



BRIEFING NOTES

Call to Action: Civilian Harm Mitigation in Military or Police Operation



Protecting civilians from the effects of conflict and violence serves a number of purposes for the government, to include protecting human rights, providing security as a public good, and maintaining legitimacy.

Introduction

To succeed, security forces – including military and police – have to protect civilians from violence, minimize harm from their own security operations, and appropriately account for their conduct. Even the most committed governments face challenges in protecting civilians, whether within their own territory or in the territory of other states, or when participating in peacekeeping operations.

Harm can occur as a result of poorly trained forces, inadequate policies or procedures, inherent bias, a lack of information, or just incidentally during operations. Meanwhile, whereas governments may have the ability to investigate allegations of crimes by their own forces, they may not fulfill other elements of accountability, including ensuring similar events do not happen again and addressing the needs of those who have been harmed. Among the most important lessons learned, the development of effective protection of civilian policies depend on the involvement of communities and civil society. Civil society, including civilian experts, academic institutions, religious organizations, and NGOs, bring a wealth of experience and perspectives to the most important priorities and needs.



On February, 22, 2023, the Habibie Center, in partnership with the Center for Civilians in Conflict, hosted a workshop featuring over a dozen experts and representatives from several civil society organizations in Indonesia to discuss the protection of civilians. The objective of the workshop was to identify the most important priorities, points of emphasis, and opportunities for strengthening measures to protect people from violence and armed conflict both now and in the future. In shaping their analysis, participants drew from their expertise, their research, and their experience with current and historical contexts. Below are some highlights that need a call for action.

Context for the Protection of Civilians in Indonesia:

Participants largely agreed that the protection of civilians context in Indonesian differs in some important ways from other contexts, including those experiencing more widespread situations of armed conflict. Even so, participants identified two contexts of continuing relevance to a discussion of the protection of civilians for Indonesia:



Situations where armed groups contend for state power, and where the military and other security forces are conducting security operations designed to project state authority. This category would currently include Papua.



Situations of violence between and among communities or groups, sometimes involving vigilante groups or organized movements, and often caused by friction between religious, cultural, or ethnic groups. This category would include inter and intra-religious conflicts, including direct and indirect attacks on religious minorities such as Ahmadiyya and Shia communities.

Participants were careful to note that contexts often overlap, and it is possible to find different categories of violence in the same locations. Among the risks experienced by people in both contexts are **threats of harm from violence perpetrated by other civilians** (and inadequate protection from state security forces), and **risks of harm resulting from security force operations**, including from the excessive use of force and even unlawful killing. Participants highlighted certain trends and factors affecting risks to people from organized violence in these contexts:

- As in other countries, the police have taken on characteristics of military forces, to include in their appearance and choice of equipment and weaponry.
- In some contexts, the government has not clarified which applicable legal framework it believes governs its military operations, and how its tactics and procedures are affected as a result.
- Claims of provisional immunity for security forces remain an impediment to proper oversight and accountability for the military and police.
- In many contexts, the police do not have the numbers or presence to project enough authority to prevent violence between community groups or attacks by one group on another.
- In various parts of Indonesia, government security institutions may favor corporate or business interests at the expense of human rights or protection. The risk of violence and harm, exacerbated by state security institutions, and a lack of accountability for the same, remains greatest in extractive industries.
- Specifically in the context of Papua, experts noted that the government's reflexive tendency to associate certain civilians (and especially indigenous groups) with "separatists" exacerbates the risk of harm to civilians.
- Again, in the context of Papua, the risk to civilians can be affected by the duration of TNI rotations/deployments: if rotations are too long, then the risk of corruption, burnout, and stress on mental health may increase among soldiers (along with corresponding risks to civilians); if too short then forces may not have time to become sufficiently aware of community needs and interests nor have motivations to protect them from harm.



- The military continues to deploy lower ranking or less qualified soldiers, which may correspond with limited capacity and professionalism when dealing with civilians and communities and may increase the risk of harm.
- A number of laws and legislation (along with uneven enforcement) create quasi-legitimate basis for community-based groups to use violence, for example anti-blasphemy laws and in the enforcement (or lack thereof) of property rights.
- Participants reported that Indonesia has experienced an increase in the number of private security companies, which along with vigilante groups, may serve as an extension of the government's authority without commensurate regulation or accountability.
- As in other contexts, human rights training for both police and military has become a “check the box” exercise, wherein security forces may have a human rights manual or receive instructions in the basics but lack any practical training for integrating protection or human rights in operations.

Meanwhile, although much has changed in Indonesia that mitigates the risk of violence, participants noted that in many parts of the country, certain conflict drivers, such as income disparity, competition over natural resources, resource extraction, displacement, land rights, religious and cultural divides, and variable performance, service delivery, and accountability of security institutions persist. These factors, along with other political, social, and natural phenomena and events – such as Indonesia's role as the ASEAN chair, forthcoming elections, and the cataclysmic effects of climate change – generate both the need and opportunity to urgently develop a proactive agenda to better protect people from violence.

Policy Recommendations

- **Deploy well-trained military forces**

The Indonesian government and military should ensure that high quality, well-trained forces are deployed to Papua. The Indonesian military should develop the capacity to integrate community and civilian protection needs in its operations, including by understanding community preferences, mitigating the risks of unintended consequences and reprisals, and respecting community needs.

- **Review and clarify current rules and ensure its compliance**

The Indonesian military should review and clarify its rules governing the use of force, to include existing rules of engagement, to ensure compliance with applicable standards. The Indonesian government should also place specific emphasis on addressing incidents of harm, to include by holding perpetrators accountable for human rights violations and through culturally appropriate amends.

- **Understand the risks and vulnerabilities**

The Indonesian government should understand the risks and vulnerabilities of religious and other minority groups and ensure that adequate resources are devoted to preventing and resolving this violence and thus avoid and reduce harm.

- **Support independent civil society roles**

The Indonesian government – and military – should welcome and support a role for independent civil society in fostering and improving community–security relations and conflict prevention and resolution. The government should also welcome support from international donors for the same.

- **Develop and deliver practical training regularly**

Both the military and police should develop and regularly deliver practical training that tests the protection of civilians and human rights, especially for units being deployed into areas where the risk of harm to civilians is high. The Indonesian government should work with other governments and reputable organizations who have experience in this field.



Policy Recommendations

- **Strengthen understanding and oversight of security institutions**
The Indonesian parliament and other oversight bodies should strengthen its understanding and oversight of security institutions and, in particular, what is needed for security institutions to protect civilians from violence, and from the risk of harm caused by security actors when using force. Where appropriate, the parliament and other oversight bodies should seek transnational cooperation and the exchange of knowledge.
- **Develop and implement a comprehensive Protection of Civilians policy**
The Indonesian government should develop and implement a comprehensive Protection of Civilians policy, in line with the longstanding recommendation from the Secretary General of the UN, seeking the input and expertise of civil society in the process.
- **Improve protection of civilians and human rights as Political Agenda**
Candidates for office in the upcoming election should take the opportunity to highlight their ideas for improving upon the protection of civilians and human rights.



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