How Indonesia Survived

Comparative Perspectives on State Disintegration and Democratic Integration

Edward Aspinall

In the mid-1990s, following the end of the Cold War, the long and near-sacrosanct international consensus against secession and the dismemberment of states seemed to be in tatters. Experiences in the former Soviet Union and Yugoslavia showed how rapidly multiethnic states could disintegrate and how readily secessionist regions could gain recognition as full members of the community of nation-states. To some observers in 1998–2000, the sequence of events in Indonesia looked similar, superficially at least, to what had happened in Yugoslavia and the Soviet Union, and there was much fearful speculation about whether Indonesia might also break up.¹

In the Soviet Union and Yugoslavia, long-standing nondemocratic regimes had suppressed oppositional political mobilization by ethnically or regionally defined groups. When those regimes began to unravel, slowly at first, after the death of Josip Tito in 1980 and Mikhail Gorbachev's reforms from 1985, fissiparous pressures mounted and, startling participants and observers alike with their speed, led to state collapse and the emergence of new successor states. In Indonesia, it was the Asian economic crisis of 1997 and then the collapse of Suharto's thirty-two-year old Orde Baru (New Order) regime that opened Pandora's box. The disintegration of the regime opened the way for rapid spread of political mobilization and violence, some of which

took separatist form. The population of East Timor, a former Portuguese colony incorporated into Indonesia by military occupation in 1975, voted in August 1999 in favor of independence in a United Nations-supervised ballot. Separatist mobilization dramatically escalated in two other provinces, Aceh and Papua, both sites of long-running separatist insurgencies. Early signs of agitation in favor of independence appeared in several other provinces where such a goal was historically novel. Remembering how pro-independence sentiment and deadly conflict had spread to regions in Yugoslavia and the Soviet Union that had previously lacked nationalist aspirations, such early signs of separatist contagion in Indonesia seemed to herald a disintegrative mobilizational spiral. To add to the atmosphere of crisis, between 1997 and about 2001 numerous nonseparatist ethnic and religious conflicts erupted in different parts of the archipelago. Nobody knows the precise figure, but at least 19,000 people lost their lives, with another 1.3 million people displaced.²

Yet in terms of state disintegration, Indonesia was the dog that did not bark. Today the country's crisis has passed. East Timor has made the transition to independence, albeit not very successfully, and no longer causes much concern to Indonesia's policymakers or its public. In Aceh, a peace deal brokered in mid-2005 has brought the thirty-year-old insurgency to an end, at least for a time. Separatist sentiment has certainly not disappeared in Papua, but it has receded to manageable levels for now. All the other nascent separatist movements of 1998–2000 died in the bud. Most communal violence burned itself out or was ended by negotiations and improved security measures, and most had in any case not fundamentally challenged Indonesia as a nation-state.

There has been less interest in explaining Indonesia's survival than there was a decade ago in speculating about its possible collapse. The international affairs commentators who prognosticated most luridly on Indonesia's fate have since moved on to focus on other countries in crisis. Most Indonesia experts, in contrast, dismiss the very notion that Indonesia was ever seriously threatened. Yet we should be careful about adopting such a teleological approach. Mark Beissinger reminds us that although the "prevailing view of Soviet disintegration today is that the breakup was inevitable," in fact this outcome was not considered even possible at the time. However, "within a compressed period of history the seemingly impossible came to be widely viewed as the seemingly inevitable, turning a world once unthinkingly accepted as immutable upside down."³ With such a major historical example before us, it seems valid to ask why an outcome so many people feared did not come to pass in Indonesia.

How did Indonesia survive? This essay points to three key factors. The first is the suite of concessions offered by Indonesian national leaders to the regions, and the second concerns the policies of force they applied there. The combination of these approaches resulted more from internal divisions and ad hoc decision making among the political elite than from careful design, but it was the combination that mattered. By ceding greater control over their own affairs to local elites and potential local dissidents, while harshly suppressing those who sought to break away from the state, Indonesia's national leaders reduced the incentives for secession and increased the costs, thus preventing a separatist spiral.

The third factor is the legacy of the institutional form taken by the sub-national units in Indonesia's state structure prior to democratization. During the Suharto years, observers often saw the fact that Indonesia was divided into provinces in a unitary state rather than into states in a federation as a source of future fragility. Many rightly pointed out that the unitary state heightened grievances in the periphery by suppressing regional sentiment and fostering inequitable division of resource wealth.⁴ However, it turned out that the unitary state form also removed from Indonesia's crisis some of the most explosive ingredients that helped to produce state disintegration in Yugoslavia and the Soviet Union: the institutional and identity resources that federal statehood provided to regional dissidents. In those two countries, once central controls began to weaken the symbolically powerful federal republics were readily turned by local elites into weapons to be used against the central government, speeding the process of state collapse. In Indonesia, the provinces were relatively marginal politically, and their populations did not view them as ethnic homelands, so they played relatively little role in Indonesia's political crisis. In short and not without some irony, Indonesia's prior history of centralized government was as important as its policies of decentralization in inoculating the country against state disintegration when democratization began.

