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# The limits of global human rights promotion: Indonesia's ambivalent roles in the UN Human Rights Council

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## ABSTRACT

Post-authoritarian Indonesia has emerged as a state advocating human rights values in the Asia-Pacific region. However, its policies in promoting these values at the global level remain limited. This can be seen in Indonesia's reluctance to strengthen global human rights governance, particularly in the United Nations (UN) Human Rights Council. In addressing the puzzle, this article shows that Indonesia's standpoint on the global human rights issue does not stem from Indonesia's search for autonomy from Western values. Rather, it is suggested that Indonesia's historical memory is behind Indonesia's reluctance to strengthen global governance dealing with human rights issues. Specifically, Indonesia's history in protecting its territorial integrity under UN scrutiny during the authoritarian regime (1967-1998) shapes its current approach to the separatist movement in Papua provinces. Moreover, its role as a voice for developing countries, which is an integral part of its historical memory, causes Indonesia to protect abusive regimes.

## KEYWORDS

Human rights governance; UN Human Rights Council; Indonesian foreign policy; emerging power; historical memory

## Introduction

While undergoing a democratic transition after the collapse of Suharto's authoritarian regime (1966–1998), Indonesia, under Susilo Bambang Yudhoyono's (SBY) Administration (2004–2014), began developing a role as a country that champions the promotion of human rights issues and democracy at the regional level. This can be seen in the country's regional diplomatic priorities, which emphasised the agenda of mainstreaming democracy and human rights norms as well as initiating several high-profile initiatives to promote democracy abroad although with some limitations (Sukma, 2011). In the Southeast Asian region, Indonesia, to some extent, has become an advocate for making the issues of human rights and democracy central to the Association of Southeast Asian Nations' (ASEAN) objectives and mechanisms (Sukma, 2008). In the broader Asia-Pacific region, Indonesia poses as an emerging democratic power that is pursuing an agenda of promoting democracy through its high-profile initiatives such as the Bali Democracy Forum (BDF) (Karim, 2017).

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Despite its efforts to play the role of human rights and democracy promoter in the region, its policies in promoting these values at the global level remain limited. Its voting record in human rights-related resolutions in the United Nations (UN) does not seem to represent its aspiring role as a democracy and human rights promoter. Indonesia is one of few states that have consistently voted against resolutions on condemning the human rights abuses in Sudan, Myanmar, and North Korea (Human Rights Watch, 2013). Why is Indonesia, reluctant to promote and protect human rights at the global level, particularly through the UN mechanism?

In addressing this puzzle, I engage with the literature on the role of emerging democratic powers at global governance. Studies on the role of emerging powers such as Indonesia, South Africa, Brazil, and India in promoting liberal ideas seem inconclusive; they sometimes support Western liberal norms while in the other instances oppose them (Pu, 2012; Vezirgiannidou, 2013). Hence, the behaviour of the so-called emerging democratic powers toward the Western liberal order might be more complicated than conventionally assumed.

The dominant view shows that non-western emerging powers' resistance towards liberal norms stems from their aspiration for autonomy from the West. This rationalist reading underscores the vital strategic and economic interests in driving emerging democratic powers' foreign policy at the global level. Although the view might be compelling, however, it neglects the ideational constraints in driving emerging democratic powers' behaviour. In this article, I examine Indonesia's reluctant engagement in human rights issues by looking at the degree to which Indonesia's global role in the human rights regime interplay with its historical memory.

This article argues that Indonesia's long history in shielding itself from international scrutiny regarding human rights abuse during Suharto's authoritarian regime (1975–1999) resonates with its current concerns involving the separatist movement in Papua provinces. This has made the Indonesian government fear that a more robust global human rights mechanism might undermine Indonesia's territorial integrity in the future due to alleged human rights abuse in Papuan provinces. Consequently, the Indonesian government has been restrained from playing a constructive role in strengthening the global mechanism dealing with human rights issues. Furthermore, its aspiration to act as a voice for developing countries has made Indonesia tend to defend developing countries undergoing international scrutiny of their human rights situation.

Thus, Indonesia's standpoint regarding human rights issue at the global level that seems to undermine the Western-dominated liberal international order does not stem from Indonesia's search for autonomy. It is primarily driven by Indonesia's historical memory that relates to its current domestic situation as well as its aspiring historical role conception pursued in the post-authoritarian era.

To substantiate the argument, this article focuses on Indonesia's role in the United Nations (UN) Human Rights Council (HRC). Indeed, the Council is not a sole representative of a complex global human rights mechanism that include a dense array of human rights treaties, institutions, networks and standards (Pegram, 2015). However, as the main collaborative international mechanism responsible for the promotion and protection of all human rights, the Council serves as a venue on how non-western powers contest western liberal views in promoting and protecting human rights. Moreover, like other

emerging powers (de Estrada & Foot, 2019), Indonesia perceives the United Nations mechanisms as primary venues for enhancing its engagement at the global level.

Specifically, the article examines Indonesia's participation in the institution-building phase of the Council (2006–2010) and its stance in the country-specific discussion and resolution within the Council. Indonesia's point of view in the institution-building phase of the Council is crucial in assessing the extent to which Indonesia is reluctant to strengthen the institutional mechanism of promotion and protection of human rights at the global level. Indonesia's standpoint regarding the country-specific discussion also sheds light on how its concerns related to its historical role conception as the voice for developing countries have shaped its policies towards the promotion and protection of human rights in other developing countries.

