

THE 1999 PRESIDENTIAL ELECTION AND POST-ELECTION DEVELOPMENTS IN INDONESIA

A Post-Election Assessment Report

November 28, 1999

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Attempts by the disadvantaged parties to address their complaints about this problem through the appropriate election committees have met with no success, and there does not appear to be any effective mechanism for redress through the courts.

As NDI has pointed out in earlier reports, the lack of a proper complaint resolution mechanism has been a general area of concern. Where the relevant level of the election administration or election oversight committee (Panwas) has failed for whatever reason to resolve a problem by discussion or consensus, no further action has been taken.

The hybrid electoral system used in Indonesia in 1999, in which proportional representation by province was combined with assignment of candidates to districts and some importance being given to district-level results, required very complex rules for the determination of elected candidates. According to these rules, seats won by "full quotas" were to be filled in a manner not subject to party discretion, whereas the KPU gave parties full discretion over seats won by "largest remainders." In practice, parties were permitted substantial discretion in filling all of their seats, including full quota seats, and 97 out of 462 elected DPR members (21 percent) "represent" districts other than those to which they were originally assigned. It appears that the KPU in effect changed the rules after the elections. The consequence of these developments was to reduce the significance of the district element of Indonesia's hybrid electoral system.

The Composition of the MPR

The selection of functional group⁽¹⁾

General Session produced a First Amendment to the Constitution that made changes to nine of the constitution's 37 articles. The most

defending its positions regarding East Timor and tried to influence domestic political developments as well. The military/police bloc, however, maintained a relatively low profile during the General Session, and military commander General Wiranto abandoned his bid for the vice presidency twice. Although the new cabinet still includes military officers in important posts, there are other signs of incipient improvement in civil-military relations in Indonesia.

Looking Ahead

The Working Body of the MPR is required to draft more thoroughgoing constitutional reforms before August 2000. One of the primary issues on the agenda is the direct election of the President and Vice President; there appears to be emerging consensus for direct elections which would occur for the first time in 2004. There is also consensus on the need to abolish military representation in the DPR, which is called for in the new GBHN, and functional group representation in the MPR. The constitutional reform process will address the future of the MPR, including alternatives of abolishing it altogether or transforming the provincial representatives in the MPR into an upper house of the national legislature. In addition, the Working Body will consider whether Indonesia should transform itself from a unitary into a federal state. There will also need to be further reforms to increase the independence and the powers of the legislative and judicial branches, as well as to establish stronger checks and balances among the three branches of government.

Introduction

On October 20 and 21, 1999, exactly 17 months after President Soeharto resigned and Indonesia's transition to democracy began, the People's Consultative Assembly, or MPR, elected Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President of the country. These elections represent the first largely democratic and relatively peaceful transfer of executive power in Indonesia's history. They also mark the end of an extended electoral process that began with the passage of the new legal framework for elections on January 28, 1999 and was highlighted by national, provincial and district legislative elections on June 7. The establishment of a legitimate government through these elections and the announcement of the formation of the National Unity Cabinet on October 26 herald a new era of democratic transformation in Indonesia. Although much has been achieved in terms of democratic development in Indonesia over the past 18 months, the hard work of consolidating these gains and meeting the economic and social challenges has just begun.

This report examines developments in Indonesia's electoral process in September, October and early November 1999. It focuses on the completion of the formation of the People's Representative Assembly, or DPR, and the MPR and on the 1999 MPR General Session.⁽²⁾ As such it represents a continuation of the series of reports and statements NDI has issued during the past year on this electoral process.⁽³⁾ The most recent of these reports, issued in August 1999, discussed developments up to that time in the formation of the DPR and the MPR. The present report was prepared on the basis of direct observation of the General Session, discussions with MPR members and political party leaders, and analysis of various written materials produced by the Election Commission, or KPU, and the MPR.

The Composition of the DPR and Provincial and District Assemblies

The People's Representative Assembly or DPR, Indonesia's national legislature, consists of 500 members, 462 elected on June 7 and 38 appointed from the military and the police. Once election results were

made official at the end of July, then seats could be allocated to parties and candidates assigned to those seats. These processes were completed in August and September, concluding the election of Indonesia's new legislative bodies.

The Allocation of Seats to Parties in the DPR: Retroactive Changes in the Rules

The PPI (Indonesian Election Committee) finally completed the process of allocating DPR seats to parties on September 1, nearly three months after the June 7 legislative elections. As NDI explained in an earlier report, the most controversial issue surrounding this process was the use of "stembus accords," or voluntary agreements among parties to combine their remaining votes with those of other parties in order to improve their chances of winning more seats.⁽⁴⁾ After much uncertainty regarding the exact nature of these agreements, in July the KPU determined that only two national-level stembus accords were valid. When the eight Muslim parties to one of these accords discovered that their agreement did not actually work to their benefit (in fact, collectively they lost three seats due to the accord), they attempted to convince the KPU to change the rules under which these accords would be implemented.⁽⁵⁾ After weeks of rancorous debate, the KPU finally decided on August 30 to abolish retroactively both existing stembus accords at the national level, apparently as the path of least resistance in breaking the deadlock.