Reform

One reason why Indonesia weathered its storm is that its government after 1998 recognized the depth of its crisis and opted to manage it by implementing a far-reaching policy of regional autonomy. Autonomy is the main piece of equipment in the international peacemaking tool box, at least in instances

of territorially based ethnic conflict. In 2000, for instance, Ted Gurr argued that states' growing willingness to offer autonomy arrangements was one of the primary causes of a downward trend in armed conflicts driven by ethno-political grievances then becoming apparent.⁵ Over the past decade or so, decentralization of governmental authority has also been promoted as a salve for all manner of governance ills, with the rationale being that bringing decision making closer to the people will make the provision of services more responsive and efficient.⁶

With both goals in mind, soon after the Suharto regime collapsed, Indonesia's government implemented what has frequently been described as a "big bang" decentralization. In two pieces of legislation passed by the final Suharto-era legislature in 1999 with minimal debate or amendment, the government transferred wide-ranging authority to the country's several hundred districts (the second level of its regional government, below the provinces). President B. J. Habibie, Suharto's successor, had spent many years in Germany and was impressed by that country's federal system. Some of his ideas, such as making the police force responsible to provincial governors, were not accepted, but in the end the law on regional government that was passed reserved only limited government functions (notably, foreign policy, defense and security, monetary policy, the legal system, and religious affairs) exclusively to the central government. A second law on "fiscal balance" dramatically reallocated government funds from the center to the districts, with the result that within a year of implementation, according to a group of World Bank experts, "regional spending rose from an estimated 17 percent of all government spending in 2000 to over 30 percent in 2001; two thirds of central civil servants were re-assigned; over 16,000 public service facilities were handed over to the regions. . . . Over time, the regional share in spending is likely to rise to 45–50 percent, making Indonesia one of the most decentralized countries in the world."⁷

Habibie and other government leaders justified decentralization in part as a means to bring decisions about public expenditure closer to the people they were supposed to benefit, an approach that international development agencies enthusiastically backed. But the dominant public justification was that decentralization would respond to swelling discontent in the regions and so bolster national unity. Numerous politicians, intellectuals, and other commentators argued explicitly that Indonesia needed to decentralize if it wanted to avoid the fate of the Soviet Union and Yugoslavia.

Indeed, at the time these policies were formulated, Indonesia was arguably in the early stages of a cycle of mobilization of the sort that had brought

down the Soviet Union. Beissinger has written about a "tide of nationalism" that arose out of this earlier cycle: "The *glasnost* tide of nationalism was . . . a period of 'thickened history'—one in which the pace of events accelerated, in which action came to play an increasingly significant role in its own causal structure, and in which the seemingly impossible, under the daily onslaught of challenge and change, became the seemingly inevitable."⁸

The years 1998–2000 were a similar phase of "thickened history" in Indonesia. First, in the brief period between late February and May 1998 a wave of antigovernment student protests and violent unrest by the urban poor splintered the New Order regime and forced Suharto to resign.⁹ After the resignation, mobilization focused on national issues continued. The most dramatic confrontations in the second half of 1998 were between protestors, most of them students, and security forces in Jakarta and other big cities, in which the protestors sought to force Habibie to step down, the army to withdraw from politics, and the authorities to put Suharto on trial. By the time the legislature began to draft decentralization laws in mid-1999, however, this wave of national-level mobilization had already peaked because Habibie's offer of democratic elections—eventually held in June 1999—offered a constitutional way to resolve the political crisis.

A second form of unrest, which began to gather pace only once Suharto resigned, was less dramatic but more widely dispersed and focused on local goals. Many protestors in Indonesia's regions sought to force the resignation of corrupt and unpopular government leaders, from provincial governors down to village chiefs. In many regions, such protests were accompanied by complaints about how the central government had badly treated or exploited the region. Many local officials and politicians tried to keep pace with the new mood, themselves criticizing Jakarta, giving voice to local grievances, and calling for greater autonomy. Some new political parties followed suit, notably the Partai Amanat Nasional (National Mandate Party), led by the modernist Islamic leader Amien Rais, who publically promoted the idea of transforming Indonesia into a federation.

In the three provinces where there had been histories of secessionist movements and brutal counterinsurgency campaigns—East Timor, Papua, and Aceh—protests about human rights abuses, economic inequity, and other grievances crystallized in renewed demands for independence. In February 1999, President Habibie flabbergasted his own cabinet and the rest of the Indonesian political elite by offering East Timor a referendum on indepen-

dent statehood. This move greatly encouraged independence campaigners in Papua and Aceh, leading to a surge of mobilization in both places.