Despite its growing role as an emerging power at the global level (Acharya, 2014), the literature on Indonesia's role in global human rights governance remains scarce. This article aims to fill this lacuna by investigating Indonesia's involvement in the Human Rights Council. The focus on Indonesia in the Human Rights Council is essential due to the significance of Indonesia in the Council itself. Since its inception, Indonesia has been a member of the Council during the following periods: 2006–2007, 2007–2010, 2011–2014, 2015–2017, and 2019–2020.

The next section of this article engages on the theoretical discussion regarding the importance of historical memory in constraining emerging democratic powers to strengthen human rights mechanism. The third section discusses Indonesia's role in the institution-building phase of the Council. In the fourth section, I examine Indonesia's standpoint regarding the Advisory Committee. The fifth section examines Indonesia's view of Special Procedures. The sixth section elaborates Indonesia's roles in the country-specific discussion in the Council by explicitly looking at the resolution on Sudan, Myanmar and North Korea. These cases are chosen due to Indonesia's greater role in defending the countries under scrutiny as well as significant disagreement among member states within the Council.

## **Emerging democratic power and the limitation in promoting human rights**

As a newly democratic country, Indonesia and other emerging powers from the developing world is expected not only to embrace liberal norms but also promote them (Piccone, 2016). However, this expectation might be too optimistic given the growing reluctant from emerging democratic power to incorporate liberal norms promotion agenda such as human rights and democracy within their foreign policy (Jordaan, 2014; Mohan, 2010). At best, emerging democratic powers' engagement with liberal norms is still best described as an exercise in liberal-projection rather than a promotion (Sukma, 2011).

Emerging democratic powers such as Brazil, India, and South Africa have shown such limitations in promoting human rights at the global level. For instance, despite being the example of democracy in the African region, South Africa seems to shield regimes that abuse human rights (Jordaan, 2014). The same case happens in Brazil. Brazilian foreign policy in global human rights, particularly in the UN Human Rights Council has been characterised by ambiguity, especially concerning cases of severe and persistent human rights abuses in specific countries (Milani, 2015). India has also been reluctant to

incorporate human rights and democracy promotion within its foreign policy agenda, despite being the largest democracy in the world (Mohan, 2010).

To understand why some emerging democratic powers are constrained to promote human rights, mainstream International Relations perspectives provide some initial answers. First, rationalist perspective views the reluctance of emerging democratic powers in strengthening human rights mechanism at the global level might link to the belief that the notion of human rights is a Western agenda rather than a universal aspiration and wish to construct a unique understanding of its human rights (Jordaan, 2014). Hence, this view stresses the importance of power and selfish interests of the state and suggests that even emerging democratic powers' commitments are intentionally weak to protect its national interests. At best, emerging democratic powers may engage with human rights out of a desire to emulate Western states and organisations in order to enhance the legitimacy of their growing role in the regional and global order (Katsumata, 2003).

Through this reading, for instance, the reason for Indonesia to push a more institutionalised human rights mechanism in ASEAN through the establishment of ASEAN Intergovernmental Commission on Human Rights (AICHR) may be driven by the urge to legitimise its growing role as a newly democratic power. At the same time, creating a robust regional human rights mechanism by emulating the western liberal view on human rights would also provide legitimacy to the settlement of human rights issues through regional mechanisms and reduce the external pressure especially from the West on Southeast Asian human rights practice (Katsumata, 2009). However, Indonesia's strategic interest to uphold the non-intervention agenda also reflects in its willingness to support practices that violate core human rights commitments within fellow ASEAN members. Based on this limitation at the regional level, it is not surprising that at the global level, Indonesia's strategic interest may also limit its support towards global human rights promotion and protection.

Second, the constructivist perspective argues that emerging democratic powers may incorporate human rights within its foreign policy due to a significant internalisation of human rights norm within emerging democratic power (Davies, 2013). This constructivist account of the adoption of human rights suggests a stronger, and perhaps more pleasing, emphasising the transformative power of human rights as expressions of morally desirable values that reshape the interests and identities of those who believe in them. In the case of Indonesia, arguably, the democratisation after the collapse of Suharto's authoritarian regime since 1998 has thus encouraged Indonesia to engage with various international human rights regimes (Davies, 2014, p. 417). Domestically, Indonesia has undertaken several measures to strengthen its domestic human rights institutions as well as developing national capacity for the promotion and protection of human rights as outlined in its National Human Rights Action Plan 1998–2003 and 2004–2009.

With its status as the third-largest democracy in the world, Indonesia seeks to play a greater role in the international community by actively engaged in human rights issues. This is evident from the government's decision to restructure the Ministry of Foreign Affairs by creating a new directorate specialising in human rights and humanitarian issues (Nabbs-Keller, 2013). Indonesia's greater involvement in human rights issues can also be seen in its efforts to create a regional mechanism within the ASEAN to promote and protect human rights, although with limitations.

However, at the global level, Indonesia seems to be more restricted in expressing its foreign policy agenda that in favour of strengthening human rights mechanism. Constructivist reading of such reluctance might relate to a different understanding of human rights by non-western societies (Mutua, 2013). Many scholars have suggested an incompatibility between Asian values, which emphasise on collectivism rather than individualism, and the western standard of human rights (Dallmayr, 2002; Donnelly, 2007). From this perspective, it is not surprising that many developing countries emphasise the social and economic dimension of rights while the West is generally focused on political rights (Bilchitz, 2007).

This article aims to contribute to the latter literature by shifting the discussion to a particular aspect of ideational constraints, namely the notion of historical memory, to further unpack Indonesia's behaviour towards global human rights mechanism. Many International Relations scholars have shown the importance of historical memory in shaping foreign policy (Banchoff, 1997; Wang, 2014). It is argued that understanding the role played by historical memory sheds light on why the Indonesian government might be reluctant in playing a constructive role in strengthening global human rights mechanism.

