

Democracy, Human Rights and Indonesia's Foreign Policy Under Yudhoyono

LINA A. ALEXANDRA AND TOBIAS BASUKI

Introduction

The era of President Susilo Bambang Yudhoyono (2004-2014) has been lauded, mostly by foreign audience as the golden era of Indonesia's foreign policy.¹ Working under the framework of “a thousand friends and zero enemies” and also “dynamic equilibrium”, Indonesia has been seen as an active player particularly in multilateral fora, perceived and anticipated to emerge as a global middle power, expected to take up more responsibilities both in the regional and international arena.

However, rather than relying on material capabilities, such as

1 Ted Piccone and Bimo Yusman, “Indonesian Foreign Policy: ‘A Million Friends and Zero Enemies’”, *The Diplomat*, 14 February 14 2014, <http://thediplomat.com/2014/02/indonesian-foreign-policy-a-million-friends-and-zero-enemies/>

Lina A. Alexandra and Tobias Basuki are researchers at the Department of Politics and International Relations, Centre for Strategic and International Studies (CSIS)

military and economic postures, the government has invested much in developing its 'soft power' through the promotion of norms and values. Perceiving itself as the rare example of how democracy can live side-by-side with Islam, as the third largest democracy and having the biggest Muslim community in the world, Indonesia has been more than willing to share its experiences to other countries that is still struggling to set up democratic system.

As memories of past human rights violations under the authoritarian New Order regime subsided and also the relatively stable situation due to the settlement of various internal conflicts, the government has never been so confident to become the strongest proponent among the ASEAN member states for the regional organisation to embrace human rights principle for the first time formally within its Charter. Indonesia, since then, has been actively pursued for the creation of ASEAN instruments in order to promote and protect human rights, such as the establishment of ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN Human Rights Declaration (AHRD).

It is within this broad context that Indonesia's unique constellation has become an asset, but to some extent a liability as well when not managed wisely. It is a pioneer and potentially role model as the most populous Muslim majority country with a functioning democracy.² But as Indonesia forges ahead in a path not taken before as practically a Muslim democracy, much fine tuning is needed. The tension between various contending ideas and domestic political interests, constraints and bigger national interest can sidetrack its progress.

Yudhoyono's presidency appeared to put more weight on the democratic aspect in its international posturing. In some ways Yudhoyono continues the tradition where Islamic factors only "occupy a secondary place in foreign policy calculations and reflected domestic political interests of the regime."³

However, in some actual cases Yudhoyono had seemed to vacillate rather erratically between his grand narrative of universal democratic rights and the more specific Islamic solidarity. His indecisiveness and characteristic leadership style that attempts to please everyone had made

2 Joe Cochrane, "In Southeast Asia, Indonesia an Unlikely Role Model for Democracy", *New York Times*, 4 September 2014, http://www.nytimes.com/2014/09/05/world/asia/in-southeast-asia-indonesia-becomes-a-role-model-for-democracy.html?_r=0.

3 Rizal Sukma, *Islam in Indonesian Foreign Policy* (New York: Routledge Curzon, 2003), p. 6.

Indonesia's "dilemma of dual identity"⁴ manifest itself in contradictory international actions that had unfortunately disadvantaged Indonesia at various levels.⁵

In the short case studies elaborated later in the paper, it is shown how Yudhoyono had inadvertently lost more rather than gain anything when he failed to coherently balance the two images he tried to portray within this "dilemma of dual identity". Yudhoyono's grand narrative as stated before had been to portray Indonesia as a global player rooted in universal democratic practices, particularly human rights.

But when confronted with actual international situations such as the Rohingya persecution, Iranian sanction, and migrant worker issue, Yudhoyono's administration immediately lost its human rights narrative. Instead it turns highlight its Islamic solidarity card, at times due to domestic political pressure. Unfortunately, it seems to be done erratically that in the end neither is gained. Indonesia did not establish itself as a credible human rights player, and neither has it effectively induced change in the name of Islamic solidarity.

The following section will briefly discuss the significance of Yudhoyono's intended narrative as a serious democratic human rights defender within the global context and the framework as well as legal instruments already set in place in Indonesia to play its role. It is then followed by the case studies in which Yudhoyono's narrative and actions diverged.

Indonesia's Significance as a Human Rights Actor in the International context

Indonesia is also uniquely positioned in the broader context of international human rights regime. Indonesia's demographics, social political history, and position in the regional and global context makes its international relations outlook and foreign policy in terms of human rights significant much beyond normative discourses. The fact described before as the largest Muslim majority and a democracy, in addition to being a very heterogeneous country makes the platform of human rights immensely crucial in keeping the nation together. It is also a very important testing

4 Rizal Sukma described this a rather peculiar relationship between Islam and Indonesia's foreign policy stemming from Indonesia's idiosyncratic state identity and political platform that is neither secular nor theocratic. For further explanation see *Ibid*, pp. 8-37.

