⁵ This is when Indonesia's human rights diplomacy began renewing its agenda as part of the overall "reformation" agenda and strive towards a better Indonesia by rectifying its past human

¹⁴ Op. Cit, O'Rourke p.31

¹⁵ Op. Cit, O'Rourke p. 70

rights mistakes and promoting democracy. The first agenda was to deal with the Timorese case, led by Habibie who in turn agreed with the UN sponsored referendum and ultimately allowed Timor Leste secession from Indonesia.¹⁶ Although, the Indonesian Government was heavily criticised by its domestic constituents for succumbing too easy to international demand but Indonesia's human rights diplomacy would instead be able to regain credibility internationally. Another far-reaching milestone during the reformation era is the fact that Indonesia ratified the Convention Against Torture (CAT) and International Labour Organisation (ILO) Convention Concerning Freedom Association and Protection on the Rights to Organise in 1998.¹⁷ Indonesia under Habibie also ratified the UDHR through law no.39/1999 which basically ended the *relativism* argument on Indonesia's "rights" interpretation problems.¹⁸

During Abdurahman Wahid tenure as the President, Indonesia again made an important leap in terms of human rights. Wahid managed to pass law no 26/2000 on special human rights court as part of Indonesia's endeavour to redeem its past.¹⁹ This is definitely one of Indonesia's great achievements as it is seldom a nation agrees to form a domestic human rights court as one of its special courts. Usually a human rights court is based on the agreement that is made regionally after the processes have exhausted all the existing national remedies such as the European Human Rights Court. He then also made a bold move by trying to limit the military regime domination in Indonesia's politics and somehow attempted to democratise the military institution. In addition, he led Indonesia's civil society to fill the gaps in Indonesian politics as emasculated NGOs during the previous era were given the chance to grow and new NGOs were allowed to develop.²⁰ After 32 years of military regime rule and remembering that Habibie tenure was only a transitory one, Abdurahman Wahid was another ordinary civilian (after Soekarno) to be able to sit at the highest position in Indonesian politics. This

¹⁶ Manning, Chris & Diermen, Peter V., (1999) Indonesian Transition: Social Aspects of Reformasi and Crisis, Zed Books, p.5, 25

¹⁷ Human Rights Watch report on Indonesian 1998
<http://www.hrw.org/worldreport99/asia/indonesia.html>

¹⁸ President Habibie as a signatory of Law no.39/1999 on human rights

¹⁹ President Abdurahman Wahid as a signatory of Law no. 26/2000 on human rights court

²⁰ This is evident in the Gerakan Anti Diskriminasi/Anti Discrimination Movement (GANDI) and Solidaritas Nusa Bangsa (SNB) established by Abdurahman Wahid in 1998 and developed through out his presidency in Lan, Thung Ju, "Ethnicity and Civil Rights Movements in Indonesia" in Guan, Hock Lee (2004) Civil Society in Southeast Asia, Institute of Southeast Asian Studies, p.224

simply serves as an indication of better things to come in Indonesian democracy as well as for the overall development of human rights.

Despite the commended turn around in Indonesia's human rights condition, but Indonesia's human rights diplomacy experiences its golden moments in the current Susilo Bambang Yudhoyono (SBY) leadership. When he was first elected to the Presidential chair in 2004, Indonesia for the first time was able to have a direct presidential election (separate from Indonesia's House of Representatives Election) and thus gave a more promising, transparent, and credible government to its citizen. It also built a new image for Indonesia's human rights diplomacy as it provides not only a tremendous momentum, but most of its aims can also come together in a comprehensive manner.

The first breakthrough under SBY following Kofi Anan's UN reform in 2000 on the establishment of Human Rights Council (HRC) and Universal Periodic Review (UPR), is Indonesia's appointment to the council as one of its first members and it serves as a solid indication of international acknowledgements of Indonesia's ongoing human rights improvements and Indonesia's overall success in its human rights diplomacy. Indonesia's UPR report as one of the first members to be reviewed under the UPR mechanism would also receive positive response from the panel despite lingering critics and hence Indonesia's human rights diplomacy is currently on its intended path.²¹

The second breakthrough was the Aceh peace accord in August 2005 where surprisingly Indonesia under SBY agreed to give special autonomy to Aceh and ended the 30 years of conflict with the Aceh Separatist Movement or GAM.²² This highlights how Indonesia was able to deal with its separatism problem or its other "pebble in the shoe" not through military or other violent means but through a peaceful dialogue mediated by Marti Ahtisaari from Finland who later on received a noble price for his effort in reconciling the two adamant parties.

The third breakthrough was the continuity of Indonesia's ratification of two of the most important international human rights instruments, the

²¹ "DEWAN HAM SAMBUT BAIK LAPORAN UNIVERSAL PERIODIC REVIEW (UPR) INDONESIA" in Permanent Mission of the Republic of Indonesia in Geneva, Wednesday 9 April 2008.