The notion of historical memory is a complex multidimensional concept. Within IR literature, memory can be defined as 'intersubjectively shared interpretations of a poignant common past with a high degree of affect, are a vital component of political culture' (Langenbacher, 2010, p. 26). We should note that memory does not refer to the entire history of a society, nor its cultural underpinnings. While history has 'thin' layer of interpretation, memory has 'thick emotionalized, heavily mediated interpretation, and from myth, which has an extreme level of interpretation that sometimes borders on the fictional' (Langenbacher, 2010, p. 28).

Moreover, historical memory should be seen as a concept that represents memory experienced by a particular group whose subsequent interpretation fundamentally drives a nation's identity and interests (Warburg, 2010). It thus is inherently associated with social representations within a group. Hence, historical memory is a part of the broader political culture that can be treated as an ideational factor influencing the thinking of foreign policymakers.

In this article, I suggest that historical memory can influence foreign policy through two main mechanisms. First, foreign policy elites may use the memory as a lesson learned on how to be more careful in particular international interactions. Historical memory then not only able to explain how specific historical event are remembered in a country but also how it can be folded into a national narrative that persists (Miller, 2019). In our case, Indonesia's struggle to shield itself from criticism over human rights abuse during its occupation of East Timor around the 1980s to 1990s has become Indonesia's historical memory. This historical memory drives how current policymakers elites perceive global human rights mechanism, especially in the face of similar issues at present.

Second, historical memory also relates to the historical roles constructed in the early formative years of the state. This is because historical role conception is usually enshrined as myth, which used by nationalists, to simplify, dramatise and selectively narrate the story of a nation's past and its place in the world, a story that elucidates its contemporary meaning through (re)constructing its past (Bell, 2003, p. 75). In other words, role conceptions could be a reflection of 'historical memory' being built and sustained by the government through foreign policy rhetoric. Hence, historical role conception needs to be

sustained to constitute a state's central narrative about its past in order to create a consistent sense of state's identity in the present (Mälksoo, 2015, p. 224).

In the case of Indonesia, the role as a voice for developing countries has become an integral part of Indonesia's historical memory (Karim, 2018). This is because, since its early formative years, Indonesia's aspiring role as a global player has been pursued through the enactment of its role as a voice for developing countries against colonialism. In its endeavour to play such a role today, Indonesian foreign policymakers usually enact Indonesia's historical role as a voice for developing countries in order to legitimise its expansive foreign policy by creating a consistent sense of state's identity.

Having elaborated the notion of historical memory, the article will illustrate the theoretical discussion into an empirical one. The next sections will show how Indonesia's historical memory, in the form of learning from the particular historical event and enacting historical role conceptions to some extent restrain Indonesia's ability to play a constructive role at the global human rights mechanism.

### **Indonesia in institution-building phase of the Human Rights Council**

During Susilo Bambang Yudhoyono's presidency (2004–2014), Indonesia became increasingly active in the UN human rights machinery. In 2005, Indonesia proposed that its senior diplomat, Ambassador Makarim Wibisono, be nominated as a Chairperson of the 61st session of the UN Commission on Human Rights. Wibisono's nomination was proposed through a lobby by the Asian regional group at the United Nations.<sup>1</sup> During Wibisono's tenure, the Commission started to seriously discuss the status of the proposed new human rights body that would replace the Commission.

From the outset, Indonesia viewed the establishment of the Human Rights Council with scepticism as a project by western countries to further impose their interests through the agenda of human rights. Although Indonesian foreign policymakers consciously understood that the Commission on Human Rights had failed to become an instrument of the United Nations to protect human rights, they felt the need to carry out a reform of the Commission instead of creating a new institution. In Indonesia's view, a newly established institution might be potentially designed to be more aligned with the interests of Western countries instead of developing countries (Wibisono, 2006). While the proposal to reform the Commission came from, then, United Nations Secretary-General, Kofi Annan, it was the United States that demanded the commission be replaced with a more effective Human Rights Council (Thompson, 2015, p. 94). With the view that the newly established Council might serve as an instrument for western countries to put pressure on developing countries, Indonesia was sceptical about the agenda to design a more robust human rights mechanism for the newly established Council. This can be seen from its standpoint and orientation in the institution-building phase of the Council.

The UN Human Rights Council is an institution that was set up to replace the UN Commission on Human Rights through the issuance of the UN General Assembly resolution number 60/251 adopted in March 2006. The establishment of the Council was a response to the increasing irrelevance of the Commission. This is because of the over-politicisation of its process and the lack of institutional infrastructure to support its work. Both western and non-western countries accused the Commission of applying double standards in conducting a review of human rights of the member and non-member states. Moreover, the

Commission had turned into a sanctuary for countries with a poor human rights record seeking to avoid criticism from the Commission. Consequently, the Commission was experiencing a credibility problem in which more countries with a record of human rights violations were elected to be a member resulting in the ineffectiveness of the Commission in dealing with human rights violations (Ghanea, 2006).

As a founding member of the Council, Indonesia has been actively involved in the formulation of the mandates and functions of the Council. During the institution-building phase, the Council decided and agreed on the agenda, the programme of work, its working methods, the rules of procedure, its complaint procedures, the framework of the Universal Periodic Review (UPR), the Special Procedures, as well as the Advisory Committee. In general, the debates that occurred during the institution-building phase were dominated by the classic debate between efforts to develop an effective instrument for protecting human rights on the one hand and efforts to preserve national sovereignty on the other (Anshor, 2012).

