

BACKGROUND PAPER

Civil-Military Relations in Indonesia

*Lessons for Pakistan on
Parliamentary Oversight of the Defence Sector*

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Abbreviations & Acronyms

| | |
|---------------|--|
| AHQ | Air Headquarters |
| BIN | Indonesian Intelligence Services |
| DG ISI | Director General Inter-Services Intelligence |
| DPR | Indonesian Peoples' Representatives Council |
| GHQ | General Headquarters |
| NGOs | Non-Government Organisations |
| NHQ | Naval Headquarters |
| PKI | Indonesian Communist Party |
| POLRI | Indonesian Police |
| TNI | Indonesian Armed Forces (Tentara Nasion Indonesia) |

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Lessons for Pakistan on Parliamentary Oversight of the Defence Sector

PREFACE

Democratic and Parliamentary control and oversight of the defence sector is an internationally accepted principle. This control is especially considered crucial in countries which have had military rule and are in the process of transition towards democratic consolidation.

Much like Pakistan, Indonesia has had a long stint with the military rule. Recently a Pakistani delegation comprising members of Parliament of Pakistan and Dialogue Group on Civil-Military Relations visited Indonesia on a Study Visit of Indonesian Civil-Military Relations.

This paper **Civil-Military Relations in Indonesia: Lessons for Pakistan on Parliamentary Oversight of the Defence Sector** is authored by **Mr. Javed Jabbar**, renowned intellectual and former Senator and Federal Minister, who was part of the study visit, to answer questions about how similar or dis-similar are the civil-military relations in Indonesia and Pakistan and what, if any, lessons can be drawn from the Indonesian case for a system of Parliamentary oversight of the defence sector in Pakistan.

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PROFILE OF THE AUTHOR

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Mr. Javed Jabbar is Chairman & Chief Executive, JJ Media (pvt.) Ltd., Karachi. His diverse interests include: public policy analysis, voluntary development service, environment, mass communication, writing and film-making. As part of his voluntary work, in 2009, he was re-elected (2009-2012) as one of the 4 global Vice Presidents of the International Union for the Conservation of Nature (IUCN), the world's largest environment organization. He has founded, co-founded, and leads several development organisations including think tanks and research centres. He has served in 3 Federal Cabinets of Pakistan and in the Senate. His Ministerial portfolios have included Information & Media Development, Petroleum and Natural Resources and Science & Technology & National Affairs.

Introduction

As the 2 largest Muslim nations in the world, Indonesia (230 million people) and Pakistan (170 million people) though separated by thousands of kilometres, have strong bonds of a shared faith and friendship. There are historic expressions of this relationship. During World War II (1939-45), Muslim soldiers of the British Army fighting the Japanese in South East Asia, belonging to those parts of South Asia which eventually became parts of Pakistan in 1947 as well as Muslim soldiers from other parts, deserted in order to serve as volunteers with Indonesians in their armed struggle against the colonial Dutch and the Japanese to gain their Independence on August 17, 1945. Later, the same Muslim soldiers continued to support the Indonesian forces to deter hostile British moves against the newly emerged State. Over 600 such soldiers participated in the struggle and after August 1945, over 20 of these brave men were presented with awards for gallantry by the Indonesian government. Many soldiers and other persons from the Pakistani parts of South Asia settled permanently in Indonesia and continue to live and work there today.

On July 26th, 1947, even before Pakistan formally became independent about three weeks later on August 14th 1947, Quaid-e-Azam Muhammad Ali Jinnah in his capacity as Governor General-designate of Pakistan issued a strong statement condemning the then Dutch Government for its intentions to attack Indonesia instead of using peaceful non-violent means to resolve issues. He said: "...the action of the Dutch Government in declaring war against Indonesia, ignoring the arbitration clause and their resort to attack with Armed Forces, I am sure, will not be tolerated by the civilized nations of the world. Muslim of India and Pakistan will consider this as an unfriendly act on the part of the Government of Holland which is calculated to crush the freedom of the new democratic Muslim nation of Indonesia....our deep sympathies go to the people of Indonesia...we..Will support them in every way that is possible for us..."