²² The Helsinki Peace accord between the Republic of Indonesia and Acehese Separatist Movement was reached and signed in August 2005 under SBY whereas Wahid managed only to state national apology and a temporary MoU to pause the ongoing conflict while Megawati waged war against the Acehese Separatist Movement . <http://www.eu-acehpeace.org/>

International Convention on the Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR) through law No.12/2005 and law No.11/2005. This shows Indonesia no longer associates itself with its past practice of sacrificial rights at the expense of other rights.²³ In addition, Indonesia also planned to sign the Rome Statute on International Criminal Court (ICC) indicating that eminent individuals must now not go unpunished if they keep on violating human rights in Indonesia.²⁴

The regional breakthrough on human rights is also one of Indonesia's human rights diplomacy great contributions under the SBY period. Concerning the ASEAN charter for example, Indonesia endorses human rights elements to be inserted in the ASEAN charter even though it is aware that Myanmar still has grave human rights concerns. It stipulated that the charter has to reflect the "ideals of ASEAN", specifically with regard to: the improvement and protection of human rights through an effective ASEAN human rights body; the institution of sanctions, including freezing of membership in cases of serious noncompliance and obstruction of the charter by members; and greater public involvement in ASEAN's activities.²⁵ This shows that Indonesia is also an initiator in terms of human rights improvements in the ASEAN environment and it will not settle for regional impunity cloaked in cultural tolerance for countries that continue to violate human rights.

New Frontier

As for the future of Indonesia's human rights diplomacy, according to Mullerson, once it has been set in motion then it can only produce positive results for human rights development as it has all the potential to unravel any forms of *hypocrisy trap*.²⁶ No matter what the cause for using human rights diplomacy, it will make states to comply with human rights standard as it will ultimately affect states policies and later on contribute to better changes for human rights cause. This thesis is quite evident in Indonesia's

²³ Amartya Sen suggests that both political and economic rights are inextricable and that sacrificing one over the other is not productive in the long run as political rights are important to avert economic disasters. Amartya Sen, "Human Rights and Asian Values," *The New Republic*, July 14-July 21, 1997

²⁴ Amnesty International, Fact sheet: Indonesia and the International Criminal Court. Accessed 2007-01-23.

²⁵ "The ASEAN Charter and Remodeling Regional Architecture", Jusuf Wanandi in the Jakarta Post, November 03, 2008.

²⁶ *Op. Cit.*, Mullerson, p.35

human rights diplomacy as slowly but steadily it is improving though at times such improvements may not be clearly visible. Indonesia's hope for a better condition of human rights is achieved by relying on two fronts, the domestic and the international. The two plays an interchangeable role. For example, when domestic efforts to improve human rights conditions weakens or are incomplete, Indonesia can rely on its human rights diplomacy to provide for international scrutiny and international human rights instruments (inclusive to international NGOs) and vice versa, whenever there is no international scrutiny, Indonesia is still able to relate back to its ideals and visions of its human rights hopes based on its own 1945 constitutional rights. In the end, the two compliment each other in forcing a better human rights condition. This is clearly demonstrated in Indonesia's history. Even though Indonesia had once used human rights diplomacy for doubtful purposes based on its national interest that tend to defend violations rather than to promote, but progress in terms of human rights are being continuously made for the betterment of human rights policies based on the existing human rights regulations as a product of Indonesia's previous international ratifications or its own constitutional rights which had a tremendous effect on government policies in the long run.

Other cases such as the United States (US) experience suggests almost similar results. When the US claimed that it is leading the human rights cause, it is more than eager to use any means to democratise the third world (inclusive to Indonesia) by intensive human rights diplomacy to see the realisation of human rights cause.²⁷ But when faced with an issue like terrorism, the US's national interests somehow contradict the very essence of its own human rights formulation (demonstrated in US's secret prison in Europe and in Latin America for alleged terrorists) and thus exposing its own double standard to international scrutiny. The only way for the US to regain its self-proclaimed status as a profound vindicator of human rights is by respecting the existing human rights standard that it had initially put forward and later on concurred by the rest of the international community. The domination of the Democrats campaign in the current US election which set priorities on respect for human rights over the Republican ambitious "war on terror" agenda which basically restrict its own people civil liberties is a clear indication of the success of US's human rights diplomacy in setting the fences