While in the Southeast Asia region, Indonesia actively called for a more powerful ASEAN Human Rights Body, consisting of independent experts that had the function of promoting and protecting human rights in the region (Rüland, 2009), its approach towards the Human Rights Council shows its tendency to give more power to the state and less authority to the independent experts. This can be seen in Indonesia's reluctance to give more authority to the Advisory Committee of the Council to deal with the promotion and protection of human rights as well as its reluctance to support more powerful Special Procedures. In both cases, Indonesia showed fierce opposition to the ideas that would provide a newly established Human Rights Council with a more effective mechanism to promote and protect human rights.

### **Indonesia's standpoint on the advisory committee**

The Advisory Committee is one of the newly established mechanisms within the Human Rights Council. It replaced the Sub-Commission on the Promotion and Protection of Human Rights as the main subsidiary body of the UN Commission on Human Rights. To increase its capacity as an expert body of the Council, the Advisory Committee was envisioned to provide an expert assessment of the human rights situation around the world to the Council. It would have greater autonomy to initiate and conduct its study related to human rights. Western powers like the European Union, Canada and the United States supported the idea to give more authority to the Advisory Committee to investigate human rights abuses (Hampson, 2007).

However, Indonesia, along with other member countries of Organisation of the Islamic Conference (OIC),<sup>2</sup> rejected the proposal for a greater power to the Advisory Committee to investigate human rights abuses especially the authority to identify protection gaps, arguing that identifying protection gaps was the prerogative of the Council (Chalabi, 2007). Without this authority, the Advisory Committee, unlike the Sub-Commission, has no power to issue resolutions or decisions.

Furthermore, the proposal from Western countries also allows various entities other than states such as the High Commissioner and NGOs to nominate the candidate for the Advisory Committee and gives authority to the Office of the High Commissioner for Human Rights (OHCHR) to screen out names proposed by these entities (Sweeney &

Saito, 2009). Indonesia also rejected the idea to authorise the OHCHR to screen out names proposed to be an advisory committee and supported the mechanism in which the Council solely elected the experts on the Advisory Committee.

Given the condition, it was finally agreed that for the nominations of the Advisory Committee, the states would be encouraged to consult their national human rights institutions as well as to include the names of NGOs that supported their candidates (Alston, 2006). It was also finally decided during the institutional-building phase that the work of the Advisory Committee would only be related to the implementation of decisions made by the Council. Its scope of work would be mainly around thematic issues, and it would have no authority to discuss country-specific issues. With this outcome, the new Human Rights Council Advisory Committee has been reduced to merely a mechanism without any authority to have initiatives (Abraham, 2007). Several pundits further argued that the establishment of the Advisory Committee as a replacement for the Sub-Commission for the promotion and protection of Human Rights was a negative reform that weakens UN human rights machinery (Bassiouni & Schabas, 2011).

The impetus for Indonesia to support the limitations to the independence and autonomy of the Advisory Committee stemmed from its historical memory in dealing with a more independent Sub-Commission. When it was still named a Sub-Commission on Prevention of Discrimination and Protection of Minorities, Indonesia had been under the scrutiny of the Sub-Commission due to its occupation of East Timor. In 1983, the Sub-Commission adopted resolution 1983/26, which reaffirmed the inalienable right of the East Timorese to self-determination and independence (Krieger & Rauschnig, 1997). Despite being formally listed as one of the items on the agenda of the UN General Assembly, since 1984, the substantive issue of East Timor has not been discussed in the UN. This can be attributed to Indonesia's diplomacy that lobbied the developing and developed countries to support Indonesia's stance on the annexation of East Timor. However, with the Santa Cruz incident in Dili, the capital of East Timor, on 12 November 1991, in which the Indonesian military opened fire on an East Timorese demonstration and killed roughly 250 people, the issue of the Right to Self-determination has been brought by the Sub-Commission to be discussed in the UN (Reiersen & Weissbrodt, 1992).

While Indonesia could influence the resolutions issued by the Commission given its membership of the Commission, the work conducted by the Sub-Commission could hardly be influenced by Indonesia's membership of the Commission given its independence and autonomy. After heavy international pressure and criticism, Indonesia's province of East Timor finally gained its independence in 1999 through referendum administered by the UN. This experience has made the current democratic Indonesian government may have a concern over a more independent agency within the Human Rights Council. Just like the Sub-Commission, the separatist movement in Indonesia may use Advisory Committee to internationalise their agenda by invoking alleged human rights abuse by the Indonesian government.

## **Indonesia's view on special procedures**

Indonesia's reluctance to assist the Council in creating a more robust mechanism to investigate human rights situations can also be seen from its standpoint in the discussion on reviewing the mandates and mechanism of Special Procedures. Special Procedures is

one of the most effective mechanisms in the UN Human Rights machinery. It has the task of examining questions and monitoring the situation of human rights in both specific countries and thematic issues (Bassiouni & Schabas, 2011). During the discussion in the Working Group on Review of Mechanisms and Mandates, it is evident that Indonesia still championed the idea of state sovereignty over the protection of human rights. Indonesia has always supported the idea that the election of mandate holders for Special Procedures be conducted entirely by the members of the council to maintain the credibility of the mandate recipient.