The eight parties made political, not legal, arguments for changing the rules once election results were known. In abolishing the accords, the KPU reversed the rules it had made before the elections took place. The consequence of this decision was to take DPR seats away from

The 21 parties represented in the DPR have formed nine blocs. The military is a tenth, separate bloc.⁽¹¹⁾ Of these nine blocs, three were formed jointly by two or more parties. The Reform Bloc is a coalition of PAN and PK, two parties with substantial support from urban Muslim voters. The Indonesian National Unity (KKI) Bloc unites the representatives of eight secular nationalist parties. The Union of Muslim Sovereignty (PDU) Bloc is a coalition of five Muslim parties.

Geographical Patterns of Party Support

The election results bear out the common analysis that the political landscape on the most densely populated islands of Java and Bali differs from that on Sumatra and in Eastern Indonesia (Kalimantan,

about this problem through the appropriate election committees have met with no success, and there does not appear to be any effective mechanism for redress through the courts. It is thus a significant failing of the electoral process that in certain specific instances parties entitled to seats have been prevented from claiming them and that there appears to be no effective recourse. These specific instances, however, do not appear to have been widespread enough to call into question the legitimacy of the electoral process itself.

The Hearing of Complaints and Grievances

The lack of a proper complaint resolution mechanism has not only affected the allocation of seats to parties; as NDI has pointed out in earlier reports, the complaint resolution process has been a general area of concern.⁽¹⁴⁾ Where the relevant level of the election administration or election supervision committee (Panwas) has failed for whatever reason to resolve a problem by discussion or consensus, no further action has been taken.

It is not clear whether the court system can or will entertain and exercise jurisdiction over grievances arising out of the election process. There are no precedents, and the electoral legislation and regulations themselves are unclear. It is to be hoped that a disadvantaged party or individual will test this system, not only to gain a hearing for a grievance but also to establish a precedent for future elections.

The police are responsible only for cases in which a criminal offense is alleged to have been committed and for which a criminal penalty exists. They have no role in purely civil questions or in cases where only a civil remedy is defined, such as, for example, breaches of the election law relating to the size of campaign donations, for which the penalty defined is the disqualification of a party from the election. The police have not, however, succeeded in assembling enough evidence to prosecute any of the alleged cases of "money politics" from the election campaign period.⁽¹⁵⁾

The Determination of Elected Candidates

The hybrid electoral system used in Indonesia in 1999, in which proportional representation by province was combined with assignment of candidates to districts and some importance being given to district-level results, required very complex rules for the determination of elected candidates. NDI has described these rules in greater detail elsewhere.⁽¹⁶⁾ According to these rules, seats won by "full quotas" were to be filled in a manner not subject to party discretion, whereas the KPU gave parties full discretion over seats won by "largest remainders." In practice, as discussed below, parties were permitted substantial discretion in filling all of their seats, including full quota seats.

The larger parties gained most of their seats through full quotas, and therefore many more of their elected candidates were determined on the basis of the parties' district-level results and should not have been determined after the election by party leaders.⁽¹⁷⁾ Smaller parties, on the other hand, gained all of their seats through largest remainders, and thus their central party leaders were able to select all of their representatives in the DPR.

Each party was required to assign candidates to specific districts. Elected candidates were to come from the districts within a province where a given party fared best, and under the rules in place before the elections parties would not have been able to move candidates to new districts once the election results were known. In practice, 97 out

of 462 elected DPR members (21 percent) "represent" districts other

The Chamber of Commerce first nominated Adiwarsita Adinegoro, who was approved by the KPU. After the fact, however, KADIN attempted to change its choice to its chairman Aburizal Bakrie, known to be close to then-President Habibie. When Adinegoro refused to give up his seat, he was expelled from KADIN, which continues to refuse to recognize him as its MPR delegate.

The national leadership of PWKI claims it never nominated Mary B. Harun to represent it. PWKI claims her approval by the KPU was due to the efforts of KPU member Clara Sitompul, the national chairwoman of the Krisna Party. PWKI claims that Harun has never been among its national or regional leaders, that she is instead the chairwoman of the Krisna Party's West Java provincial leadership board, and that she is Sitompul's daughter.

These examples demonstrate that functional group representation, at least in the current situation in Indonesia, is unworkable, if not undemocratic. In principle, these groups are already represented through the political parties that won seats in the general elections. Their separate representation as functional groups gives them a second, and much more powerful vote for the president and vice president and a disproportionate voice in national policymaking. In practice, it is difficult to justify why certain broad categories and specific organizations and not others should be granted the right to have such representation. Moreover, the specific individuals who fill these seats are also chosen in a process that has no connection to the voting public or sometimes even to the membership of the organizations they purport to represent. Nor is functional group representation effective in practice at protecting minority interests. In any event, there appears to be an emerging consensus that functional group representation in the MPR should be abolished before the 2004 elections.

Functional group representation has also allowed outgoing cabinet ministers and other members of the political elite who did not run for the national legislature to nevertheless claim important positions as members of the MPR. One member of Habibie's cabinet, Minister of Tourism, Culture and the Arts Marzuki Usman, for example, resigned his post to become the delegate of the Indonesian Association of Economics' Graduates (ISEI).

The KPU's approval of two particular functional group delegates perhaps marks the end of New Order-style ostracism for certain political points of view. Sri Mulyono Herlambang and Arief Biki both represent the category of veterans and independence heroes, but the former is a symbol of the "extreme left" (ekstrem kiri) and the latter is a symbol of the "extreme right" (ekstrem kanan). The New Order created two sets of enemies of the state, and then posited the military as the only bulwark against them. The "extreme left" was communism and the "extreme right" was political Islam. Sri Mulyono Herlambang is the son of one of the Air Force officers (with the same name) accused of participation in the events of September 30-October 1, 1965. Under the New Order, even descendants of people linked to these events were ostracized. Arief Biki's brother, Amir Biki, was one of those killed when the military cracked down on Muslim activists in Jakarta's port area of Tanjung Priok in 1984.