What is now largely forgotten is that the specter of separatism also began to stalk, albeit unsteadily, through other regions where it previously had been absent. In Riau, an oil-rich province in central Sumatra across the Straits of Malacca from Singapore, an academic called Tabrani Rab established the Riau Merdeka (Free Riau) movement. His main grievance was that Riau received only a tiny fraction of the vast revenues it provided to the central government from its oil industry (he said that on one occasion Riau provided 62 trillion rupiah [US\$7 billion] in revenues, but only 0.07 percent of the sum was returned to the province in the state budget).¹⁰ Tabrani attracted some support from local student activists and others, and there were even ominous warnings that the movement would take up arms.¹¹ And some of the Christian fighters and activists involved in Christian-Muslim violence in Maluku began to revive the dream of South Maluku independence that had briefly flourished among pro-Dutch Moluccans immediately after Indonesia's independence struggle in the late 1940s. Some formed the Forum Kedaularan Maluku (Maluku Sovereignty Forum) and raised nationalist flags every year on the anniversary of the 1950 declaration of the Republic of South Maluku. In another category of cases, protestors in some regions almost playfully introduced the threat of secession to dramatize their demands or highlight their anger about how they felt their region had been treated. A tiny Bali Merdeka (Free Bali) movement among a few intellectuals was largely motivated by anger about alleged mistreatment of Megawati Sukarnoputri, a decidedly nationalist politician who had part-Balinese descent, by her political rivals.¹² A similar example occurred when the favorite son of South Sulawesi, B. J. Habibie, failed to be reelected as president in October 1999, and student activists in that province threatened to secede.¹³ Local politicians in Christian parts of eastern Indonesia several times made similar threats when Islamic interests were, in their view, being accorded too much weight in national policymaking.¹⁴ In these and similar cases, there is no indication those concerned seriously planned to secede, but the threats showed how long-standing taboos about the sacrosanct nature of national unity had been broken.

Few observers believed that separatist sentiment beyond the three main centers of unrest in East Timor, Aceh, and Papua was serious. Most Indonesia specialists who have considered these other movements are dismissive

of their attempts to develop serious justifications for independence on historical, cultural, or legal grounds.¹⁵ In none of them did separatism become mass based or seriously challenge the central government. In most cases, especially obviously in oil-rich Riau and East Kalimantan, separatist statements were instead a bargaining ploy used by local political elites to wrest greater concessions out of Jakarta in the decentralization process they knew was already under way. In fact, political elites in these provinces made more calls for "expanded autonomy," "special autonomy," or federal status than for outright secession.

However, the wisdom conferred by hindsight can be a powerful suppressant of curiosity. With a little effort, it is possible to imagine a different scenario in which these early discontents might have become the beginning of a cycle of separatist mobilization that spread rapidly across the archipelago. As already noted, there are precedents for such mobilizational spirals escalating quickly: in the Soviet Union and Yugoslavia, nationalist sentiment eventually took hold in regions where it was initially weak or virtually nonexistent (such as Bosnia or Belarus) and which at first had seemed unlikely candidates for national independence. It is possible that a similar process of learning and emulation might have happened in Indonesia had the early mobilizations met greater success (East Timor's success certainly had such a stimulatory effect on Papua and Aceh).

Swift design and execution of decentralization policies played a major role in heading off severe state crisis in Indonesia. Whether this policy has provided better governance, as its supporters promised, or has not is a controversial point that cannot detain us here. But decentralization did have important and immediate taming effects on local political elites, the very groups who in the Soviet Union and Yugoslavia were primarily responsible for mobilizing state-destroying political movements. By passing political responsibility and economic resources to these groups, decentralization in Indonesia shifted the focus of political contention dramatically toward the base of the political system. Regional political elites no longer saw a remote and exploitative government in Jakarta as their main political adversary or patron but instead concentrated on local political competition and alliance building. Indeed, this shift arguably contributed to the communal or "horizontal" nature of much of the worst post-Suharto violence in Indonesia, whereby ethnic or religious groups fought each other, rather than encouraging a "vertical" type of violence in which local communities were pitted against the state. An accelerant of such violence in conflict areas such as Maluku, West and Central

Kalimantan, and Central Sulawesi was competition between local elites who were vying for control of local government as well as for the enhanced resources and authority that control brought.¹⁶

More broadly, many local elites who might otherwise have challenged Jakarta were placated by the new fiscal and political arrangements. Tabrani Rab, the head of the Riau Merdeka movement, was appointed as a member and later as chairperson of a national consultative body on regional autonomy directly responsible to the president. An even more dramatic example occurred in the oil-rich district of Kutai Kartanegara in East Kalimantan, a province where there was initially considerable agitation in favor of greater provincial and district rights. In this district, the flamboyant district head, Syaukani, used the greatly expanded funds provided to his district under decentralization to become a major dispenser of government patronage, winning considerable popularity: "Syaukani has used the money to build a tourist resort in the jungle, complete with a 1,300 meter cable car and a planetarium. He has also made interest-free loans of up to [5 million rupiah] available to each household to help them start small businesses, granted each village [1 billion rupiah] to improve infrastructure, and ensured access to free education."¹⁷

Syaukani also used government funds to enrich himself and his allies, as did so many other local political leaders, becoming one of the many regional government heads to be tried, convicted, and jailed for corruption, a fate that befell him in 2008.

In considering the effects that democratization and decentralization may have in forestalling state disintegration, scholars have pointed out that the sequencing and design of reforms can be crucial. Alfred Stepan and Juan Linz, for example, argue that one reason why Spain withstood disintegrative pressures during the democratic reforms that followed Franco's death was the sequencing of its elections, with national elections preceding regional ones and impelling parties to emphasize broad cross-regional coalitions rather than local interests.¹⁸ In this regard, two points about the design of Indonesia's reforms were significant.