5 The case studies in this paper will show how Indonesia's position on the Iranian sanction, Rohingya persecution, and Migrant worker were paradoxical and disadvantaged Indonesia in various forms.

ground in finding the balance between contending ideas and realities that does not always agree on the definition of human rights. Its successes and failures serve as important lessons to other countries.

In the post Cold War international system, the question and challenge of the universality of human rights is no longer a particular contention along the ideological and political lines. Democratization appeared to be the norm around the world soon after the fall of the iron curtain.⁶ Its universality certainly is not ubiquitously accepted, yet in the global context described as the 'end of history' by Fukuyama, it is largely believed to be a common framework in this age and time.⁷

Democracy spreads along with its inherent human rights principles. The normative ideas of the 1948 Universal Declaration of Human Rights by now is generally accepted by a large majority of states. Even states that initially abstained from the adoption by the UN General Assembly such as South Africa and the former Soviet Union had disavowed their abstentions by the mid-1990s. It is only Saudi Arabia that until today remains firm with their rejection of the declaration.⁸

This apparent consensus may no longer be challenged along particular political ideological lines but cultural exclusivity and particularities still stand challenging it.⁹ The spreading of democratic values and system gradually slowed down, and one of the biggest downturn was the mixed results from the Arab spring. There were initial enthusiasm at the dawn of the Arab Spring movements beginning in Tunisia, where some questioned if could be the newest wave of democratization in these previously untouched parts of the world.¹⁰

But more questions arose, as Egypt reverted to authoritarianism, Syria descended into chaos, and democratization in the region met very limited success. It highlighted and brought to the surface two important questions on democracy and Islam, in theory and in practice. Is political Islam and democracy compatible? And a more specific element to it, are human rights principles as it is coded now truly universal? There had been an

6 David P. Forsythe, *Human Rights in International Relations* (New York: Cambridge University Press, 2006), pp. 7-12.

7 Peter Kirchsclaeger, "Universality of Human Rights" (n.d), <http://www.thecwc.org/uploads/files/Universality%20of%20Human%20Rights%20by%20Peter%20Kirchsclaeger2.pdf>

8 Forsythe, *Human Rights*, pp. 34-41.

9 Shashi Tahroor, "Are Human Rights Universal?" *World Policy Journal* Vol. XVI(4) (2000).

10 Continuation of the Huntingtonian wave of democratization was the prevailing question at the time.

array of theoretical debates on the issue¹¹, and some of the more recent tenuous events of regime changes throughout the Middle East generates more complexity to the already difficult question.

Indonesia stands in midst of these intricate challenges one step forward. It does have challenges of its own, but it has taken further steps in consolidating its democracy. Indonesia's political track from nationhood to its democratization shows an alternative political Islam to that of the Middle East, and even its neighbouring countries like Malaysia or Brunei Darussalam. In its declaration of independence, Constitution, and its founding ideology (Pancasila), Indonesia has a global outlook that emphasizes elements of human rights within its principles.

Albeit fighting for its independence from Western powers (the Netherlands perceived as part of the Western hegemony and imperialism) and some contention by the founding president, Soekarno against Western powers, principles of human rights were not perceived to be Western strings of control. Also, having the largest Muslim majority in the world, Indonesia had a founding debate during whether Islam would be the nation's ideology. Despite intense debates, by consensus it was decided the nation's ideology was to be the idiosyncratic Pancasila. With it, the application of Syariah law, that is often found to be incompatible with various elements of human rights (as conceptualized in the universal declaration of human rights), is not a foundational pillar of the Indonesian state.¹² In that respect, Indonesia can be said to largely have no particular political or socio-cultural impediments to accepting broader human rights principles.

The usual contention common to the rejection of specifics on human rights norms were surprisingly not a major issue for Indonesia. Socio-cultural difference between communal rights and individual rights were existent but not a particular a hot button. Even differences along ideological lines manifested particularly in types political system did not stand out when Indonesia was not fully a democracy yet. It is further not going to be an issue as Indonesia is consolidating and takes deeper roots in its democratic system and values nearing its second decade after the 1998 reformation.

Beyond its normative acceptance of the 1948 Universal Declaration of Human Rights, Indonesia had taken further steps to incorporate

11 The debate of the universality of human rights and the extent of it still comes up from time to time, especially on its compatibility with political Islam. For examples on the debate see Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies* (New York: Oxford University Press, 2009); and Abdullah Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Massachusetts, Harvard University Press, 2008).