On the theory that the 65 functional group delegates were nonpartisan, they were allowed to form their own bloc in the MPR. This represents a break from past practice, when they were rolled into Golkar's bloc. Eight provincial delegates who did not want to join party-based or military blocs also joined the functional group delegate

bloc. It was difficult to determine the political inclinations of this bloc; its members apparently did not vote in a unified manner.

Provincial Delegates (Utusan Daerah)

Provincial delegates, chosen by provincial assemblies sworn in over several weeks in late August and early September, trickled into Jakarta in late September and early October. Only 65 of the 130 delegates had been formally approved as members of the MPR by a presidential decree before the swearing-in ceremony on October 1. Nonetheless, approximately 85 provincial delegates participated and voted in the first phase of plenary sessions on October 1.

Minister of Labor Fahmi Idris, from South Kalimantan; Minister of Housing Theo Sambuaga, from North Sulawesi; and Minister of Youth and Sports Agung Laksono, from Southeast Sulawesi. In addition, former chairman of the Supreme Advisory Council A.A. Baramuli, one of the leading figures in the Bank Bali scandal, gained a seat as a provincial delegate for Golkar representing South Sulawesi. Furthermore, prominent figures from the New Order also became provincial delegates to the MPR. These included former deputy speaker of the MPR Abdul Gafur representing Aceh (after failing to be elected as a provincial delegate from South Sumatra), who joined Golkar's bloc; former development trouble-shooter (Sesdalopbang) Lt. Gen. (ret) Solichin Gautama Purwanegara representing West Java, who joined PDI-P's bloc; former Minister of Finance Fuad Bawazier representing Yogyakarta, who joined the Reform bloc; and former Minister of Cooperatives Subiakto Tjakrawerdaya representing East Java, who joined PKB's bloc.

The MPR General Session - Issues of Democratic Process

The MPR was sworn in on October 1 and met as a full body for the next four days. During that time, it chose its leaders, passed its rules of procedure and established the membership of its Working Body (Badan Pekerja). The Working Body then met from October 6 to 14 to discuss the MPR's various draft decrees. This subcommittee of the MPR consisted of 90 members chosen proportionally to the strength of each bloc. The Working Body divided itself into three ad hoc committees. Ad Hoc Committee I discussed the draft Broad Outlines of State Policy, Ad Hoc Committee II discussed the MPR's other draft decrees, and Ad Hoc Committee III debated proposed constitutional reforms.

The full MPR reconvened on October 14 to hear the President's accountability speech and the reports of these ad hoc committees. On October 17, four commissions of approximately 175 members each were formed to discuss further these issues. Commissions A, B and C were tasked with the same issues as Ad Hoc Committees I, II and III, respectively; Commission D discussed the President's accountability speech. After commission meetings on October 18, the MPR met in plenary session on October 19 to pass its decrees and vote on the President's accountability speech. The presidential election was held October 20, with the vice presidential election following one day later.

Openness and Transparency

Most of the formal meetings of the MPR General Session were relatively open and transparent, especially in comparison to previous MPR sessions. There were four basic types of formal meetings: (1) plenary sessions of the entire MPR membership; (2) meetings of smaller bodies within the MPR such as the ad hoc committees of the Working Body and the commissions; (3) consultative meetings between the MPR leadership and bloc leaders; and (4) internal bloc meetings. Updated schedules of these meetings were available in the media center on a regular basis, which facilitated public attendance and media coverage of them. In all of these meetings, members were free to speak their minds and express strong differences of opinion, facilitated by the fact that for the first time ever each member had the use of a microphone installed on the front of his or her desk. If anything, there was sometimes too little control over meetings, which allowed them occasionally to descend into shouting matches and to drag on much longer than scheduled.

All plenary sessions and some of the meetings of the smaller bodies were open to the accredited public and were broadcast live on state-run TV (TVRI) and radio (RRI), as well as on some private TV stations. All of the crucial votes took place during the plenary

sessions, and thus the results of these votes were known immediately to the Indonesian public. The meetings of the smaller bodies debated such crucial issues as the policy direction of the new government, the future of East Timor, constitutional reform, and procedures for the election of the president and vice president. The early consultative meetings among the interim MPR leaders and the unofficial bloc leaders, before definitive leaders were chosen on October 3, were also open to the public and were broadcast live through the electronic media. These meetings addressed the structural and procedural issues mentioned above. Once definitive MPR and bloc leaders had been chosen, these consultative meetings were no longer open to the public or the media. Internal bloc meetings, of course, were also never open to the public.

MPR members were distinctly aware that many of their sessions were being broadcast live across the country (and sometimes even across the world, such as on CNN). Although some members took advantage of this fact to grandstand, others constantly reminded their colleagues of their responsibility to the Indonesian public. In addition to the live broadcasts, both electronic and print media covered the General Session extensively, setting aside daily air time and newspaper space for special coverage of the MPR. This coverage was facilitated by members' frequent availability to the media for interviews. Political observers also contributed independent analysis through regular commentary and interviews. Of course, the general public was much more attentive to this General Session because, unlike in the past, its outcome had not been scripted in advance.