First, although the political system was deregulated, one important limitation was introduced: political parties had to show that they had a broad national presence, with branches in a large proportion of the country's provinces and districts, in order to register to run in elections.¹⁹ Local political parties were thereby excluded from Indonesia's new democratic system. Would-be aspirants for local political power were required to affiliate to national parties, dramatically reducing their ability to depict themselves

as solely representative of local or ethnic interests. The absence of local parties in turn prevented the party system from encouraging localization of political identity, becoming a vehicle for ethnic outbidding or prompting polarization of relations between center and regions. This measure, although arguably representing a serious limitation on democratic freedoms, significantly checked the potential for decentralization to accelerate disintegrative pressures; indeed, "scholars who argue that decentralization increases ethnic conflict and secessionism are, by and large, observing the effect of regional parties on ethnic conflict and secessionism."²⁰ This factor made the Indonesian party system also very different from those in Yugoslavia and the Soviet Union, where, even before political deregulation, there were separate and at least notionally autonomous Communist parties for each federal state, parties that quickly learned to flex their muscles and demand greater autonomy as democratization began and that eventually led struggles for independence.

A second feature of Indonesia's decentralization was that authority was deliberately devolved to the district levels, the second level of Indonesia's government, rather than to the larger provinces. As with the restriction on local parties, this choice was also deliberate. As M. Ryaas Rasyid, the chief architect of Habibie's decentralization policies explains, "Any attempt to shift power to the provinces would have been read by the conservative Unitarians as promoting federalism, by extension placing at risk national coherence and integrity."²¹ Secessionist sentiment had previously always been expressed at the provincial level. Devolving power to the several hundred districts rather than to the few dozen provinces strengthened only those regional governments that lacked the population, history, and economic or political bargaining power to mount serious secessionist challenges. Unlike many provinces, no district represented a potentially viable independent state.

By introducing these elements to Indonesia's democratic and decentralizing reforms, the country's national leaders managed to produce the beneficial effects of decentralization for state survival without bringing about any of the negative effects. Grants of political and financial authority bought off local political elites and largely neutralized regional discontent. But by granting the new powers to the districts rather than to the provinces and by excluding local political parties, the national government did not cede crucial institutional resources that could help to crystallize and politicize regional identity against the center or otherwise strengthen the regions as bastions of secessionist activism.

Force

So far the story is a familiar and perhaps even comforting one: a democratizing regime tries to survive the wave of popular mobilization that accompanies its birth by granting concessions to popular and regional opinion that would have been inconceivable under its authoritarian predecessor. However, reforms were not the only factor resolving Indonesia's crisis. Sidney Tarrow reminds us that Alexis de Tocqueville's dictum, "The most perilous moment for a bad government is one when it seeks to mend its ways," applied in the case of the former Soviet Union.²² In the Soviet Union, the government gave plenty of concessions, but these concessions tended to fuel the cycle of mobilization rather than to dampen it. Concessions encouraged previously passive groups to escalate their demands.

Why did such an outcome not occur in Indonesia? After all, in Indonesia, too, autonomy also failed to satisfy the regions that were on the leading edge of the cycle of separatist mobilization. East Timor was a special case: it was offered an independence referendum as an alternative to autonomy before the regional autonomy laws were even drafted; its political evolution followed a distinctive path. But the 1999 regional autonomy laws had no appreciable impact on reducing separatist sentiments in Papua and Aceh. Indeed, separatist mobilizations reached an all-time high shortly after these laws were passed. In November 1999, there was a massive demonstration (some estimated it involved half a million or more people) on the streets of Banda Aceh calling for an independence referendum, and before long the Gerakan Aceh Merdeka (GAM, Free Aceh Movement) insurgency controlled most of rural Aceh. In Papua in May–June 2000, the Papuan People's Congress brought together delegates from many organizations and regions and passed a resolution that declared, "The people of Papua have been sovereign as a nation and a state since December 1, 1961."²³ The central government was so concerned about the strength of separatist sentiment in both places that in 2001 it granted both provinces special autonomy laws that went much further than the general autonomy laws. But these new laws also had little effect on separatist mobilization, with separatist leaders in both provinces angrily rejecting them and continuing to demand independence. Had their movements continued to grow and been successful, it is surely conceivable that the mobilization cycle would have restarted in the territories that had only toyed with independence in 1998–1999 and then been satisfied with decentralization.

The second lesson of Indonesia's survival is therefore not so comforting for those who see the gradual emergence, in the words of a recent United Nations sponsored report, of a "war-averse world."²⁴ Indonesia's leaders combined their policy of decentralization with ruthless military force and repression against those who threatened to secede. One compelling explanation for the collapse of the Soviet Union is that it experienced a dramatic loss of confidence at the center and that its leaders were, in the main, strikingly unwilling to use coercion against regional dissenters. According to one assessment, the "central element in Gorbachev's *modus operandi* [was] an almost physical aversion to violence, political repression, and coercion."²⁵ With a few relatively minor exceptions, Gorbachev did not authorize the use of force against regional dissidents and pro-independence movements.²⁶ After the failed coup of August 1991, the political initiative passed from Gorbachev to Boris Yeltsin, who had previously been elected president of the Russian Republic and who, far from trying to prevent the destruction of the Soviet Union, became a chief architect of its demise. Overall, there was relatively little loss of life in the Soviet Union in the period leading to its disintegration. The breakup of the Soviet Union was certainly a much less bloody affair than was Indonesia's survival.²⁷