12 Damien Kingsbury, *The Politics of Indonesia* (New York: Oxford University Press, 2002).

human rights principles by accepting and ratifying more covenants on issues related to different elements of human rights. Especially under the Yudhoyono administration, Indonesia signed and ratified various elements of human rights codes.

Legal Instruments 2004-2014

In terms of legal instruments, Yudhoyono administration has stepped to sign and ratify a number of international conventions and protocol related to human rights. In the beginning of his presidential period for the first five years in 2004, the government signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Such action then was followed up with the enactment of Act 39/2004 on Migrant Workers.

Then, from 2006-2009, the Indonesian government continued with accession of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR) (2006); the signing of the Convention on the Rights of Persons with Disabilities (2007); and ratification of the United Nations Convention against Transnational Organized Crime; and two protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol against the Smuggling of Migrants (2009). Also, in 2006, Indonesia was elected to be a member of the newly established UN Human Rights Council.

Then, in the second term of Yudhoyono presidency, the Indonesian government signed the International Convention for the Protection of All Persons from Enforced Disappearance (2010) and ratified several protocols related to the protection children, which are the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2012). In 2011, the government also ratified the Convention on the Rights of Persons with Disabilities. Then, to show a stronger commitment to the protection of migrants workers, in 2012, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families was ratified.

At the regional level, the government has also played a proactive role to pursue for the adoption of human rights principle in ASEAN. Indonesia

was a key actor that raised the initiative that the ASEAN Charter – the first instrument that gives ASEAN status as a legal entity – should include the promotion and protection of human rights as a new principle to be observed by all ASEAN member states.¹³

Then, through series of tough negotiations, Indonesia pushed for the establishment of the regional human rights body for the first time in ASEAN – later named as ASEAN Intergovernmental Commission on Human Rights (AICHR). As it was realised that AICHR would be deliberately directed to work more on the promotion side rather than protection of human rights, the Indonesian government, through the significant role of foreign ministry, strongly proposed for a review to be conducted five years after the Term of Reference of AICHR adopted in 2010. Later on, Indonesia also played an active role to establish the ASEAN Human Rights Declaration, although the declaration is still far from carrying the same spirits ingrained in the Universal Declaration of Human Rights.

However, looking at the list of human rights conventions, it is quite obvious that the Yudhoyono government tended to adopt conventions that are not controversial, such as those related to children and women rights, migrant workers, and so on. This is not to say that those conventions are not important. But the administration seems to refrain from taking significant step as it failed to keep its promise, for example, to ratify the Rome Statute that rules about the existence of the International Criminal Court (ICC). The agenda to ratify this Rome Statute has actually been put in the National Action Plan on Human Rights (*Rencana Aksi Nasional Hak Asasi Manusia/RANHAM*) in two periods 2003-2009 and 2011-2014 that obviously fell within the administration of SBY. Even, in the RANHAM 2011-2014, it was planned that this Statute would be ratified in 2013, but until the end of Yudhoyono presidency such plan has not be materialised. Despite of many recommendations made individually by a lot of human rights organisations and generated through the internal discussions organised by the Presidential Advisory Council to immediately ratify this Statute, Yudhoyono was not decisive enough to take the decision. It is most likely due to the consideration that the ICC, once is adopted, can be used to bring any individual, including government leaders to trial, which is interpreted as threatening sovereignty and non-interference principle.

13 Alexandra Retno Wulan and Bantarto Bandoro (Eds). *ASEAN's Quest for A Full-fledged Community* (Jakarta: CSIS, 2007), pp. 45-47.

Case Studies: Migrant worker case, Rohingya, and the Iranian sanction

In light of the general ease in adopting human rights regime within the Indonesian context as a whole, it is still no surprise that policies are often found contradictory to the normative ideas. It is common to find double-standards in applying human rights standards when national interest is involved by any country.¹⁴

It may be somewhat logical for states to fall short of human rights standards it claims to adhere to when national interest takes precedence to the normative values. However, in Indonesia's case the double standard ironically often comes at the expense of its national interests as well.

Indonesia's posture in some of its relatively recent foreign actions, appear to be a step away from the main human rights platform and framework, at its own expense.¹⁵ This contradiction often happens when facing issues that has religious elements tagged along. It may in part be explained the increasing importance of public opinion in influencing overall government policy since the democratic processes took deeper roots.¹⁶

These incongruity between its platform and stated image and actions has shown a rather unreliable Indonesian position at the global stage. Indonesia's foreign policy as been narrated along religious lines and jargon, particularly limited to Islamic solidarity rather than universal human rights.¹⁷ In the end, Indonesia gained neither credential.

The following are the elaboration of the cases mentioned above.

Migrant workers case

The first issue that reflects the lack of human rights aspect in Indonesia's foreign policy is the way our diplomacy pursues for a better protection on the Indonesian migrant workers abroad. Based on the data released by Migrant Care, there are at least 398.270 cases of abuses/human rights violations¹⁸ against the Indonesian migrant workers in 2013, especially

14 See Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton University Press, 2005); and Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley, University of California Press, 2008).