Many western countries rejected the idea since it would make the appointment of Special Procedures mandate holders highly politicised (Chalabi, 2007). The European Union, Australia, Canada, and the United States proposed that mandate holders be appointed by the OHCHR to ensure their independence and expertise. Indonesia rejected this proposal. Indonesian policymakers argued that while the OHCHR might be comprised of non-political actors, OHCHR is seen as an independent actor that has its agenda, which might be influenced by the western countries.<sup>3</sup> For this reason, despite criticism that this would make the appointments highly politicised, Indonesia urged that the Council directly elects the Special Procedure mandate holders. It was finally agreed that the appointment of mandate holders would be similar to the previous mechanism in which the President of the Council would appoint the mandate holders based on a recommendation from the Consultative Group, which is mainly composed of senior diplomats representing the states. The Council would finally approve the appointment. This final solution gives greater political control to the states in the appointment of mandate holders for Special Procedures (Ramcharan, 2013).

During the working group discussion, the NGOs raised an important issue regarding the relations between Special Procedures and States. The ineffectiveness of the Special Procedures is due to the lack of a mechanism to enforce state cooperation with this UN human rights machinery. There are several limitations to work conducted through the Special Procedures. Firstly, the mechanism relies heavily on the consent of the concerned states and states can easily block the mandate holders from performing their function by not granting them a visit. Secondly, there is no mechanism for the concerned states to follow up on the findings made by the mandate holders (Abraham & Ineichen, 2007). Indeed, there were proposals to strengthen the mechanism for cooperation between Special Procedures mandate holders and the states. For instance, the western countries proposed the need for all states that serve as members of the Council to issue a standing invitation to Special Procedures as the first step towards cooperation. Canada even proposed that state cooperation with Special Procedures be a requirement for membership of the Council (Abraham & Ineichen, 2007).

However, many non-western countries, including Indonesia, preferred the status quo and did not want to create a new mechanism to address the problem of non-cooperation with states faced by Special Procedures. In fact, during the discussion in the working group, Indonesia along with the African group called for a stricter code of conduct to be followed by the special procedures mandate holders, especially during their visits and in their relations and communication with the media. Many western countries perceived the proposal for a code of conduct as a strategy to limit the work of Special Procedures that sometimes rely on mass media to pressure the concerned states (Chalabi, 2007).

The rationale in keeping the problem of state cooperation with mandate holders unresolved is due to its fear that Special Procedures might jeopardise its sovereignty in the future. Currently, Indonesia is facing accusations of human rights abuses in its eastern provinces of Papua. Due to its complex historical problems as well as the prevalent poverty in Papua, there is an increasingly strong aspiration among the Papuan indigenous peoples for independence. Many policymakers in Jakarta believe that Papuan pro-independence activists are strategically using the issue of human rights as an instrument to get the attention of the international community for their independence aspiration.<sup>4</sup> Many western advocates of Papuan independence have been successful in putting Papuan human rights on the international community agenda, and the issue is successfully being used to justify the aspiration for Papuan independence (Pelcher, 2012). Even several pacific countries that support the Papuan independence movement such as Solomon and Vanuatu have begun to talk about human rights issues within the Melanesian Spearhead Group (MSG), an intergovernmental group of pacific islands countries. They have brought the issue of human rights abuse in Papua provinces to the international level through the UN General Assembly.

Learning from unpleasant memory in shielding its territorial integrity from the human right issue in East Timor, Indonesia foreign policy tends to see any international scrutiny of human rights issues in Papua as part of the agenda for internationalising the Papuan independence. Consequently, Indonesia is more likely to ignore the visits requested by the UN Special Procedures, especially regarding civil rights issues. Before the establishment of the Council, Indonesia has denied the request for a visit by The United Nations Special Rapporteur for Extrajudicial, Summary, or Arbitrary Executions since 1994. In 2004, Indonesia also rejected a follow-up request by the Special Rapporteur, who planned to visit the Indonesian province of Papua (Kirksey, 2012). The Government of Indonesia has also not replied to a request for a country visit from rapporteurs working on civil and political rights such as the Working Group on Enforced Disappearance and the Special Rapporteur on Freedom of Religion or Belief. Overall, Indonesia has only accepted 13 out of 47 invitations from the Special Procedures to visit the country (United Nations Human Rights Office of the High Commissioner, 2015a). Most of the Special Rapporteurs accepted by Indonesia have dealt with economic and social rights rather than civil and political rights. Due to a fear of politicisation of the issue of Papuan independence, Indonesia is not one of the 114 countries that have pledged a standing invitation. A standing invitation is an open invitation extended by a Government regarding all thematic special procedures, despite being elected four times as a member of the Council (United Nations Human Rights Office of the High Commissioner, 2015b).

The above discussion shows that Indonesia's separatist issue that relates with its historical memory in protecting its territorial integrity from international scrutiny has hindered it from playing a constructive role in crafting more robust global human rights mechanism. It would be mistaken to see Indonesia's reluctance to strengthen global human rights mechanism as efforts to challenge western liberal order. The case of Indonesia's standpoint in institution-building reflects more its circumspection regarding robust global human rights governance, which might have backfired on Indonesia especially with the ongoing case of the separatist movement in Indonesia's Provinces of West Papua and Papua.

## Indonesia's role in country-specific issues: Sudan, Myanmar, and North Korea

In each pledge for candidacy for the seat in the Council, Indonesia always reiterates that it will contribute further to the global promotion and protection of human rights by upholding the principles of objectivity, impartiality and non-selectivity and the elimination of double standards and politicisation (The Permanent Mission of Indonesia to the United Nations, 2014). However, in practice, the principles are used as a legitimisation for Indonesia to block further international pressure regarding human rights violations occurring in developing countries. The main factor, driving Indonesia's blocking of several Human Right Council initiatives in dealing with country-specific issues is its historical role as the voice for developing countries. This role arguably reflects Indonesia's historical memory as a force of anti-colonialism.