Indonesia's new democratic leaders did not share Gorbachev's scruples. Far from wanting to be Indonesia's Gorbachev, President Megawati Sukarnoputri compared herself to another world leader when she addressed an audience in Washington, D.C., on September 19, 2001: "I would like to make it clear once again that the integrity of our country is of the highest importance, and we will defend it at all cost. Abraham Lincoln, one of your greatest heroes, carried out a similar policy about one and half centuries ago. America became great because, among others, the principle of national integrity was upheld by Lincoln and other heroes of that era. As I said, we will certainly pursue a peaceful political approach. But as did Lincoln in the United States, we will defend the integrity of Indonesia no matter how long it will take."²⁸

From about 2000–2001, the explosion of separatist sentiment that in 1998–1999 had followed Suharto's fall was in turn followed by a hardening of mood against separatism among politicians in Jakarta as it became evident that autonomy policies were not stemming demands for independence in Aceh and Papua. Conciliatory policies, in particular special autonomy in Papua and Aceh, were not abandoned, but civilian politicians increasingly justified military action against those threatening the integrity of the state and condemned negotiations with separatists or the granting of further concessions to them. Numerous national leaders warned that allowing Aceh and Papua to secede

would set off a domino effect as in Yugoslavia and the Soviet Union and lead to the disintegration of the country. Even otherwise liberal intellectuals who had been supporters or even designers of the decentralization policies stated that secession was not a legitimate matter of public debate.²⁹

In this context, the security forces took increasingly harsh measures to suppress both violent and nonviolent separatists. We do not know how many people were killed in the attempt to hold the country together. Most of the fatalities were in Aceh, where armed separatism was strongest. There, several thousand people died at the hands of the military, which revived many of the techniques of state terror it had used in the province during the Suharto years, including massacres of civilian protestors, routine torture and killing of prisoners, targeted assassinations, revenge attacks on villages accused of supporting the rebels, and forced relocation of civilian populations away from rebel zones.³⁰ In Papua, armed separatist groups, notably the Organisasi Papua Merdeka (Free Papua Organization or Movement), mounted a much less serious threat, but there was nevertheless also concerted suppression of pro-independence sentiment, bringing to an end the short-lived Papuan Spring of 1999–2000. Theys Eluay, the leader of the main civilian separatist group, the Presidium Dewan Papua (Papua Presidium Council), was strangled to death by soldiers from the army's elite Special Troops, men who were (notoriously) praised by the then chief of staff for the army as "national heroes" for taking this action. In subsequent years, people were arrested and imprisoned for raising the Papuan nationalist Morning Star flag and interrogated for even doing such seemingly innocuous things as possessing bags with the symbol of the flag displayed on them.³¹ In other provinces, too—in an important exception to the generally much improved state of political freedoms since the end of the Suharto period—the authorities have taken swift and harsh action against individuals who have espoused separatist goals, often arresting and trying them for *makar*, sedition. Such individuals include members of rather unlikely groups that lack popular support in their places of origin, such as members of a so-called Gerakan Negara Sunda (Sunda State Movement) in West Java, as well as members of groups that are somewhat more grounded, such as the Maluku Sovereignty Forum in Ambon.³² Continuing and legally sanctioned suppression of expression of peaceful secessionist political views arguably remains the greatest ongoing restriction on civil liberties in postauthoritarian Indonesia.

But repression achieved results. Just as the East Timor referendum in 1999 boosted the optimism of secessionists in Aceh and Papua, the subsequent coercion in both places killed off that optimism and prevented it from

spreading elsewhere. In particular, in Aceh a series of military offensives from 2001, especially severe after 2003 when a state of military emergency was declared, succeeded in greatly weakening the GAM insurgency. The iron hand of repression, combined with offers of concessions, convinced GAM's leaders in 2005 to abandon their armed struggle and their goal of independence and instead agree to the Helsinki Memorandum of Understanding.³³ At the core of this compromise settlement were opportunities for expanded autonomy and political participation for the Acehnese (including in the form of local parties, with Aceh now being the only place in Indonesia where such parties may contest elections), but on condition that GAM give up secessionism. The violence meted out to achieve this outcome in Aceh had not only an important impact on the rebels there, but also salutary effects on other would-be secessionists. There was considerable alarm in Papua around 2003 that it would be next in line for martial law. We can only speculate about the effects that repression in Papua and Aceh had on people in other provinces who might otherwise have been tempted to toy with secessionist ideas. In the Soviet Union and Yugoslavia, successes by early secessionist regions encouraged others to follow suit. In the Indonesian case, repression played a part in preventing the cycle from getting far, as unpalatable as this conclusion may be.

Institutions

In an unfortunately timed remark in 1986, the influential scholar of nationalism Anthony Smith suggested that Yugoslavia might be a model for countries such as Indonesia that wanted to strike a balance between central authority and regional diversity and thus avoid disintegration. He argued that "the Yugoslav model of recognizing ethnic [ethnic communities] as nations in a federal constitutional context offers real hope for the consolidation of the state and the authority of its institutions . . . and might well provide a model for the more intractable 'state-nation' conflicts in Africa and Asia, even if the minimal unity of Yugoslavia is lacking in the new states."³⁴ As we now know, it was the Indonesian model of the unitary state that proved more able to survive the shock of rapid transition from authoritarian rule rather than the Yugoslav or Soviet federal or multinational model. Indeed, as Valerie Bunce has put it, "national federalism was central to the story of state dismemberment in the socialist world."³⁵ As well as the reforms and repressive actions taken

by post-Suharto national government leaders, the institutional legacies they inherited from the Suharto era also counted in preserving Indonesia intact.