15 An example is Indonesia's bargaining position vis-a-vis Saudi Arabia regarding its migrant workers treatment and often unjust executions.

16 To be explained in the next section on the case of Indonesia's position on the sanctions on Iran, Rohingya case and such as in relations with Saudi Arabia.

17 Haris Azhar and Chrisbiantoro (Eds.), *Indonesian Foreign Policy on Human Rights* (Jakarta: Kontras, 2014).

18 Cases consist of death, punished with death-penalty, overstayers, double-work, physical, sexual and psychological abuses, loss contact/communication, unpaid, sick, and layoffs.

experienced by female workers working in Malaysia and Saudi Arabia. Within the same year, about 1.249 Indonesian workers died abroad. These numbers have not included thousands of cases in which domestic workers did not receive salaries from their landlords.

While Yudhoyono, near to the completion of his ten-years leadership, claimed that the government has managed to save 176 Indonesian citizens, which includes migrant workers, from the death penalty abroad, there are more numbers that are still waiting for such amnesty.¹⁹ The different legal system with the host countries makes the government powerless to negotiate, and instead pleading for little mercy from those host governments to release or at least reduce the death penalty into being prisoned.

This is particularly where Yudhoyono's government had failed to lobby hard on a stronger framework to save its citizens. The government had simply let itself play in the context of the literalistic and particularistic interpretation of Syariah by Saudi Arabia. In the attempt to save some of its workers on deathrow in Saudi Arabia the government had paid "blood money" (*diyat*)²⁰ ranging from hundreds of thousands up to more than a million USD.²¹

It is problematic on many levels. It is very impractical as with the very expensive rate, the government can only save a few workers whereas there are hundreds on deathrow.²² On the other hand many of the death sentences are not based on clear evidence and proper judicial processes. At this rate, the number on death row continues to stack while the government failed to address root of the problems. It is often the unfair and harsh treatment of workers and one sided judiciary.

The government so far had failed to lobby on the basis of human rights pushing for the two countries to find common ground in the larger global humanitarian context to save its citizens.

Series of bilateral negotiations to improve the imbalance treatment

19 Yudhoyono himself admitted that there are 246 Indonesians that are still under death penalty threat. See "SBY: Kita Bebaskan 176 WNI dari Human Mati, Itu Bukan Angka yang Kecil," *Kompas Online*, 30 March 2014, <http://nasional.kompas.com/read/2014/03/30/1507375/SBY.Kita.Bebaskan.176.WNI.dari.Hukuman.Mati.Itu.Bukan.Angka.yang.Kecil>

20 Under Islamic sharia law followed in Saudi Arabia, the family of a victim can settle for "blood money" instead of an execution.

21 Ludovica Iaccino, "Saudi Arabia: Blood Money Saves Indonesian Maid from Beheading," *International Business Times*, 4 April 2014, <http://www.ibtimes.co.uk/saudi-arabia-blood-money-saves-indonesian-maid-beheading-1443350>

22 "Int's law expert suggests Indonesian government no pay diyat for Satinah," *Antaraneews.com*, 31 March 2014, <http://www.antaraneews.com/en/news/93441/intl-law-expert-suggests-indonesian-government-not-pay-diyat-for-satinah>

against Indonesian migrant workers, particularly domestic workers, are still far from bringing significant result. While it was encouraging to see that President Yudhoyono placed this migrant worker issue as one of his first commitments, as shown by making the first state visit to Malaysia in the beginning of his administration in 2004 to plead for amnesty for Indonesian illegal workers, it only resulted with a slight extension of amnesty period from 31 December 2004 until 31 January 2005.²³ Furthermore, most of the MoUs agreed by Indonesia and the host countries have never recognised the rights of migrant workers. For example, the MoU between the Indonesian Ministry of manpower and transmigration and the International Social Security Program (ISSP) based in Saudi Arabia signed in 2012 was not based on the human rights protection in accordance to the Migrant Workers Convention. In addition to this, it is also inept to see the Indonesian government willing to be equaled with private institution that is profit-oriented.

However, rather than simply blaming the diplomats, the root problem lies within the domestic arena. Migrant workers, instead of being treated as human, are rather seen as economic commodity that generates revenues for the country. The signing of the MoU between the Indonesian government and government of Saudi Arabia on the allocation and protection of Indonesian domestic workers in February 2014 has gained a lot of criticisms as it is still giving much power to private sectors as the operators in this issue, making this issue more as human trafficking rather than allocation of workers.