As argued in the previous section, Indonesia's historical memory to protect its territorial integrity from international scrutiny as well as its ongoing domestic problem regarding the separatist movement in Papua, have made Indonesia reluctant to give more authority to the Council. Furthermore, Indonesia's historical role as the voice for developing countries might also be a factor that drives its inclination to shield abusive regimes at the global level. For Indonesia, human rights violations that occur in various developing countries stem from the limited capacity of states in providing human rights protection to its people. Hence, Indonesia has rejected the naming and shaming approach and prefers to use a dialogue and capacity building approach in dealing with gross human rights violations that are allegedly conducted by states.

In the case of Sudan, many democratic countries condemned the Sudanese Government in response to the dire humanitarian situation in Darfur. However, during the second session of the Council meeting in September 2006, Indonesia's delegates did not want to hastily conclude that there was Sudanese government support for the killing of its people in Darfur. In the eyes of the Indonesian delegation, the conflict in Darfur, which was resulting in gross violations of human rights, was primarily caused by the lack of capacity in the Sudanese government to provide human rights protection to its people.<sup>5</sup>

Given that Indonesia perceived the conflict in Darfur as an internal problem to Sudan, it rejected western countries' approach in treating the Sudanese government as the perpetrators who should face international pressure for the atrocity in Darfur (Abraham, Sweeney, & Dziurzynski, 2006). As stated by the then Indonesian Foreign Minister Hassan Wirajuda, the main issue that must be addressed by the global community concerning the humanitarian problem in Darfur is to overcome the humanitarian problem itself immediately. The threat of imposing sanctions is inappropriate and not necessarily effective (Sudan Tribune, 2004).

Indonesia maintains that it fully supports the international community's endeavours to improve the human rights situation in all countries. However, it urged that this should take place through genuine dialogue and in the spirit of mutual respect. In November 2006, Indonesia voted for a resolution calling for 'the international community at large and donor countries and peace partners in particular to honour their pledges of support and to provide urgent and adequate financial and technical assistance to the Government of Sudan in the promotion and protection of human rights' (Human Rights Council, 2006).

Many western countries such as Canada and EU Countries voted against this. Despite criticism from western countries as well as international NGOs regarding the Sudanese government's lack of cooperation with the international community, Indonesia argued that the government of Sudan had shown willingness to cooperate with the UN Human Rights mechanism and was being 'open to the outside world'. This can be seen from the presence of NGOs in Darfur, which was the highest per capita presence of NGOs in the world at the time (Abraham et al., 2006).

In dealing with the tension in Darfur, the Council conducted the fourth special session to discuss the human rights situation in Darfur in mid-December 2006. During the special session, Indonesia and many non-western countries disputed the reports stating that numerous human rights violations were being committed in Darfur (Abraham et al., 2006). To address this issue, the Council finally agreed, during the fourth special session, to dispatch a high-level mission to Darfur consisting of five highly qualified persons, appointed by the President of the Human Rights Council, and the Special Rapporteur on the human rights situation in Sudan (Abraham et al., 2006). The Indonesian permanent representative to the UN in Geneva, Ambassador Makarim Wibisono, was selected as one of the members of the high-level mission to Darfur, Sudan.

During the fact-finding mission, Ambassador Makarim Wibisono announced that he would withdraw from the mission (Reyna, 2010). The reason for Wibisono's resignation is unclear. However, it could have been caused by the failure of the team to visit Darfur. This is due to permission not being granted by the government of Sudan.<sup>6</sup> Despite not visiting Darfur, the High-Level Mission reported that indeed human rights violations had been committed in Darfur. Indonesia distanced itself from the finding of the high-level mission. Ambassador Wibisono's resignation from the mission can be considered as a diplomatic move by Indonesia to show its support for the Sudanese government.

Indonesia's historical role to be the voice for developing countries may have contributed to its defence of Sudan at the global level. Indonesia's statements regarding the issues always invoked the need for the international community to help rather than to condemn the Sudanese government in dealing with the human rights issues in Darfur. However, the main factors hindering Indonesia from putting pressure on Sudan is the separatist nature of the conflict in Darfur (Reyna, 2010). As revealed by one of Indonesia's top diplomats dealing with human rights, Indonesia's stance concerning Darfur conflict has been chiefly influenced by the active separatist movement in Darfur against the central government in Khartoum.<sup>7</sup> Within Indonesian foreign policymakers, there is a fear that foreign intervention in Sudan might open up a Pandora's box for Indonesia given its West Papua problem at home. Thus, Indonesia needs to restrain from joining western countries in putting pressure on Sudan.

Just like its position towards Sudan, Indonesia's long-standing role as the defender of Myanmar at the global level can be explained by its aspiring role to be the voice for developing countries. Rather than pushing for regime change through the UN Human Rights Council or other UN-related institutions, Indonesia preferred to establish a regional framework to influence Naypyidaw to play a more active role in protecting the human rights of its citizens and gradually make the transition towards democracy. Indonesia believes that in dealing with Myanmar, the international community should work closely with the military junta and establish trust through dialogue and sincere communication. When Indonesia held a non-permanent seat at the Security Council (2007–2008), it resolutely opposed

the Council's involvement in relief work in Myanmar to deal with the impact of cyclone Nargis in 2008 that devastated the country. Indonesia argued that the Security Council's involvement would only 'jeopardize and undermine aid work, not only for Myanmar but also for future humanitarian situations' since it would undermine Myanmar's sovereignty (Hotland, 2008).