Nevertheless, as is the nature of any political system, democratic or otherwise, political decision making is not limited to the formal meetings. More often than not the critical negotiations and political horse trading took place in the hotels where members stayed or at the private residences of certain key leaders. Although there had been rampant public speculation about the role of "money politics" in the General Session, in practice little concrete evidence came to light.

During the initial days of this MPR session, there was also a much less obvious military presence in and around the Senayan area, where the MPR/DPR complex is located, and other strategic locations in Jakarta, as compared to previous MPR sessions (especially March and November 1998) during which the city had taken on the feel of an armed camp. For the first week of the General Session, the MPR/DPR complex and its environs were notably free of demonstrations, which may have been a sign of the greater public legitimacy accorded to this body as a result of the democratic nature of the June 7 elections.

As the presidential election neared, however, supporters of both Megawati Soekarnoputri and B.J. Habibie were mobilized from Jakarta and other parts of the country, and people poured into the capital by the thousands. Daily demonstrations by PDI-P of the ys 1pThe tune 7 es adv 5 TD (Neveru
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the citizenry as well that the 1945 Constitution must be amended to address these weaknesses in the country's political structure. Interestingly, there is also broad consensus that whereas the main body and the explanations sections of the Constitution are fair game for amendment, the preamble should be left untouched. The preamble establishes Pancasila, the pan-religious state ideology; in the 1950s, the Constituent Assembly (Konstituante) failed to enact a permanent Constitution in part because of conflict over whether Indonesia should be a Pancasilaist, Islamic or socialist state. The contemporary consensus over leaving the preamble alone, even among Muslim parties, means that there is much less chance that this polarizing debate will be reopened as Indonesia struggles to strengthen its new democratic institutions.

The 1999 General Session of the MPR produced amendments to nine of the Constitution's 37 articles. The MPR decided to follow U.S. practice in amending the constitution, in which the full original text is accompanied by the changes to these nine articles, which as a whole are referred to as the First Amendment.

The First Amendment focuses on strengthening the position of the legislative and judicial branches vis-a-vis the executive branch. The most important parts of this Amendment assert the DPR's dominant role vis-a-vis the president in the legislative process. In the original Constitution, Articles 5 and 20 state that the president "holds the power to establish laws with the approval of the DPR." Under the First Amendment, Article 20 now states that the DPR "holds the power to establish laws." Article 5 now only grants the president the right "to present bills to the DPR." Under the amended Article 20, a bill "is debated by the DPR and the President to achieve common approval." Once approved, a bill is signed into law by the president. The MPR apparently decided not to adopt another clause stating that if an approved bill sits on the president's desk for more than 30 days, it automatically becomes law.

The nine amended articles in the First Amendment are many fewer than the 20 articles originally identified as open to amendment by Ad Hoc Committee III of the MPR Working Body. Furthermore, the remaining parts of this amendment are largely cosmetic and do not address the root of the problems with the 1945 Constitution. For instance, the DPR now has a greater role in the formation of the cabinet, the assignment of Indonesian ambassadors to foreign countries and the accreditation of foreign ambassadors to Indonesia. The DPR and the Supreme Court have also been given a role in advising the president on the reduction of sentences. For these decisions, however, the president must only "consider the views of," not gain the approval of, the DPR or Supreme Court. The power of the president to confer state honors is now to be restricted by law. Finally, the MPR reaffirmed the amendment passed at the MPR Special Session in November 1998 that limits the president and vice president to a maximum of two five-year terms.

Although the First Amendment is not as sweeping as some had hoped, the MPR also passed a decree authorizing its Working Body to continue to meet and draft further amendments to be presented for approval by the full body at its first Annual Session on August 18, 2000. Changes adopted next August would therefore be referred to as the Second Amendment.

The Procedures to Elect the President and Vice President
The MPR's most important constitutionally defined duty is to elect the president and vice president. The 1945 Constitution, however, says only that these individuals are elected by a vote of a suara yang

terbanyak, which has been variously interpreted as a special majority, a simple majority and a plurality. Thus the MPR itself had to determine more detailed procedures for these elections.

Under the rules it adopted, the president and vice president were chosen in separate elections that followed the same procedures.⁽²⁷⁾ The president was chosen first. A quorum for these elections was two-thirds of the MPR. Candidates must have been nominated either by a bloc or by a petition of 70 members (10 percent) of the MPR, and nominations closed 12 hours before the start of the plenary meeting in which the election took place. If only one candidate had been nominated, then that person would have been automatically approved by the full body. Since there was more than one candidate, voting took place by secret ballot on a one-member, one-vote basis.⁽²⁸⁾

Depending on the number of candidates, there could be multiple rounds of voting. In any round, a candidate who won the votes of a majority of members present was automatically declared the winner.⁽²⁹⁾ If there was no majority winner in the first round, then the top three vote-getters would advance to the second round. Failure to produce a majority winner in the second round would result in a third round of balloting between the top two remaining candidates. In the unlikely event that there was still no majority winner in the third round, perhaps because of a high number of abstentions or invalid votes, balloting could be repeated up to twice within the following 24 hours with the same two candidates. If these re-votes still did not produce a majority winner, then all nominees would be declared ineligible and a new round of nominations would have to take place, after which the above voting procedures would be repeated. In the 1999 MPR General Session, multiple rounds of voting were not necessary because in both elections only two candidates remained when voting commenced, and a majority winner was achieved on the first ballot.