The situation worsens due to the problem on the mindset level in which some elites, including diplomats, have certain perception that those workers, mainly working in informal sector such as domestic helpers, are actually burdensome and damaging the country's reputation.²⁴ While it cannot be denied that there are some workers who conducted criminal acts as well as other misbehaviours, it is indeed unwise to carry such negative perception to be applied in general to all migrant workers. Thirdly, migrant worker issue has been easily politicised by politicians to gain the majority support. While certain commitment and intervention to help some unfortunate migrant workers facing severe punishment abroad were expressed during

23 Suhartono, "Indonesian Migrant Workers and Its Implications on the Bilateral Relations between Indonesia-Malaysia in the Post Implementation of Malaysian Act of Immigration 1154/2002," in Poltak Partogi Nainggolan (Ed.), *TKI and Indonesia-Malaysia Relations* (Jakarta: P3DI, 2005), p. 179.

24 For more details see, among others Elvan Dany Sutrisno, "Banyak Dubes RI Anggap TKW Informal Rusak Citra Indonesia," *Detik.com*, 4 November 2011, <http://news.detik.com/read/2011/11/04/103816/1759968/10/banyak-dubes-ri-anggap-tkw-informal-rusak-citra-indonesia>

or even before the election campaign period by some political figures, a comprehensive and permanent measures, rather than a case-by-case and ad hoc, are definitely needed since the sending of migrant workers would remain an issue that the government should pay attention to.²⁵

Rohingya case

The second issue of Indonesia's foreign policy which is carried under the pretext of human rights is the commitment to help the Rohingya minority groups that are heavily persecuted in their home country. Thanks to the strong pressure from the people at the domestic level, the government under President Yudhoyono has been very responsive to help hundreds of Rohingya while seeking for refuge and landed in different parts in Indonesia.²⁶ As soon as the riots that caused the displacement of Rohingya from their land, Indonesia proposed for a regional approach to address this issue through the Bali Process mechanism in April 2009, which unfortunately failed due to the rejection of the junta to recognise Rohingya (or addressed as 'Bengali') as an ethnicity that legally admitted in the country.²⁷ The Vice President Jusuf Kalla – which now has also been elected for the second time as the Vice President of Joko Widodo – with his capacity as the Chairman of the Indonesian Red Cross at that time visited the country to monitor the situation while channeling the humanitarian assistance for the victims.

Indonesia's effort to help the Rohingya is indeed heartening and should be supported as part of the country's commitment to promote and protect human rights. However, the discourse being used in this matter seems to please the domestic constituent, based primarily on particularistic Muslim solidarity, rather than genuinely universal value of human rights. In relation to his visit to Myanmar in April 2013, in one occasion Yudhoyono argued that if this problem is not handled well, it will bring negative impacts to

25 Protection of migrant worker is the first of nine agenda priorities during Jokowi-Kalla presidential campaign programs. Long before the election period, Prabowo Subianto, who sought to become presidential candidate from Gerindra Party decided to help Wilfrida Soik, a domestic worker from Belu, East Nusa Tenggara, who was facing death penalty in Malaysia due to the killing case against her female employer. For more details see, among others "Prabowo Akan Dampingi TKI Wilfrida di PN Malaysia", *inilah.com*, 16 September 2013, <http://nasional.inilah.com/read/detail/2029855/prabowo-akan-dampingi-ki-wilfrida-di-pn-malaysia#VFMTTPmUcPs>

26 Rohingya refugees have been found or even surrendered themselves to the local authorities in order to get shelter and food. They have been scattered, among others, in Aceh, Medan, Tanjung Pinang, Batam (Kepulauan Riau), and some were found or caught in Kupang (East Nusa Tenggara), Serang (Banten), Banyuwangi (East Java).

27 Tom Allard, "Rohingya not our problem, Burma tells Bali meeting", *Sydney Morning Herald*, 16 April 2009, <http://www.smh.com.au/world/rohingya-not-our-problem-burma-tells-bali-meeting-20090416-a7md.html>

Myanmar, and even to Indonesia that is having Muslim majority.²⁸ Then, Foreign Minister Marty Natalegawa took up the initiative to bring up this Rohingya case to the OIC Summit in August 2012 with the intention is to raise concern from fellow Muslim countries.²⁹

Bringing this case to the OIC under the narrative of protecting fellow Muslims was rather a misstep. In spite of fighting a hard diplomacy based on the flagrant violation of human rights against the Rohingya in the context of ASEAN or even broader UN forum, Indonesia instead pushed the matter to the OIC.³⁰ This has become a pretext for radical Islamic groups in Indonesia, that shortly after of the diplomatic move attacked Buddhists in the country, targeting Buddhists as a religious group is largely unheard of prior³¹ and continued on to potentially larger scales.³²

From here we can see that religious affinity, is more crucial factor than human rights per se. While it is advantageous in this Rohingya case, however, in the case of Myanmar, Indonesia should also speak for human rights violations against the other ethnic minorities, such as Karen, Kachin, and so on. The sentiment should be to defend for religious freedom, that is an essential human rights, rather than portraying the issue as the attacks solely against the Muslim people. It would be fatal should this issue is turned into into a larger religious conflict between the Muslim and non-Muslim.