When Pakistan faced Indian aggression in the September 1965 war, so sincere was the desire of the Indonesian people to help that it is reported that President Sukarno personally went to the sea-port and airport to supervise the emergency despatch of equipment and supplies to Pakistan.

In subsequent years, despite major internal political changes in both countries, the ties of friendship, trade and co-operation have continued and grown. In 2009 at a meeting held at a leading University in Jakarta to commemorate the struggle of the people of Kashmir against Indian occupation, over 300 young women and men voiced their strong support and demonstrated the goodwill that binds 2 distant Muslim nations. At the same time, for a variety of reasons, the level of information about Pakistan's multi-faceted character - beyond the media-reported excesses of extremism and violence - in the average Indonesian remains appreciably lower than, say, the same average Indonesian's awareness of India and India's Bollywood cinema. And vice versa in Pakistan too, Indonesia remains a distant friend only fondly but vaguely known.

The history of both countries is also marked by a strong military presence in the political sphere which has produced some similarities.

There are also deep and distinct divergences between these 2 Muslim countries. These differences span a wide spectrum of features. From geography to geo-politics, from determinant factors of national ideologies to political structures and systems, from the previous role of the military in politics to the present formal role of the Armed Forces in the Security sector, from the activism of academia and civil society to the manner in which Parliament is able to conduct the reform process, there are significant variations in both substance and tone.

Some of the dis-similarities may ostensibly convey the first-impression that each country, being unique in its own way, there is little to emulate or replicate by one country from the other. This is only partly true.

On close examination of the record, for a country that has had a far longer, un-interrupted dominance of the military in the political sphere as is the case with Indonesia (1966-1997) as compared to Pakistan, there is far greater intellectual activity and discourse being conducted in Indonesia on the actual, detailed options for reform of the civil-military relationship than is the case in Pakistan.

In the latter case, except for a small group of peace activists that has periodically, courageously published papers and books against the un-usability of nuclear weapons and some other studies in monograph form such as those produced by PILDAT and occasional book-length analysis by a few writers, most of the calls for reform are confined to the brevity and transience of newspaper columns and TV talk shows.

In Indonesia, parts of academia, several retired military officers, sections of the media and civil society are producing several monographs and studies focussed on precise, practical ways in which the civil, political sphere can re-order its relationship with the Security sector and the Defence sector. In Pakistan, the intellectual output in the form of study papers, specific plans-of-action and recommendations are less in number.

The stress is on the fact that the Security sector in Indonesia has a larger conceptual framework than the Defence sector alone. In Pakistan, on the official discourse level, the Defence sector is, de facto, the Security sector. Other crucial determinant factors of security such as the environment, economic equity, social justice, natural resources and governance have begun to be acknowledged but have not yet become parts of a composite framework for the shaping and execution of public policy in a holistic way. For that matter, neither in the case of Indonesia has a holistic approach been fully adopted. But there is noticeably more systemic thinking being done about aspects of the Security sector reform than is the case in Pakistan.

Historical Highlights

Civil-military relations in Indonesia can, arbitrarily, for the purposes of this brief paper, be divided into the following 4 phases:

1. 1945 – 1966: in this 21-year period, the military conducted national defence duties to deter post-Independence threats from the Dutch, the British and the fall-out from the emergence of Malaysia as a newly independent state as well as against internal security threats. Even as the Armed Forces evolved and matured, and occasionally also threatened political supremacy, President Sukarno was able to maintain over-all control and discipline.
2. 1966-1997: sparked by an aborted attempt by some officers of the Armed Forces sympathetic to the Indonesian Communist Party (PKI), General Suharto rallied right-wing fellow officers and troops to conduct a massive retaliatory campaign in which hundreds of thousands of Indonesians rightly or wrongly accused of being Communists were killed; President Sukarno became a virtual prisoner held hostage until his formal removal from office in March 1967 and his demise on June 21, 1970. Both the internal and external dynamics of Indonesia were transformed into what was called the New Order. This 30-year period was marked by complete military domination of national affairs, with the civil sphere becoming entirely subservient and the political system also being tailored to suit military interests. Corruption and nepotism reached their peaks until the regional economic crisis emboldened the people to revolt and to call for total change. In turn, this led to the exit of President Suharto, the inception of a new democratic era and a fundamental reform process in which the civil and political sectors began to re-assert ascendancy.
3. 1998-2002: In this relatively brief period, new Constitutional, legal and political initiatives strengthened the civil and political sectors, introducing basic changes to the role of the military in national

affairs.