In the Human Rights Council, again Indonesia tends to shield military regimes from criticism from the international community. An example of this can be seen by Indonesia's response towards the ethnic conflict in the Rakhine state of Myanmar erupted in 2012 in which 100,000 Rohingya Muslims were displaced since the beginning of the conflict. In response to this issue, Indonesia opted to reject the adoption of a resolution on the situation of the ethnic Rohingya by the Human Rights Council in June 2013, arguing that it was too soon to act despite the OIC pressure to condemn the attack on Rohingya. It was finally agreed that the Council would adopt a consensus-based presidential statement on the gross violation of human rights towards Rohingya people, rather than voting-based resolution which, in essence, reduced the degree of condemnation from the Council (Hotland, 2008).

Moreover, as observed by Human Rights Watch, Indonesia played a significant role in weakening language on violations and strengthening language on progress in the discussion on the human rights resolution in Myanmar. For instance, during the seventh session of the Council in March 2008, Slovenia, on behalf of the European Union, introduced a draft resolution that expressed concern about restrictions to freedom of movement, assembly and association, on the widespread practice of torture, forced labour, child soldiers, sexual violence, and ill-treatment of detainees (Aaberg et al., 2008). Indonesia argued that the language should reflect the progress made by the Myanmar Military Junta so that the resolution could be adopted by consensus. This resolution would send a positive message to the Myanmar government so that the Special Rapporteur would be able to visit the country. By weakening the language of the naming and shaming approach, most resolutions concerning the human rights situation in Myanmar could be adopted through a consensus.

Instead of using country-specific resolutions, Indonesia prefers to monitor the human rights situation in specific countries through the Universal Periodic Review (UPR). While Indonesia is disinclined to strengthen the Advisory Committee and Special Procedures, it was very supportive of the establishment of the Universal Periodic Review as a new mechanism within the UN Human Rights Council. Indonesia considered the UPR as a mechanism to change the Commission's practice of naming and shaming to a more cooperative model of human rights evaluation. Through this mechanism, the council is obliged to conduct a thorough review on the achievement of human rights obligations by all member states of the UN. UPR, a mechanism for protecting and promoting human rights, fits with Indonesia's approach, which emphasises a constructive, non-confrontational and non-politicised process in reviewing human rights issues within countries (Anshor, 2012). For Indonesia, UPR provides a mechanism that can eliminate selectivity and double standards in the promotion and protection of human rights (Sixty-sixth General Assembly *Third Committee 47th & 48th Meetings*, 2011).

However, even during the UPR session in 2011, Indonesia continued to ignore the massive human rights violations in Myanmar. During the interactive dialogue session on Myanmar, the Indonesian delegates stated that they:

welcome the positive developments in Myanmar recently, including the holding of general elections and the release of Daw Aung San Suu Kyi and the real and potential positive changes that these developments bring about in the social and political life of the people of Myanmar (National Democratic Institute, 2010).

This is on the contradiction with many international observers on Myanmar. Instead of praising the development, western media outlets seem to view the 2010 Myanmar general election as undemocratic due to several structural constraints (Jones, 2014; Turnell, 2011). Nevertheless, Indonesia insisted that pressuring and condemning Myanmar would not help in Myanmar's transition towards democracy. Consequently, Indonesia is more likely to continue its effort to shield Myanmar from criticism at the international level and prefers to address the human rights issues through a regional mechanism.

In the case of North Korea, Indonesia's long-standing support for North Korea by shielding its regime from scrutiny in the Council is somewhat puzzling. Indonesia is the only functioning democracy which is considered very tolerant towards the gross human rights violations that occur in North Korea. Considering that the human rights situation in North Korea is not challenging North Korea's territorial integrity, Indonesia should have a more political space to join western countries to put pressure on North Korea regarding its human rights situation. On the contrary, Indonesia seems to show reluctance to put pressure on North Korea regarding its human rights situation. This is reflected in Indonesia's voting behaviour in the Human Rights Council as well as the UN General Assembly on resolutions related to the human rights situation in North Korea.

Indonesia's reluctance to put pressure on North Korea might stem from its long-standing good relations with North Korea, which give Indonesia a unique opportunity to be a bridge-builder between isolated North Korea and the international community. In terms of its relations with other countries, North Korea recently turned its focus to bilateral relations with Indonesia since it perceives Indonesia as one of the few democratic countries with which it still has good relations. According to former Indonesian Foreign Minister Marty Natalegawa, cooperation with North Korea continues to be developed. It is part of a broader strategy of Indonesia's foreign policy at the global level (Berita Satu, 2012). By engaging with North Korea, Natalegawa argues that Indonesia can help North Korea to put an end to isolation from the international community (the Jakarta Post, 2013).

In order to establish self-confidence for North Korea to engage with the international community, the Indonesian Government has continued its efforts to make North Korea feel comfortable to interact with Indonesia as well as to exchange views with Indonesia. In this regard, Indonesia's efforts to shield North Korea from criticism in the Human Rights Council can be seen as a part of the Indonesian strategy to engage with North Korea.<sup>8</sup> Indeed Indonesia's effort in engaging North Korea has had some inconsequential positive effect. North Korea has seen Indonesia as an honest broker that can potentially help to mediate a return to the Six-Party Talks (Panda, 2014). North Korea Foreign Minister Ri Su Yong has submitted a proposal to the Indonesian foreign minister, which might ease tensions in the region. North Korea hopes that Indonesia can communicate the proposal to other parties.