Under the administration of Yudhoyono, Indonesia has not yet been succesful to drive ASEAN to address this Rohingya issue as a regional problem. After the failure to bring up this case in the Bali process in 2009, the Rohingya problem was also absent to be addressed in official discussions among the leaders in the 24th ASEAN Summit in May 2014 in Nay Pyi Taw, Myanmar. According to the ASEAN Secretary-General, Le Luong Minh, the issue “has not been brought up and will not be brought up” while seeing this not as a priority issue in the summit.³³

Beyond domestic effects, Indonesia also lost its diplomatic credibility

28 Aditya Surya, “Indonesia desak diakhirinya kekerasan terhadap kaum Muslim Rohingya,” *Khabar Southeast Asia*, 1 May 2013, <http://khabarsoutheastasia.com/id/articles/apwi/articles/features/2013/05/01/feature-03>

29 “Masalah Rohingya Akan Dibahas di OKI,” *Tempo.co*, 2 August 2012, <http://www.tempo.co/read/news/2012/08/02/118420917/Masalah-Rohingya-Akan-Dibahas-di-OKI>

30 “RI ready to fight for Rohingya,” *The Jakarta Post*, 31 July 2012, <http://www.thejakartapost.com/news/2012/07/31/ri-ready-fight-rohingya.html>

31 “FPI Attacks Buddhist Temples Durign Rohingya Protest,” *The Jakarta Globe*, 10 August 2012, <http://thejakartaglobe.beritasatu.com/archive/fpi-attacks-buddhist-temples-during-rohingya-protest/>

32 “Buddhist vihara in Jakarta bombed, 3 injured,” *The Jakarta Post*, 5 August 2013, <http://www.thejakartapost.com/news/2013/08/05/buddhist-vihara-jakarta-bombed-3-injured.html>

33 Shibani Mahtani, “Myanmar Keeps Rohingya Muslims From Upstaging Summit,” *Wall Street Journal*, 11 May 2014, <http://online.wsj.com/articles/SB10001424052702303851804579555420352442450>

when it flip-flopped very hard in regards to its position on the UN sanction towards Iran in the following

*Sanctions against Iran and Indonesia's ambiguous position*³⁴

At the societal level, a mixed stream of attitude and sentiment flows towards the West. At the undercurrent it is colored by indifference and ignorance of international relations and issues in general. In ordinary everyday situations, culturally, Indonesians similar to most other Asians, tend to view positively and even admire Western society and nations. Yet, various incidents have shown to trigger another current altogether incongruent with the undercurrent of ignorance and generally positive but finite affinity. Two national surveys done by CSIS in 2013 captured these indications. One international perception question asked respondents which country they consider most unfriendly (listed were countries considered to have contemporary or historical influence and power on the ASEAN region: e.g. USA, China, Japan, Australia, India, Russia, etc).

More than half the respondents indicated ignorance or indifference by answering "do not know". Interestingly, two countries that stood out and were significantly considered unfriendly were the United States (consistent at 16% in both surveys) and Australia (9.9% in the first survey before the wiretapping incident, and 14.8% after the incident). As a contrast, Japan whose colonial history is supposedly still fresh in collective memory, was considered unfriendly by only an insignificant two percent of respondents, and China, a power that is looming on the horizon stands at only four percent.

Public opinion rippled by incidents framed in the 'contending civilizations' perspective may trump over formal and informal positive relations between two states. It may steer an unexpected course of response at the formal institutional levels. One case in point is the Iranian conundrum. The Indonesian government maintains closer relations to the West than Iran. And nationally, Indonesia's Sunni Muslim majority has had episodes of tensions and discrimination against Shia Muslims. Yet, at the international level, the Indonesian public overwhelmingly supports the Shiite Iranian regime. A Pew Global report had over sixty percent Indonesians viewing Iran favorably.

This explains the mixed responses Indonesia had on sanctions against Iran. It voted in favor of the 2007 sanction (UNSCR 1747), yet in April

³⁴ This section is an excerpt of a paper written by the co-author, Tobias Basuki, "Religion and international relations: the Indonesia example," *Review 2014* (2014), <http://www.review2014.de/en/external-view/show/article/europa-sollte-einen-interkulturellen-dialog-fuehren/pages/1.html>

the same year, President Yudhoyono called Iran's nuclear program peaceful and UN resolutions against it illegal. There was much public outrage including condemnation against the President in the House of Representatives plenary session for supporting the UN resolution. The following year in 2008, Indonesia abstained from UNSCR 1803 but then approved UNSCR 1835 in the same year.