4. 2002/2004 to-date: the re-election in 2009 of former General Yudhoyono as President of Indonesia, while symbolizing stability and continuity also indicates how the persona and ethos of the Armed Forces remain powerful factors during the sustained effort to establish the supremacy of the civil and political principle.

Let us now note the commonalities between Indonesia and Pakistan. There are at least 14 such commonalities.

14 Commonalities

1. Predominantly Muslim.
2. Large populations (both countries are amongst the 7 most populous countries out of more than 200 countries in the world).
3. Secured independence from colonial occupation (one from the Dutch in 1945, and one from the British in 1947).
4. Strong external threat perceptions at formative stages and in later phases as well. In one case, external threats perceived to be from the Dutch, the Japanese, the British and Malaysia and in the other, from India, USSR, Afghanistan.
5. Serious internal security threats.
6. One geographical part and one population part predominant over all the other parts. In one case, Java, and in the other case, Punjab.
7. A strong military sector from Independence onwards, with a major presence in the political sphere.
8. Member-states, Non-aligned Movement.
9. Member-states, Organization of the Islamic Conference.

10. Emerging civil society.
11. An open, vibrant media sector, onwards of 1998-1999.
12. Elected democratic political systems. Pakistan and Indonesia both have legislative structures in which the Pakistan National Assembly and the Indonesian Peoples' Representatives Council (DPR) are directly elected and represent weightage that favours population. While the Pakistan Senate which is indirectly elected represents the equality of the 4 Federating Provinces. Indonesia also has a Regional Representatives' Council comprising representatives of 26 provinces, thus making both countries possess bicameral systems.
13. The tendency in the military, the bureaucracy, many parts of political society to presume that NGOs or individuals in civil society or some parts of the media and academia who tend to be critical of the military's role in politics, or in military business, or in other non-military spheres, are expressing these views due to one, or all of the following reasons:
 - a) Such elements are helping to implement, or project the agenda of overseas elements or nations hostile to Indonesia or Pakistan as the case may be.
 - b) That there is covert or secret or even open funding by foreign elements or overseas countries of such persons or organisations.
 - c) That such elements critical of the "establishment" or the conventional views about the "national interest" are themselves merely seeking attention and publicity through the media.
 - d) That criticism of the military role is rooted in ignorance about the military's actual value and services, or it reflects a simple bias against the military.
14. The reform process to strengthen the civil, political

sphere continues to face resistance from the established institutions of power.

There are also sharp and vivid contrasts between the 2 countries.

15 Contrasts

1. Indonesia is territorially 2 ½ times the size of Pakistan.
2. Indonesia possesses enormous ethnic, linguistic and religious diversity even while being predominantly Muslim. There are about 300 ethnic groups. Pakistan's diversity, though notably wide and rich in its own right e.g. (Radio Pakistan broadcasts in over 20 languages and dialects every day) is less diverse than Indonesia's pluralism.
3. Indonesia is virtually "a maritime continent" stretching over 3000 kilometres east-west-east as stated by former President Habibbi in referring to the country's composition of over 17,000 islands. Pakistan is a single contiguous landmass with a few small off-shore islands.
4. Indonesia is a **secular** State founded on the principles of Panjasila (5 principles) originally enunciated by the founding President of Indonesia, Mr. Sukarno, in end-May 1945 about 10 weeks ahead of the country becoming independent on August 17, 1945. These 5 principles are:
 - Nationalism (the imperishable affinity between citizens and their homeland)
 - Internationalism
 - Democracy
 - Social justice
 - Belief in one God (elaborated as: respect for all religions)

Pakistan is a State that describes itself as: "the **Islamic** Republic of Pakistan." Even though the vast majority of the people of Pakistan, while remaining devout Muslims, are respectful and tolerant of other faiths and sects, the word "secularism" has been

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misrepresented historically on so massive and so intensive a scale that the people in general perceive “secular” to mean “Godlessness” or “atheism.”