South Korea also has a similar view to North Korea on Indonesia's potential role in mediating the conflict between the two countries. Given its good and healthy relations with both Koreas, the Ambassador of South Korea (ROK) to Indonesia, Cho Tai-young, hopes

**Table 1.** Indonesia's voting behaviour in the Human Rights Council on North Korea.

2008	7/15	Situation of human rights in the Democratic People's Republic of Korea	Against
2009	10/16	Situation of human rights in the Democratic People's Republic of Korea	Against
2010	13/14	Situation of human rights in the Democratic People's Republic of Korea	Against
2012	19/13	The situation of human rights in the Democratic People's Republic of Korea	Consensus
2013	19/13	The situation of human rights in the Democratic People's Republic of Korea	Consensus
2014	25/15	Situation of human rights in the Democratic People's Republic of Korea	Abstention
2015	28/22	Situation of human rights in the Democratic People's Republic of Korea	Abstention

that Indonesia can engage more actively in campaigning for peace on the Korean peninsula. In October 2015, the Vice Chairman of South Korea's Presidential Committee of the Unification Preparation, Chung Chong-wook even visited Indonesia to ask the Indonesian government to play a greater role in the efforts to reunify South and North Korea (the Jakarta Post, 2015).

However, Indonesia's aspiration to be the voice for developing countries for North Korea and the international community has forced Indonesia not to raise concerns about its human rights abuse. Indonesia is one of a few countries along with China, Cuba and Russia that never vote in favour on Human Rights Council Resolutions on the human rights situation in North Korea.

Indonesia's seemingly defensive position toward North Korea has been criticised by both international and domestic actors, particularly from domestic NGO focusing on human rights. Marzuki Darusman, a former Indonesian General Attorney and politician who is also the UN Special Rapporteur for Human Rights in North Korea, urged the Indonesian government to change its attitude towards North Korea and follow the mainstream international community, which supports a resolution that condemns the human rights situation in North Korea (Wisnu, 2015). Indeed, there is a shift in Indonesian voting behaviour in the Council regarding the human rights situation in North Korea. As seen in the table below, from 2008 to 2010, Indonesia always voted against resolutions on the human rights situation in North Korea. However, from 2014, Indonesia shifted its voting to abstain.

Despite the shift, many Indonesia's human rights activists have urged that rather than abstaining, Indonesia should have voted yes in the resolution on North Korea to send a strong message to the North Korean regime that Indonesia wanted North Korea to pay more attention to its human rights abuses in the country (Kontras, 2014). Nevertheless, Indonesia seems to adhere to its position to not directly persuade North Korea to improve its human rights situation. Given this policy, it is not surprising that many critics find that Indonesia's approach towards North Korea undermines its commitment to the promotion and protection of human rights on a global level (Table 1).

## Conclusion

The analysis of its role in the UN Human Rights Council shows that Indonesia is still reluctant to play a constructive role in strengthening global human rights mechanisms. While Indonesia's point of view seems to challenge the Western-dominated liberal international order, the cause of such stance does not stem from Indonesia's search for autonomy from the west. Domestically, Indonesia has widened its engagement with the international human rights regime through the signing, accession or ratification of international

human rights instruments. Regionally, it has become a proponent that pushes to make the agenda of human rights central to ASEAN's objectives and mechanisms.

The evidence above suggests that interplay between Indonesia's historical memory and its current domestic political issue related to its territorial integrity, namely the problem of the separatist movement in the provinces of Papua, has forced it to block initiatives to strengthen global human rights mechanism by endorsing a negative reform of the UN Human Rights Council. This can be attributed to the fear that a more robust UN mechanism would backfire for Indonesia, considering that its domestic separatist issue is yet to be resolved. This fear stems from Indonesia's historical memory in shielding international criticism regarding the issue of human rights abuse in East Timor.

Moreover, as shown in the analysis, the role as a voice for developing countries incepted by the founding fathers has, to some extent constrained Indonesia's behaviour in strengthening global human rights mechanism. As a voice for developing countries, Indonesia tends to see human rights violations in developing countries as the inability of the state to protect its citizens. In this regard, for Indonesia, the issue of human rights cannot be separated from the subject of a state's capacity to govern and administer its territory effectively. Therefore, the solution for human rights violations should be directed more to the role of the international community to help states to be able to perform the function of providing security and protection rather than shaming them. This stance has made Indonesia express its discomfort with country-specific issues, which can be highly politicised.

On the one hand, the role as the voice for developing countries certainly provides Indonesia with leverage to engage an abusive regime on behalf of the international community. On the other hand, it also causes Indonesia to be seen as a country that protects abusive regimes from the pressure of the international community.

## Notes

1. Interview with an Indonesian diplomat, July 2015.
2. On 28 June 2011 during the 38th Council of Foreign Ministers meeting (CFM) in Astana, Kazakhstan, Organisation of the Islamic Conference changed its name into Organisations of Islamic Cooperation.
3. Interview with senior officials within Directorate of Human Rights and Humanitarian issues, Indonesian Ministry of Foreign Affairs, Jakarta, June 2015
4. Interview with Indonesian Member of Parliament from Foreign Affairs and Defence Commission, June 2015.
5. Interview with Senior Diplomat within Indonesian Ministry of Foreign Affairs, Jakarta, June 2015
6. Interview with Senior Diplomat within Indonesian Ministry of Foreign Affairs, Jakarta, July 2015.
7. Interview with former Indonesian foreign policy makers, Jakarta, July, 2015.
8. Senior diplomat within Directorate of Human Rights and Humanitarian issues, Ministry of Foreign Affairs, Republic of Indonesia, Jakarta, July, 2015.

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