Public opinion can mobilize along 'civilizational lines' influencing foreign policy of a country. The work of Scott Thomas on international relations theory and religion articulated this gap and nuance in contemporary international relations. He stated:

"The Westphalian presumption is based on the invention of religion as part of the rise of Western modernity. The problem is that many, if not most, non-Western societies and communities have still not entirely made, or are struggling not to make, this transition. Communities, and in the developing world this means religious communities, and even states, are being forced more than ever before to define, defend, or redefine their boundaries between the sacred and profane in the face of globalization." (Pavlos Hatzopoulos and Fabio Petito, eds. *Religion in International Relations: The Return from Exile*. New York: Palgrave Macmillan, 2003).

For Indonesians, the most important factor in defining personal identity is religion (41.3%); national identity comes a far second (24.6%). And nearly two out of three respondents see a necessity to prioritize the interests of fellow Muslims, even those who are not fellow Indonesians, according to a national survey conducted by PPIM of the Islamic State University (UIN) in 2007. This perception should not be seen as an alarming indicator of a potential trajectory towards a 'clash of civilizations'. Nor should it be simply dismissed as fleeting sentiments of a traditional society. It should however be understood as an example of the psyche of a non-Western society still struggling to make sense of itself beyond its borders in a rapidly changing and globalized socio-political environment in which religion serves as a framework and anchor in making sense of the global world.

Ten Years under Yudhoyono

As the three short case studies showed, in spite of Yudhoyono's ambitions to project its image as a global player, unfortunately he had failed to set its own tone to elevate its foreign policy perspective beyond parochial perspectives to its own advantage.

Yudhoyono's indecisiveness and please all attitude had made the government particularly more susceptible to the whims of public opinion that may not even be an overwhelming general public opinion with reactions to issues without carefully constructed narratives that benefits Indonesia.

Indonesian society in general is not in tune with international relations and issues.³⁵ The main framework that society has in terms of defining Indonesia's role and position in the world often solely comes from religious groups with potentially radical tendencies that frame international issues from primordial lenses to foment domestic anger.³⁶ Only a few of international issues generate public interest that draws heavy public opinion. Unfortunately it is often the more conservative and to some extent radical groups that generate the discourse on those issues.

It is within this context that the government often feels compelled to act within a framework narrated in particular religious lines that at times may not be in its best interest. Yudhoyono had time and again simply played into the hands of this whims rather than steering Indonesia's foreign direction clearly.

Based on the three cases above, the incongruent actions by Yudhoyono cost Indonesia on various grounds. Indonesia lost its international stature and credibility in the diplomatic stage by swaying left and right in the Iranian sanction case. It lost material and also international respect in its failures to protect its migrant workers vis-a-vis Saudi Arabia. And lastly it had an unintended domestic disturbance and potential conflict due to its narrative in the Rohingya case. Yudhoyono's actions at times stem from a reactive response based on a perceived public opinion that is driven by an outrage and demands by smaller conservative niche of society.

One anecdotal example would be during the global uproar surrounding by a youtube video "the Innocence of Muslims". As there was legitimate

35 In the previously cited CSIS survey, almost half of the respondents answered, "do not know," when asked for opinion of other countries, including neighboring countries.

36 The opinion makers on much of Indonesia's foreign policy is often dominated by groups like Hizbut Tahrir. See, for example, "HTI: Tolak Kantor Hamas, Pemerintah Ikut Kebijakan Barat," *Islam Pos*, 4 December 2014, <http://www.islampos.com/hti-tolak-kantor-hamas-pemerintah-ikut-kebijakan-barat-150129/>

anger particularly across the Muslim world in response to the visceral video, there was outrage in Indonesia as well that was relatively much more contained than that was happening in the Middle East. Government as well as civil society condemnation of the video was swift, clear, and expected. Yet, Yudhoyono took it one step further that caused some eyebrows and questions raised.

In the following month at a United Nations function Yudhoyono in his speech made a reference the incident and exhorted the international community to adopt an international anti-blasphemy law as a measure to prevent conflict.³⁷ It was a surprise statement that did not seem well prepared as Yudhoyono did not refer to a previously existing but highly controversial resolution on religious defamation that was no longer continued by 2011.³⁸

The fact that Yudhoyono did not address it was perhaps a small technical issue overlooked on his part, but it indicates that the suggestion of an international blasphemy law was not something well thought and prepared before. It further betrays a rather weak articulation Yudhoyono's framework of Indonesia's posture in regards to wider global issues of religion and state.