It was certainly not ethnic diversity alone or even arguably ethnic conflict that led to state breakup in the Soviet Union and Yugoslavia. Instead, the prior institutional arrangements existing in those states played the key role in determining how and why they fractured. Both the Soviet Union and Yugoslavia were organized as federations of republics. In both cases, it was not ethnic homelands that became independent, but the constituent federal states. Both federations disintegrated along the preexisting borders between the federal units. Most attempts to redraw boundaries along ethnic lines as part of the process of state breakup (for example, by partitioning Bosnia or carving off the Republic of Serb Krajina from Croatia) were unsuccessful. Ethnicity was important for mobilizing populations, but it did not determine how these states fractured. Thus, in the former Soviet Union, republics in which populations felt great ethnic affinity with Russia (Belarus, for example) became independent, along with republics marked by a strong sense of ethnic difference. The international community failed to recognize as independent certain regions with very strong independence movements that happened to be located inside the Russian Federation or other federal states (e.g., Chechnya, Abkhazia, South Ossetia, Transnistria) even when they achieved *de facto* self-rule. The pattern was broadly similar in the former Yugoslavia.

The importance of the federal structure for the Soviet and Yugoslav breakups was in part a matter of legal niceties. In both cases, the federal states were formally sovereign. In the Soviet Union, according to Article 72 of the 1977 Constitution, each of the fifteen union republics had "the right freely to secede from the USSR." In Yugoslavia, chapter I of the Basic Principles in the Constitution referred to "the right of each nation to self-determination, including the right to secession" and called Yugoslavia "a state community of freely united peoples and their socialist Republics." Of course, these rights were merely formalities that had no possibility of being exercised while state socialism remained intact. But they became more consequential once it weakened, in part because they counted—or could be made to count—when it came to international law and recognition. The international community is reluctant to recognize secession where the state from which secession is sought opposes it. In the case of the independence of Slovenia, Croatia, and Macedonia (and later other Yugoslav republics), this obstacle was overcome when the Badinter Commission advised the European Economic Community that they were not

instances of secession, but rather of dissolution of the Yugoslav Federation, in effect holding that states that constitute a federation have the right to assert their sovereignty and dissolve their unions if they choose. By the same token, the commission ruled that Serb minorities in the constituent federal republics could *not* exercise a right to self-determination but were owed only minority rights and that the boundaries between the federal republics would become borders protected by international law.³⁶ International recognition was less crucial in the case of the Soviet breakup, but here, too, the process of state breakup arguably took the form of the dissolution of an existing federal structure rather than a series of unilateral secessions.

The federal form of the Soviet Union and Yugoslavia was also important for how it shaped the self-perception and identification of the populations that lived in the constituent republics and for the political and mobilizational resources it provided their leaders. Ethnic identity, of course, did matter in the Soviet and Yugoslav breakups but principally insofar that it was linked to, was shaped by, and gave legitimacy to substate administrative and territorial units. The Soviet Union and Yugoslavia were not merely federal states, but *ethnofederalist* states in which "at least some of the subunits exist[ed] for the purpose of representing and empowering specific cultural communities." As Bunce points out, "Ethnofederation, therefore, guarantees that some cultural communities sharing the same state will have at their disposal both geographical and institutional platforms for the expression of their interests and the exercise of political power."³⁷

Each federal state was seen as representing not merely distinct cultural groups, but nations whose special status in these federal states was reinforced by language policy, education systems, and other aspects of cultural policy. As Rogers Brubaker puts it, "The Soviet state not only passively tolerated but actively institutionalized the existence of multiple nations and nationalities as fundamental constituents of the state and its citizenry."³⁸ Ronald Grigor Suny makes a similar point: "There was shockingly little effort to create a 'Soviet nation.' While everyone in the USSR carried a passport inscribed with a nationality, no one was permitted to declare him- or herself a Soviet by nationality. The Soviet idea of nationality was based on birth and heredity, the nationality of one's parents, but with its almost racial finality nationality was rooted in the substate units."³⁹

Little wonder that when the Communist Party regimes in these countries entered into crisis, it was substate nationalism that became the main organizing foundation of political movements aiming either to dismantle the Com-

munist order or to take over from it. Local national identities had long been inculcated in the populations of the federal units, and as the old regime began to falter, leaders at the substate level inherited an institutional framework that could readily be turned against that regime. As a result, "nationalist mobilization was far more common when nations had republics—than, for example, when they had lower-level administrative units or when they were deprived of any administrative identity."⁴⁰ The Communist parties, legislative bodies, presidencies, and other political organs of the federal states turned against the old order, either mobilizing nationalist movements and issuing independence declarations or else being challenged by alternate leaderships who tried to outbid them. The political authority and sovereignty enjoyed by the federal units only on paper in the old order suddenly became real, and state dissolution was the result.