Thus, even though the peoples of both countries are temperamentally secular in the sense of being respectful of all religions and in wishing that neither they themselves, nor their respective States forcibly impose the beliefs and practices of one religion through State mechanisms upon adherents of other religions, for various reasons, the people of one State (Indonesia) see themselves as being “secular” while the people in general of the other State (Pakistan) reject the term “secular” to officially describe their beliefs and attitudes.

5. Most estimates of literacy in Indonesia place it at over 90% to 95% whereas Pakistan's claim of above 50% literacy is treated with scepticism. The figure is likely to be only 35% to 40%.
6. There is a directly elected executive Presidential system of government in Indonesia. Pakistan has a Parliamentary system with an indirectly elected President. While the Presidency in Pakistan has acquired extreme executive powers in the past, there is a prospect of these powers being restored to the Prime Minister and the Presidency becoming a largely ceremonial office in 2010. Pakistan has never had a directly elected President. Indonesia has already, since 1998 had 4 directly-elected Presidents with the current one being a former General who was re-elected in August 2009.
7. An enthusiastic reform process was launched in Indonesia to change the Defence sector from its authoritarian qualities to becoming part of a genuinely democratic order. This reform process was set in motion in 1998 and continues sporadically through 2009. No similar formal reform process has been launched in Pakistan but there are several signs that both the civil and military sectors are willing to begin a new relationship after the resignation of President Pervez Musharraf in August 2008.
8. Parliamentary oversight of the Defence sector in Indonesia has a more detailed theoretical and written development than what has taken place in Pakistan.
9. Yet Pakistan has a robust history of pluralism and activism by a wide range of political parties, many of which support the need for ascendancy of civil, political discipline of the military.
10. Pakistan allows members of the Armed Forces to vote in general elections. Post-1998, Indonesia does not permit serving ranks of the Indonesian Armed Forces to cast votes whereas previously, pre-1998, nominees/serving officers of the Indonesian Armed Forces (TNI) were members of Parliament.
11. Terrorism and religious extremism are more volatile internal and external problems for Pakistan in 2009 than they are for Indonesia. Nevertheless onwards of 9/11, both face more intense internal security threats from these two sources.
12. In Indonesia, the Minister of Defence and the Chief of the Armed Forces are both members of the Cabinet. In Pakistan, neither the Chairman of the Joint Chiefs of Staff nor the Chief of Army Staff is a member of the Cabinet.
13. The Parliamentary Commissions in Indonesia play an active role in assessing, and finally determining the viability and purchase price of certain categories of Defence equipment e.g. a recent case involving 32 armoured vehicles originally priced at ₹ 700,000 each were eventually purchased for ₹ 450,000 each, as a result of investigation by a Parliamentary Commission of Inquiry.
14. The Indonesian Parliament has multiple forms and levels of Commissions (Committees) as compared to the singularity of Standing Committees and Joint Committees in Pakistan's Parliament.
15. Indonesia's Parliament reconstructed the Armed Forces in 2002 by removing the Police from the control

of the Supreme Commander of all 4 services i.e. the Army, the Navy, the Air force and the Police. The Head of the Police force of Indonesia now reports directly to the President of Indonesia.