The MPR decree establishing these voting procedures also set out a number of criteria for an individual to be eligible for nomination, including for the first time the filing of a declaration of assets. It was the responsibility of the MPR leadership to determine if an individual met these criteria. One criterion that was proposed but eventually dropped required all candidates to be in good physical health. This criterion, had it remained in the decree, could have proved fatal to the candidacy of the man who was eventually elected president, Abdurrahman Wahid.

The decree also requires that the president and vice president "must be able to work together," even though they are elected separately. Although President Wahid was intimately involved in the negotiations regarding most of the vice presidential candidates, when MPR Speaker Amien Rais announced the four official candidates on the morning of October 21, he said that there was no requirement that the president must be consulted about all of the nominees. These procedures left open the possibility, at least on paper, that a vice president undesirable to the president could have been elected by the MPR. The decree did not specify what actions were to be taken if this situation occurred.

East Timor

Another of the important items on the MPR's agenda was the future of East Timor. The result of the August 30 UN-administered referendum, timed to occur before the General Session, was an overwhelming victory for independence. The international community thus expected the MPR to ratify these results and grant East Timor its independence, especially in light of the atrocities committed by the Indonesian military and the militias it supported. Nonetheless, the

MPR was also faced with both a general nationalist backlash and the specific entreaties of pro-Indonesia East Timorese during the General Session.

The MPR considered various options that would have fallen short of complete acceptance of the referendum results, but in the end passed a decree entirely acceptable to the international community. This decree recognized the results of the August referendum, rescinded the 1978 MPR decree formalizing Indonesia's annexation of East

The prescriptions for domestic politics emphasize the needs for national reconciliation and further democratization. The policy guidelines note that constitutional and electoral reforms are necessary to achieve checks and balances among the three branches of government. The 2004 elections will be conducted by a national election commission that is to be independent and nonpartisan. Civil-military relations will also be restructured, including by ending military representation in the DPR and restricting it to the MPR. The GBHN also emphasizes the importance of a free press to democracy in Indonesia. At the intersection of economics and politics, the DPR is to be more heavily involved in decisions about the levels of foreign debt Indonesia assumes, relations with international financial institutions such as the IMF and World Bank, and the privatization of state-owned assets.

Proposed legal reforms include restructuring and cleaning up the judicial system and the police force and placing an emphasis on human rights. Corruption is also an issue for the civil service at all levels, but especially in terms of increasing the transparency of auditing the personal wealth of high government officials. As part of this effort, the GBHN requires the government to increase the salaries of civil servants, the police and the military. The political neutrality of the state bureaucracy is to be maintained.

Although the GBHN calls for civil-military relations to be restructured, it also continues to adhere to the theory of "total people's war" that justifies the military's territorial system. The police are to be fully separated from the military, and both institutions are to increase their professionalism. In foreign affairs, Indonesia is to focus its diplomacy on ASEAN and the solidarity of the developing world, while continuing to integrate itself into the emerging global and Asian free trade regimes.

Religious policy is to focus on developing nondogmatic religious educational curricula and on fostering interfaith dialogue, as well as improving government administration of the haj pilgrimage for Muslims. Education policy must emphasize decentralization and curriculum reform, while improving teacher salaries. In the area of society and culture, policy should emphasize improving health care, social security, family planning programs, and the lives of the handicapped. Freedom of artistic expression is to be guaranteed, and traditional culture is to be promoted, both for its own sake and as a means of attracting eco-friendly tourists. Promoting gender equality and developing youth programs to foster entrepreneurship and stem drug abuse are also a priority.

Regional autonomy is to be implemented in the economic, political, legal, religious and cultural spheres. Autonomy granted to regional governments, however, must be accompanied by the empowerment of elected regional assemblies (DPRDs) as watchdogs on these governments. Integrated rural development is also to be emphasized over the coming five years. In addition, Aceh, Irian Jaya and Maluku are to receive special attention. Decentralization of resource control and the promotion of sustainable development are the main priorities in the natural resource and environmental sector.

The MPR General Session: Coalition Building and Power Sharing
The primary impact of the distribution of provincial delegates among other blocs was to pull Golkar's strength nearly even to PDI-P's.⁽³²⁾ The Central Axis (Poros Tengah), a loose coalition of Muslim parties formed in July by PAN chairman Amien Rais, also controlled a significant share of the MPR: 132 seats not counting PKB, or 189 seats including PKB (which never actually joined the Central Axis but

ultimately supported the same presidential candidate).

In negotiations, PDI-P acted as if it had an overall majority with what was widely perceived as a stiff and uncompromising negotiating style. But Indonesia's proportional representation electoral system did not produce a majority party and instead spread significant numbers of DPR seats among a number of larger parties. This outcome required all parties to negotiate and form coalitions. PDI-P's failure to do so evidently adversely effected its record in the MPR General Session.