The institutional and identity framework inherited in Indonesia could hardly have been more different. The Indonesian state for most of the independence period was single-mindedly focused on constructing a single Indonesian nation and, with few exceptions, expended more effort in suppressing political manifestations of regional and ethnic identities than in institutionalizing them. The imperative to forge a strong overarching national identity and to downplay regional identities had been a central and defining urge of Indonesian nationalism ever since its birth in the early decades of the twentieth century, both because of the nationalist leaders' consciousness of the diversity of the population of the Netherlands East Indies and because the colonial Dutch rulers they opposed "systematically preserved difference within their political order."⁴¹ This urge reached an early high point during and immediately after the Indonesian national revolution (1945–1949), when the Dutch tried to counter the nationalists by organizing a federal state in which the outlying regions that were effectively under Dutch control would be able to hedge in the more militantly republican areas in Sumatra and Java, thus allowing the Dutch to continue to dominate an independent Indonesia. The republic was forced to adopt the federal model in negotiations leading to independence but repudiated it within months of the transfer of sovereignty in 1949, with the result being that the very concept of federalism has since been close to anathema in Indonesian political discourse. Instead, Indonesia adopted a unitary state form in which there was no place for the divided sovereignty of federalism or the inculcation of strong substate political identities associated with ethnofederalism.

In Indonesia, the provinces had very limited political authority, especially in the highly centralized Suharto period (1966–1998). There was certainly no

sense in which they were even notionally viewed as having sovereign powers independent of the central government, nor was there even much sense of subnational units being especially meaningful politically. Indeed, the heads of provincial and district administrations in formal terms "simultaneously . . . served as regional political leaders and central administrative representatives in the regions."⁴² In practical terms, they were always appointees of the central government. This situation began to change with the post-Suharto democratization, but, as noted earlier, when decentralization policies were introduced, meaningful political and budgetary authority devolved directly to the much smaller districts, bypassing the provinces and robbing them of the potential to become more important sites of political contestation and organization. As a result, the provinces remained relatively marginal to political life, as they had always been.

Moreover, the Indonesian provinces, unlike the federal republics in the Soviet Union and Yugoslavia, were not seen as representing distinct ethnic communities. For one thing, ethnic and provincial boundaries mostly did not coincide. As Robert Cribb observed when Indonesia entered its crisis, "Few of the borders or island coastlines of the 27 provinces make sense as nations-of-intent." Only a few provinces (Cribb names Bali, South Kalimantan, West Sumatra, and East Timor, and we might add Aceh) are "both ethnically relatively coherent and more or less coterminous with the local dominant ethnic group."⁴³ Indeed, in the 2000 census, only in twelve of the then thirty-one provinces did a single ethnic group constitute more than 50 percent of the province's population.

More important (because state institutions can construct regional or ethnic identities in even initially heterogeneous populations over time), the provinces also did little to institutionalize distinctive identities in their populations, as happened in the Soviet Union and Yugoslavia. To be sure, there was some celebration of local cultures as the wellsprings of tradition from which Indonesian national identity originated. But, for instance, local languages were not afforded even semiofficial status and were used as a medium of instruction at only the very lowest levels of the education system. Instead, propagation of the Indonesian language was (and continues to be) viewed as a central unifying task of Indonesian nationalism. Likewise, ethnic identity played little formal role in official politics. Although every citizen was compelled to carry an identity card (like the passports of the Soviet Union), these cards did not record ethnicity. So strong was the impetus to national unity that even the census did not ask questions about ethnicity (at least between

the Dutch colonial census of 1930 and the first post-Suharto one of 2000), in sharp contrast to the Soviet Union and Yugoslavia, where bureaucrats were obsessed with measuring and quantifying the various national groups.

This background of only weak intermeshing of ethnic identity and regional political institutions meant that when the crisis of authoritarianism came, the cards were stacked against separatist nationalism emerging as a model of political organization and mobilization that could easily be transported across the country. The previous state form had not served to institutionalize substate nationalism as an alternate framework for political identity and mobilization.

The main separatist provinces—East Timor, Papua, and Aceh—were in some respects the exceptions that proved the rule. In each case, local histories that were strikingly distinct from the Indonesian norm provided local nationalists with a plausible claim for sovereignty. Two of these territories, Papua and East Timor, had come late into the Indonesian nation-state (Papua in the 1960s, East Timor in the 1970s) by processes that were highly coercive and generated deep grievances. Military occupation gave rise to strong beliefs in the Papuan and East Timorese populations that sovereignty had been stolen from them and that they had a right to reclaim membership in the international community of nation-states. Aceh was a different case, but here, too, separatist nationalism was marked by a strong outward gaze and a belief that the Acehnese sovereignty had been violated by the Indonesian state. This separatist nationalism was also importantly founded on several decades of official recognition, institutionalization, and even celebration of Aceh as a "special territory" that deserved unique rights, a status conferred as a result of negotiations that had ended an earlier conflict in the 1950s.⁴⁴

In contrast to the separatist provinces, one particularly important legacy of the Indonesian unitary state model and the preceding history of anticolonial nationalism was the absence of a strongly institutionalized and politically salient alternate sense of nationhood in Indonesia's heartland. As Cribb has pointed out, a key factor leading to state disintegration is the emergence of alternate nationalisms not at the periphery, but at the center. Hence, the rise of Serbian and Russian national awareness was central to the disintegration of Yugoslavia and the Soviet Union. In Indonesia, there was no equivalent sense of Javanese self-assertion, although Java is the heartland of the Indonesian nation-state, with about 57 percent of the country's population living on the island and about 42 percent of the population being ethnically Javanese. Despite occasional accusations of Javanese domination made by

regional politicians, in fact the hand of Java has rested lightly on Indonesian national identity.⁴⁵

Between the extremes of the separatist provinces on the periphery and the heartland of Java, in most provinces democratization and decentralization did not produce political movements that sought to pit the province against the center. Instead, a host of cross-cutting communal and political identities became salient.⁴⁶ Provincial institutions and, even more so, district institutions became sites of contestation between local actors rather than weapons they turned against the center. This pattern did not immunize Indonesia against communal violence in its democratic transition, but it did ensure that most such violence did not take separatist form.