6 Notable Features

1. The guiding principle that shaped the status and role of the Armed Forces of Indonesia in the 1945 – 1998 period was that of the Dual Function (or Dwi Fungsi). This concept mandated the Armed Forces (TNI: Tentara Nasion Indonesia) to be the primary custodians for **both** internal and external defence. The Police constituted the fourth pillar of the TNI and remained part of the Armed Forces up to 1998. In Pakistan, while the Constitution allows for the military “to act in aid of civil power,” the internal security role for the Armed Forces of Pakistan was not as explicitly stated and acted upon as was the case in Indonesia up to 1998. In 2002/2004, the Police in Indonesia was formally separated from the Armed Forces.
2. There are now 3 principal segments of the Defence sector in Indonesia: the TNI (Armed Forces), POLRI (the Police) and BIN (the Intelligence Services).
3. In Indonesia there is a need for more clarity through new legislation about the precise extent to which Parliamentary oversight can be used to help shape Defence policy and there is an absence of comprehensive, over-arching legislation about how to ensure Parliamentary oversight of the Intelligence sector.
4. The Indonesian Parliament enacted 2 important acts of legislation that directly changed the structure of the Defence sector. These were: the National Defence Act 2002, and the National Armed Forces Act, 2004. Through both these legislations, for the first time in Indonesia's history, Parliament has been given a direction-setting role for Defence policy, including some aspects of operational details as well as appointments and allocations of resources in the Armed Forces. These Acts also seek to end the
5. Whereas, by convention, members of the Indonesian Parliament were alleged to merely get elected, visit the Parliament building, sit-in during sessions, only listen to the official proceedings and use their position to make money for themselves, there is a new realization that membership of Parliament affords members an opportunity to transform the relationship between Parliament and the Defence sector if members apply themselves to the task by acquiring knowledge and understanding of policy issues and by concerted bipartisan action. Now, in contrast, members of the Indonesian Parliament are being urged to pursue and implement **5 Ds**: *de-monopolize, de-centralize, de-bureaucratize, de-militarize, and de-Suhartoize!*
6. So resilient is part of the abiding legacy of military authoritarianism in Indonesia that even 11 years after the end of General Suharto's era, a senior and eminent Indonesian analyst said to this writer in October 2009 that one of the most critical challenges that the Indonesian system faces is: “Suhartoism without

Suharto.”

17 Lessons for Pakistan - Scope for Parliamentary oversight of the Defence sector

1. Specific new legislation about Parliamentary oversight of the Defence sector has to be the **first** step towards ensuring effective, reasonable ways for civil, democratic and the political oversight. **Several** other steps need to be taken, both by the civil and political sector and by the military sector.
2. Scrutiny of the Defence budget: the specific areas of possible Parliamentary oversight include:
 - Preparation of the Defence budget, its approval, actual expenditures, audit and review.
 - Scrutiny of various aspects of procedures for recruitment, training, promotion of personnel as well as procurement of weapons and equipment by the 3 services.
3. In addition, other aspects would include:
 - Formulation of Defence policy in general, specific policies for special situations e.g. terrorism, subversion etc; human resource development; weapon systems development and acquisition; requirements of new legislation; the military justice system; military business; and the most un-explored sector to-date: Intelligence.
 - Some, or all of the above areas are those about which the military - most militaries! - is hyper-sensitive to guarding its professional privacy.
 - Attempts for Parliamentary oversight should not be seen by the military as undue, unnecessary intrusion of non-specialist civilians who may bring into military spheres elements that destabilise an efficient, functioning, long-established system.
 - The civil sector may simply not (yet) have the

professional capacity to do justice to the specialist aspects of the military. But then, often in the past, military officers have been posted to specialist civil organizations and to positions without any prior training or experience in the subjects/sectors of the civil sphere to which they are suddenly assigned.

It is a welcome sign that, in 2008, the present Chief of the Army Staff of Pakistan withdrew military officers from most civil positions.

4. One part of the required new legislation in Pakistan should aim to substantiate and to detail the potential role of the Ministry of Defence in overseeing more effectively the GHQ, AHQ, and NHQ of the 3 Services.
5. The civil, political sector needs to demonstrate high credible standards of integrity, transparency and accountability in public office, of the capacity for efficient governance in order to obtain tangible public support for Parliamentary oversight of the Defence sector and the Armed Forces.
6. The process of strengthening Parliamentary oversight of the Defence sector in Pakistan should be seen as a **gradual, incremental step-by-step process** rather than as a single, “giant” step process. For example, the sudden, aborted attempt to place the ISI under civil control in 2009 on an administrative, day-to-day basis even though the Head of ISI already directly reports to the Prime Minister, or the attempt to send the DG ISI to New Delhi after the Mumbai attacks in November 2008, etc. Such actions should only be taken with the prior support of the military sector to prevent the civil structure from becoming, or being perceived as becoming, weak and limited in its power.
7. Parliamentary oversight could play a pioneering role in introducing and improving coordination and information-sharing in the Intelligence sector between civil and military intelligence agencies.
8. Parliamentary oversight of the Defence sector in a

Federal State like Pakistan should empower **all** Provinces to have equal say in Parliamentary oversight rather than only on the basis of population. Therefore, ideally, Pakistan should have a directly-elected Senate representing the equality of all 4 units of the Federation.