²⁷ *Op.Cit*, Mullerson, pp.111

in which the US itself is not supposed the breach. In facing the new human rights era where globalisation seems to force governments to comply with the international human rights standard through increased transparency or be isolated, the Indonesian government like any other government must therefore begin the promotion of human rights awareness at home. This is in line with Richard Falk's argument which states that the world now has a framework for assessing political behavior on an international level and states internal behavior are subject to international scrutiny.²⁸ Such phenomenon does not allow governments to pursue its human rights diplomacy aims without firstly perform states positive and negative duties at home. Regarding this matter, the present Indonesia has tried to achieve this target by bringing awareness through its human rights diplomacy home even though it has not been an easy task.²⁹ Indonesia for example regardless of its current improved international reputation and the amount of instruments or conventions it has signed and ratified, is still heavily criticised by the international community concerning acts of impunity such as the Timor case, Papua case, death penalty and its workers condition.³⁰ But this also shows Indonesia now prefers a human right diplomacy that is open for international scrutiny and tries to detach itself from the "sweep it under the rug" policy. Even though most of these violations were remnants of its past human rights problems, but the present Indonesia is working hard towards a better human rights condition especially regarding impunity. This is demonstrated for example in Muhdi's investigation over the Munir case where Indonesia, even though is a bit tentative, but is marching on forward by processing this four star general to comply with the existing law.³¹ This is already an achievement on its own if seen from Indonesia's human rights domestic context since in the past such an attempt was not even made possible by the ruling elites.

In referring to the abovementioned arguments, Indonesia therefore needs to have a comprehensive and consistent human rights policies. Firstly,

²⁸ Falk, Richard, *Human Rights Horizon*, pp. 56-63

²⁹ Such attempts are demonstrated in Yudhoyono's Rencana Aksi Nasional Hak Asasi Manusia (RAN-HAM 2004-2009)

³⁰ Amnesty International concerns on Indonesia's Submission to the UN Universal Periodic Review First session of the UPR Working Group, 7-8 April 2008 in <http://www.amnesty.org/en/library/asset/ASA21/021/2007/en/dom-ASA210212007en.html>

³¹ "Pramono Anung: Kenapa Baru Sekarang Muchdi Ditangkap", Sabtu, 21 Juni 2008 in <http://www.kompas.com/read/xml/2008/06/21/07595022/pramono.anung.kenapa.baru.sekarang.muchdi.ditangkap>

Indonesia has tried to display such comprehensive attempt in the SBY era. Under the "Indonesia Bersatu" or "Indonesia Unites" cabinet, Indonesia tries to bring a complete approach to its human rights problems. By learning from its past, especially the Soekarno and Soeharto's era, Indonesia is now a believer of human rights as an inextricable and indivisible concept. Political rights, economic rights and cultural rights are all interconnected and the approaches must be made in all of these categories of rights. Indonesia for example has tried to improve the economy of its people through stern actions against corruption and stimulation of a much needed economic growth. Improvements have also been made in the political atmosphere by allowing Indonesian citizen to celebrate the much anticipated civil and political liberties while simultaneously having respect for the pre-existing cultural and religious norms. Such attempts are a very hard mix as it is seldom that a nation thrives on such plight and Indonesia is certainly among the few to boldly launch such prodigious changes.

Secondly, Indonesia must be consistent in promoting human rights, internationally and domestically. If Indonesia ought to improve its human rights condition then it must not do so wilfully but be consistent about it since Indonesia is not suppose to respect human rights merely due to increased transparency and international demand, but it has to make human rights improvement as a national priority based on its 1945 constitution so that it does not get swayed by the changing global condition. One of the problems that Indonesia also needs to be aware of is the fact that sometimes global promotion of human rights is not conveyed in a sincere way and that at times it carries only foreign agenda that are not feasible in the Indonesian context. This is why Indonesia needs to make human rights improvement as a national priority that is reflected in its national interest which later on can be pursued through its pro-active human rights diplomacy that is acting not on behalf of a regime or state, but for the whole Indonesian citizen.

Conclusion

Indonesia has gone down a number of paths through out its human rights diplomacy history. In the past Indonesia was once a pioneer in the global promotion of human rights as it tried through its human rights diplomacy to make its success in overcoming its long colonial history as a waking up call for the rest of the third world countries that were still struggling in terms of human rights acknowledgements. But as any third world countries,

Indonesia's human rights developments were at times be hindered by domestic or foreign factors such as political interests, economic downturn, and threats of disintegration. As a result, its human rights diplomacy was not directed solely at human rights cause but rather at its domestic political and economic concerns in which certain formulations of its human rights diplomacy tend to defend these interests even though to a certain extent, its human rights diplomacy also moved on forward as demonstrated with several signings of international human rights instruments. As Indonesia experienced regime changes, its human rights diplomacy also grew stronger in parallel with the overall improvement of international human rights awareness. Regarding this matter, Indonesia was able to make an effective use of these changes not only to invigorate its international human rights image, but also to make significant domestic changes for human rights cause. Currently, Indonesia's human rights progress is already in its intended path and it still moves on forward with human rights improvements being constantly made. However, the challenges ahead for Indonesia's human rights diplomacy must be anticipated, as now states worldwide can no longer pay a lip service to the promotion of human rights diplomacy as international scrutiny will also highlight the conditions of human rights implementation nationally. In facing up to such challenges, Indonesia's human rights diplomacy would need to start at home based on comprehensive and consistent approaches towards improvements for its citizens in order to be able to show the world that Indonesia now is ready to meet its human rights expectations.

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