During its democratic transition, Indonesia faced the prospect of a "stateness" crisis. As Linz and Stepan explain, stateness problems occur in democratic transitions when "the crisis of the nondemocratic regime is also intermixed with profound differences about what should actually constitute the polity (or political community) and which demos or demoi (population or populations) should be members of that political community." Such challenges often seriously impede democratic transition and consolidation. They do not mean, in Linz and Stepan's view, that "democracy cannot be consolidated in multinational or multicultural states, [but] . . . that considerable political crafting of democratic norms, practices, and institutions must take place."⁴⁷

In this essay, we have seen that one method that Indonesia's leaders used to overcome the country's stateness problems did indeed seriously strain Indonesia's democratic transition and consolidation, even as it proved to be effective. National leaders applied coercion against independence movements in East Timor, Papua, and Aceh, reducing the attractiveness of the secessionist model in other provinces and helping to prevent it from spreading. Although this repression contributed to Indonesia's survival and therefore can arguably be seen as indirectly contributing to the country's successful democratic transition, it also seriously compromised the quality of Indonesia's democracy. In East Timor, major crimes against humanity were committed amidst the security forces' attempts to preempt and then respond to the United Nations-supervised vote in favor of independence; similar state crimes also occurred in Aceh and (to a lesser extent) in Papua, along with a host of other abuses against civilians. The proscription of even peaceful advocacy of independence remains a significant curtailment of civil liberties, and political prisoners remain in Indonesian jails as a result.

At the same time, transitional governments also engaged in particularly effective political crafting of the sort needed to resolve stateness problems while keeping democracy intact. Most obvious, the Habibie government took the steam out of centrifugal pressures by quickly devolving political authority and fiscal resources to the regions, reorienting political contention away from a region-versus-center axis toward multiple struggles for position and resources in the regions themselves. Decentralization thus did not avert violent political mobilization at the local level—in some places it encouraged it—but it did ensure that most such violence was about local issues instead of being directed against the national state. In those places where anticenter ethnonationalist grievance and mobilization were most severe, notably East Timor, Papua, and Aceh, successive national governments went even further, offering (in the case of East Timor) or implementing (in Aceh and Papua) special autonomy provisions that involved the devolution of much greater powers than to other parts of the country. Yet, equally important, national leaders built safeguards into the decentralization process, devolving power in ways that did not strengthen would-be separatists' institutional or identity resources. By ceding power to the second-level districts, national leaders further marginalized the provinces. By excluding local political parties, they helped to prevent the crystallization of intermeshed regional-ethnic identities as alternative sources of political authority.

Finally, Indonesia was also assisted in surviving its stateness crisis because it had inherited a relatively favorable institutional legacy, at least when compared to countries that did experience state disintegration, such as the Soviet Union and Yugoslavia. Indonesia's unitary state form and its rather politically inconsequential provinces meant that the provinces, or most of them, did not provide a congenial framework for the spread of ethnonationalist mobilization. In the Soviet Union and Yugoslavia, the federal states had been central to political organization and citizenship for decades and therefore rapidly became vehicles and legitimating bases for independence movements once the center began to loosen its hold. In Indonesia, ethnic identities were only weakly articulated with provincial administrative boundaries, and local political actors in most regions did not view their provinces as putative national homelands or alternate sources of sovereignty.

The Indonesian case helps to reconcile two starkly contending views in the literature on the relationship between democratization and the accommodation of ethnic and regional difference. On the one hand, observers have noted that in multiethnic or multinational societies, democracies that survive

tend to be those that make concessions to ethnic and regional minorities. Alfred Stepan, Juan Linz, and Yogendra Yadav, for example, argue that “virtually every long-standing and relatively peaceful contemporary democracy in the world whose polity has more than one territorially concentrated, politically-mobilized, linguistic-cultural group that is a majority in some significant part of the territory, is not only federal, but ‘asymmetrically federal’ (Belgium, Canada, India and Spain).”⁴⁸ On the other hand, as we have seen, leading analyses of the disintegration of Yugoslavia and the Soviet Union suggest equally forcefully that ethnofederal states are most vulnerable to disintegration during democratic transitions. The Indonesian experience helps to demonstrate that state structures that accommodate ethnic and regional diversity may be a source of state fragility *during* democratization, but a source of democratic robustness *after* it. As we have seen, Indonesia’s democratic transition enjoyed the best of both worlds, as it were, with an institutional legacy inherited from authoritarian rule that privileged national political structures and identities over regional ones and with a series of transitional governments that were willing to make dramatic concessions to regional sentiment in the process of democratic transformation. Both democratic progress *and* state survival were the result.

Part IV

Constitutionalism

The Role of Law and Legal Pluralism