9. There is a dire need to establish in Pakistan: independent, resource-stable research centres and think-tanks in the civil sector which specialize in studies of the Defence sector and the Armed Forces. Such centres will enhance knowledge and understanding in the civil and political sectors about specialist aspects of the Defence sector. Presently, such research institutes are entirely Government-controlled, Islamabad-based and Defence sector-biased rather than being able to offer a more independent, detached and critical perspective.
 10. For Parliamentary oversight to become effective in Pakistan, civil society needs to be far more pro-active than it presently is in researching, preparing written and practical proposals for reform of the civil-military relationship. There is a need for indigenous philanthropy to support such work.
 11. Parliamentary oversight should be seen as a means to basically improve, to deepen and to strengthen relations between the civil and the military sectors. Parliamentary oversight should **not** be seen as “you lose and I win” process by which the civil, political sectors seek to dominate or unduly control the military. In view of Pakistan's history, a fine line has to be walked with care. Between a firm assertion of the principle of political, democratic control of Defence policy and senior appointments on the one hand, and on the other, non-intrusion by the civil into purely professional internal matters of the military.
 12. Parliamentary oversight should project the oversight function of the Defence sector in the Intelligence-related dimensions at 2 levels:
 - a) The level at which the work of Intelligence agencies can be **fully** shared with Parliamentary bodies through the Committee system.
 - b) The level at which the **output** of Intelligence agencies can be shared only with those who hold Executive posts in government.
- In respect of “a” above, i.e., the level at which the work of Intelligence agencies can be fully shared with Parliamentary bodies through the Committee system: there may also arise the need for special measures: e.g. the holding of “in-camera” sessions, the non-disclosure to media of allocations for certain categories of intelligence, e.g. counter-intelligence vis-à-vis hostile overseas governments.
13. In Pakistan or in Indonesia when any attempts are made to transform the military's role into one that is subject to the discipline of the civil sector in a positive and practical way, it is relevant to note that even the civil, political sphere require their own transformation: from dynastic, feudal, corrupt, nepotistic features to ethical, merit-based, professional features because only then can the sought-after transformation of the military be pursued with credibility and a reasonable chance of support from the people and of success.
 14. Parliamentary oversight of the Defence sector in Pakistan must **not** be ideological or party-partisan. For example, General Zia-ul-Haq's imposed “Islamisation” of the Armed Forces had an enormous adverse fall-out not only for the Armed Forces themselves and externally in relations of the Armed Forces with the civil, political structures in Pakistan but also in relations with neighbouring countries. Thus, Parliamentary oversight of the Defence sector and the whole process of reform should be driven by the public interest and be bi-partisan, neutral and objective.
 15. Parliamentary oversight of the military business sector should seek to ensure equity in the distribution of benefits with a bias in favour of the lower ranks of the services.
 16. There is also a need for Intelligence agencies and independent think-tanks including relevant department

at universities to create new linkages and to end isolation and lack of contact between academia and the Intelligence agencies. In Indonesia, for example in 2002 and onwards, representatives of the National Intelligence Academy were able to learn more about human rights and other aspects of civil, political democracy through their inter-action with academia.

17. To enable Parliamentary oversight to be conducted, there is an urgent need to build the capacity of Parliamentarians in the different dimensions of the Defence sector and to sustain this capacity over successive elections and changes of membership of Parliamentarians as a result of winning and losing elections i.e. capacity building should be institutionalised and continuous, rather than be dependant upon the presence of particular individuals as members of Parliament for one or 2 terms.

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