Votes on Structural and Procedural Issues

On October 2, the second day of the MPR General Session, the

candidates: Akbar Tandjung, PPP chairman Hamzah Haz, General Wiranto and Megawati (in a conciliatory gesture, nominated by PKB
with the endorsement of the Indonesian People's Party (PPP) and the Islamic Party (PKB) in 1999, was 12% of the total 2 per

Deputy Commander (now Commander) Widodo AS hinted on September 13 that the MPR General Session might need to be postponed because the national atmosphere was "not conducive" to holding such a politically charged event. This statement galvanized civilian politicians from across the political spectrum, and several responded publicly that perhaps the General Session should instead be expedited. (In the end, the election of the president and vice president did take place about three weeks earlier than originally planned.) The Team of Seven, an interparty consultative forum formed on September 11, began meeting to discuss issues leading up to the General Session. The early meetings of this forum did not include military representatives, who began joining later meetings just days before the General Session began.

For several months, the military had been pushing a new bill on state security and national emergencies through the holdover DPR elected during the New Order. This bill had languished for 10 years in the state secretariat before finally being presented to the DPR in 1999. The DPR substantially revised the bill, so that some commentators viewed it as an improvement on the draconian 1959 law it was meant to replace. Nonetheless, the bill became a flash point for student protests against military influence in politics. When the DPR passed the bill anyway on September 23, one day before its term ended, the demonstrations escalated into deadly riots (the so-called "Semanggi II Incident"). On September 24, in an unusual move, the military (not the government) announced that the president would not sign the bill until it could be "socialized" - that is, better explained - to the public.

On September 28, just four days after the riots, Wiranto took advantage of the Team of Seven forum to again assert the military's national leadership. He invited the leaders of the seven major parties to a meeting at the Museum of the Drafting of the Declaration of Independence in Menteng, Central Jakarta. Abdurrahman Wahid, Megawati Soekarnoputri, Akbar Tandjung and Amien Rais were among those present. At this meeting, Wiranto emphasized the need to maintain order during the upcoming General Session and extracted a promise from all present that their parties would not mobilize supporters during the MPR's deliberations.

The Military's Low Profile during the MPR General Session
In contrast to this activist role played by military leaders, the military/police bloc in the MPR took a much lower profile during the General Session itself. For instance, the military representatives rarely wore their uniforms, preferring suits and ties. In the consultative and plenary meetings that took place from October 1 to 4, they rarely joined the debates. The military/police bloc also refused to take sides in the highly contested race for MPR speaker; instead the entire bloc voted for its own candidate, the political equivalent of abstention. The military's representatives did abandon their neutral stance and vote in the presidential and vice presidential elections, although it is not known exactly who they voted for or even if they voted uniformly. Military representatives were active in pushing for a more confrontational stance on East Timor and for retaining their DPR representation after 2004, but when these positions became politically untenable they were abandoned.

General Wiranto's Vice Presidential Candidacy

The most visible sign that the military is divided over its political role was Wiranto's on-again, off-again vice presidential candidacy. He had been careful to establish the military's neutral position in the June 7 elections, which allowed him to maintain relations with all parties and political leaders. This strategy appeared to be paying off, because at one point in August, he was being spoken of as a potential running mate to both Habibie and Megawati. As September wore on, however,

it appeared that Megawati was not inclined to offer him the position. Thus, he reportedly became more aggressive in courting Golkar.

At Golkar's leadership meeting in May, when the party named Habibie its sole presidential candidate, Wiranto was tapped as one of its four possible vice presidential candidates, along with Akbar Tandjung, Ginanjar Kartasasmita and Sultan Hamengkubuwono X. Golkar again held a leadership meeting on October 11 and 12, in the middle of the MPR General Session. In an unusual move, one week before the meeting, five provincial chapter chairmen who were retired military officers quietly received promotions to brigadier or major general. This meeting reaffirmed Habibie as Golkar's presidential candidate, but it also gave the party leadership the flexibility to change candidates in light of subsequent events. The party could not achieve consensus on a vice presidential candidate, despite support for Wiranto among some provincial chapters. The decision was left up to Habibie, and he chose Wiranto despite the potential for unrest generated by this ticket.

On October 18, one day before the vote on Habibie's accountability speech and two days before the presidential election, Wiranto announced that he "would not participate in the competition over the presidency and vice presidency." This decision was apparently due to intense pressure from other active and retired officers, and it was a grave blow to Habibie's candidacy. Some analysts believe that this was a calculated move and that Wiranto expected to be considered again once the president had been elected. (He did subsequently

The cabinet also contains five active and retired officers, four from the army and one from the navy. Although this suggests the military will continue to exert significant political influence, it is also the fewest officers in any cabinet in decades. These officers are General Wiranto as Coordinating Minister of Politics and Security, Lt. Gen. (ret) Surjadi Soedirdja as Minister of Home Affairs, Lt. Gen. Susilo Bambang Yudhoyono as Minister of Mining and Energy, Lt. Gen. Agum Gumelar as Minister of Transportation and Communications, and Rear Admiral Upper Half Freddy Numberi as Minister of Utilization of the Civil Service.

Looking Ahead

The Composition of the New Cabinet

The National Unity Cabinet is largely a result of the political bargains struck during the elections for the president and vice president. It contains at least one representative from each of the seven major parties: PDI-P, Golkar, PPP, PKB, PAN, PBB and PK.⁽³⁴⁾ The new cabinet contains many new faces; only four ministers have served in previous cabinets. Although most ministers thus lack experience in the executive branch, many share a broad commitment to reform.