Indonesia's amended Constitution constitutes a more comprehensive concept of religious freedom which includes freedom of conscience of individuals. The constitution also contains points on freedom of expression. This idea alone frames Indonesia's conception of rights that runs counter to an idea of blasphemy law instituted internationally.

Nevertheless it appears the perceived public sentiment that is often represented by a smaller number than it is has often determined Yudhoyono's perception of what the public wants.

This type of catering to public whims that are often not truly representative of a large of majority of Indonesians may experience some changes in the next administration.

Overall in this context of international human rights regime and Indonesia's more general global position, Yudhoyono in the ten years had done more calligraphy rather than actual international diplomacy. Yudhoyono's international leadership had plenty of picturesque actions

37 Bagus BT Saragih, "Yudhoyono touts blasphemy ban at UN," *The Jakarta Post*, 26 September 2012, <http://www.thejakartapost.com/news/2012/09/26/yudhoyono-touts-blasphemy-ban-un.html>

38 See, among others, "Defamation of Religions," Reports and Briefs by the United States Commission on International Religious Freedom (2009-2010), <http://www.uscirf.gov/issues/defamation-of-religions>; "Prosecuting Beliefs: Indonesia's Blasphemy Laws," Report of the Amnesty International (2014), <http://www.amnestyusa.org/research/reports/prosecuting-beliefs-indonesia-s-blasphemy-laws>

and statements without much legacy to show, neither at the global stage nor at the regional theatre.

Conclusion

Based on the earlier elaborations, it can be concluded that while there is indeed one step forward, there are two steps backward in terms of how human rights has become the significant feature to influence Indonesia's foreign policy during the ten years of Yudhoyono administration. This is unfortunate since human rights promotion has been lauded as part of Indonesia's soft power diplomacy in maintaining relations with other countries, as well as to achieve a greater status as a middle power.

While the moves to sign and ratify various human rights conventions as well as to push for the establishment of regional human rights instruments should be appreciated, however, there is still an obvious gap on how the serious commitment toward universal human rights principle is reflected through decisions taken by the Yudhoyono administration. The foreign policies to defend the Palestinians right to become an independent state as well as to help the unfortunate Rohingya are definitely plausible, but it is also obvious at the same time that religious affinity is playing more as a key factor to consider. In fact, such religious affinity proves then to be achilles heel when the Indonesian government needs to be tougher to defend the rights of Indonesian migrant workers in Saudi Arabia or other Arab countries.

Finally, there are several recommendations that can be proposed. Taking the fact that Indonesia has a unique position as a country with the world's largest Muslim majority but a fully functioning democracy, the country is obviously at the forefront as a testing ground to bridge particular religious ideas with broader universal ideas. Therefore, first of all, it is crucial for the government to position itself in any international incident as a global player and put particularistic affiliations secondary. In international issues, be it the Palestinian independence, Rohingya persecution and other cases, Indonesia has to position itself primarily within the larger multilateral frameworks of UN rather than the OIC. The narrative and statements the government exclaims also has to be based on human rights discourses rather than primordial attachments limited to religious solidarity. Regarding the migrant workers problem with Saudi Arabia, for example, the Indonesian government can start to assertively set

the tone of the debate on equal standing based on humanitarian grounds. Saving its migrant workers so far had been akin to paying ransom based on anachronistic rules.

Nevertheless, in spite of the need to raise strong criticisms and put pressures to the governments from the receiving countries, it is much more important to improve our domestic instruments and mechanisms. Institutionally, the Directorate for protection of Indonesian citizens and organizations (*Direktorat Perlindungan WNI dan Badan Hukum Indonesia*) has just been established in 2002. Also, still very few Indonesian embassies that have been equipped to handle issues related to the protection of migrant workers' rights as part of Indonesian citizens abroad. Furthermore, it is also important to clarify differences between the Ministry of manpower with the Ministry of Foreign Affairs over the roles, functions, and authorities of the manpower attache as the key element in the diplomatic efforts to protect the Indonesian migrant workers.

Moreover, it is necessary to improve domestic mechanisms and institutions in order to increase the quality of Indonesian workers, at the same time it is also important for Indonesian diplomats to utilise the country's membership in many prestigious regional and multilateral institutions, i.e. ASEAN, G-20, OIC to fulfill the national interest related to this migrant worker issue.

Finally, as for other cases of gross human rights violations, such as of what happened with the Rohingya people, since Indonesia is a natural leader of ASEAN that seeking to gain leadership again in ASEAN as well as the champion of human rights in the region, Indonesia should have been able to play more role to stop the massive atrocities taking place. Again, rather than being selective based on certain affinities, such as religion, such role should be based on the strong commitment to defend universal human rights value as well as to maintain regional stability. It is no longer the time to remain silence when watching such inhumane actions are still taking place in this current civilisation.