Indonesians quickly began to raise a number of concerns about the cabinet. Some have criticized the continued placement of military officers in ministerial positions. Others have questioned the suitability of certain ministers for their new posts. Another

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representation in the MPR. The constitutional reform process will address the future of the MPR, including alternatives of abolishing it altogether or transforming the provincial representatives in the MPR into an upper house of the national legislature. In addition, the Working Body will consider whether Indonesia should transform itself from a unitary into a federal state. Indonesians also see the need to increase the independence and the powers of the legislative and judicial branches, as well as to establish stronger checks and balances among the three branches of government.

1. The 1945 Constitution stipulates that the membership of the MPR includes functional group representatives who are intended to represent certain under-represented sectors of society. The decision as to which organizations are included as functional groups is made by the Election Commission.
2. The 1945 Constitution provides that the MPR should meet at least once every five years. These regularly scheduled meetings are referred to as General Sessions. In 1999 the MPR also decided to hold Annual Sessions, beginning in the year 2000. The MPR can also

committees.

campaign for an open presidential election, including the use of open balloting, to increase transparency and accountability. Although this campaign was successful in raising public awareness about the issue, and some of its recommendations were adopted by the MPR, the campaign failed to convince MPR members to use an open ballot in these elections.

29. Since the basis for the overall vote count was members present (as opposed to present and voting), abstentions and invalid ballots counted in determining the number of votes necessary to achieve a majority. This rule was designed to ensure broader support and legitimacy for the elected president.

30. MPR Decree No. VII/MPR/1999.

31. MPR Decree No. IV/MPR/1999.

32. See the table in Appendix 9.

33. Kompas, September 9, 1999, pp. 1, 11; Kompas, September 13, 1999, pp. 1, 11.

34. The table in Appendix 10 provides more details on the ministers and their political affiliations.

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APPENDIX 1

THE POLITICAL EFFECT OF ABOLISHING STEMBUS ACCORDS

| (no accords) | NET GAIN (LOSS) |
|--------------|--------------------|
|--------------|--------------------|

Unfortunately, NDI is unable to provide the following appendix to this document:

Appendix 2: The PPI's Official DPR Seat Allocation

APPENDIX 3

THE BREAKDOWN OF DPR SEATS BY BLOC/PARTY AND REGION

Java & Bali

Sumatra

Eastern Indonesia

APPENDIX 4

**THE PROJECTED AND ACTUAL COMPOSITION
OF THE PEKANBARU MUNICIPALITY DPRD II,
RIAU PROVINCE**

| PARTY | VALID VOTES | QUOTA SEATS | VOTE REMAINDERS | LARGEST REMAINDER SEATS | TOTAL PROJECTED SEATS | ACTUAL SEATS | GAIN (LOSS) |
|--------------|--------------------|--------------------|------------------------|--------------------------------|------------------------------|---------------------|--------------------|
| Golkar | 57,765 | 9 | 2,127 | 1 | 10 | 10 | |

| Party | Name | Province | Representing District*: | |
|------------------------------|----------------------|---------------|-------------------------|--------------------------------|
| | | | Final Candidate List | Presidential Decree |
| PKB (cont.) | Agus Suflihat Mahmud | W. Java | Kab. Bandung | Kab. Sumedang |
| | Abdul Khaliq Ahmad | W. Java | Kab. Indramayu | Kodya Tangerang |
| | Abdul Wahid Karim | C. Java | Kab. Purwodadi | Kab. Grobogan |
| | Syaifullah Adnawi | C. Kalimantan | Kab. Kotawaringin Timur | Kab. Barito Utara |
| | Khalilurrahman | S. Kalimantan | Kab. Banjar | Kab. Tanah Laut Kab. Bangli |

APPENDIX 7

THE DEMOGRAPHIC MAKEUP OF THE 1999-2004 DPR,

APPENDIX 8

THE DEMOGRAPHIC MAKEUP OF THE 1999-2004 DPR, BY PARTY/BLOC

TABLE 1: FORMER OCCUPATION

| PARTY/BLOC | 1997-99 DPR | 1997-99 DPRD | PRIVATE SECTOR | CIVIL SERVICE/ MILITARY* | OTHER |
|-------------------|--------------------|---------------------|-----------------------|---------------------------------|--------------|
| PDI-P | 0% | 0% | 61% | 14% | 25% |
| Golkar | 59% | 8% | 22% | 6% | 6% |
| PPP | 38% | 19% | 24% | 5% | 14% |
| PKB | 0% | 4% | 31% | 10% | 55% |
| Reform | 0% | 0% | 51% | 10% | 39% |
| PBB | 0% | 0% | 38% | 8% | 54% |
| KKI | 0% | 8% | 75% | 0% | 17% |
| PDU | 0% | 0% | 67% | 0% | 33% |
| PDKB | 0% | 0% | 20% | 0% | 80% |
| TNI/POLRI | 63% | 0% | 0% | 37% | 0% |
| Totals | 23% | 5% | 39% | 11% | 23% |

*Active and retired civil servants and military officers.

TABLE 2: HIGHEST EDUCATIONAL ATTAINMENT

| PARTY/BLOC | SECONDARY SCHOOL | COLLEGE | POST-GRADUATE |
|-------------------|-------------------------|----------------|----------------------|
| PDI-P | 29% | 54% | 17% |
| Golkar | 5% | 73% | 23% |
| PPP | 21% | 70% | 9% |

TABLE 3: RELIGIOUS AFFILIATION

| PARTY/BLOC | MUSLIM | PROTESTANT | CATHOLIC | HINDU | OTHER |
|-------------------|---------------|-------------------|-----------------|--------------|--------------|
| PDI-P | 63% | 25% | 7% | 5% | 1% |
| Golkar | 86% | 9% | 4% | 1% | 0% |
| PPP | 100% | 0% | 0% | 0% | 0% |
| PKB | 100% | 0% | 0% | 0% | 0% |
| Reform | 100% | 0% | 0% | 0% | 0% |
| PBB | 100% | 0% | 0% | 0% | 0% |
| KKI | 42% | 8% | 50% | 0% | 0% |
| PDU | 100% | 0% | 0% | 0% | 0% |
| PDKB | 0% | 60% | 40% | 0% | 0% |
| TNI/POLRI | 76% | 8% | 8% | 8% | 0% |
| Totals | 81% | 11% | 5% | 2% | 1% |

TABLE 4: AGE GROUP

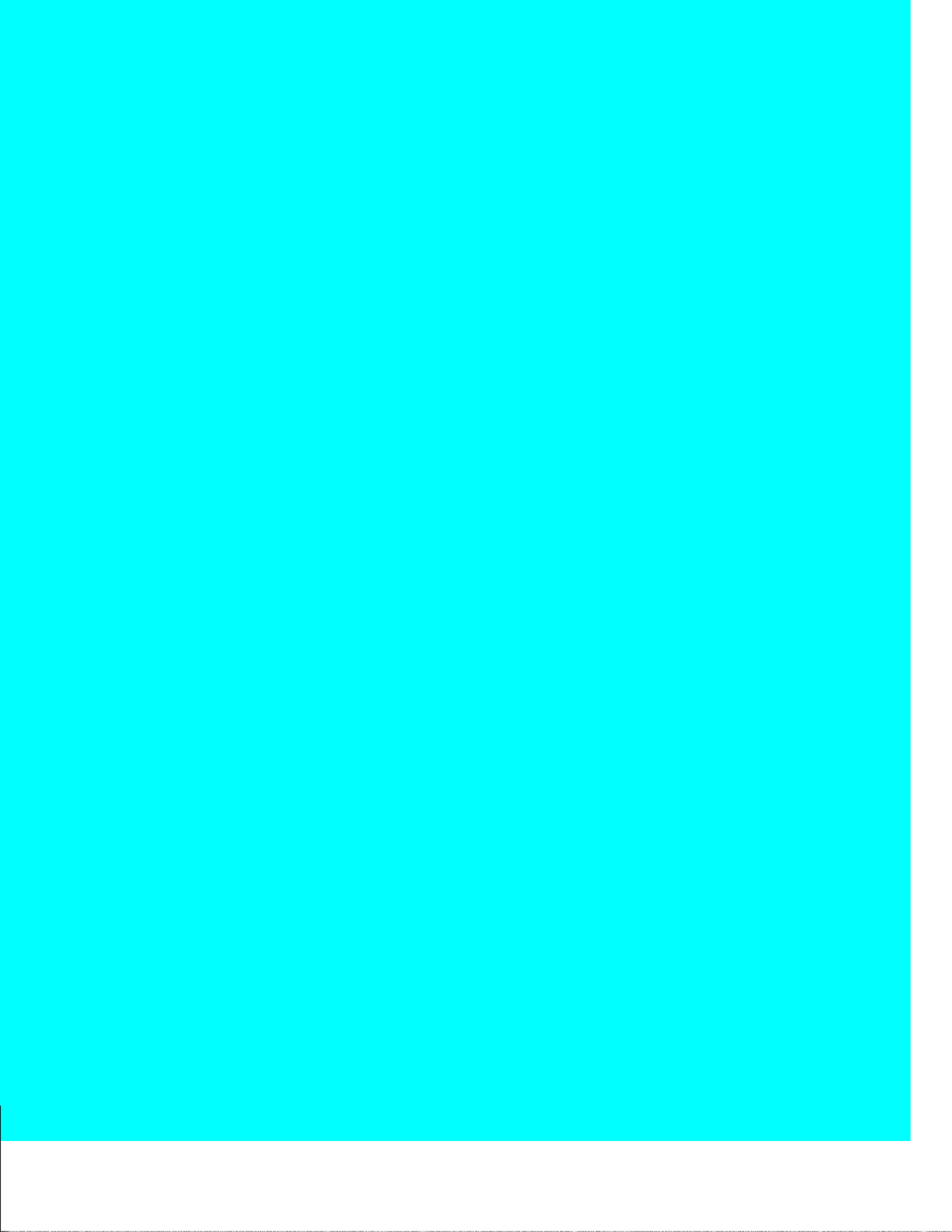
| PARTY/BLOC | <35 | 36-45 | 46-55 | 56-64 | >65 |
|-------------------|---------------|--------------|--------------|--------------|---------------|
| PDI-P | 4% | 23% | 33% | 35% | 5% |
| Golkar | 4% | 36% | 39% | 19% | 2% |
| PPP | 3% | 17% | 28% | 40% | 12% |
| PKB | 12% | 37% | 16% | 31% | 4% |
| Reform | 0% | 44% | 29% | 20% | 7% |
| PBB | 0% | 38% | 15% | 46% | 0% |
| KKI | 0% | 8% | 42% | 33% | 17% |
| PDU | 0% | 44% | 22% | 33% | 0% |
| PDKB | 0% | 0% | 20% | 80% | 0% |
| TNI/POLRI | 0% | 5% | 82% | 13% | 0% |
| Totals | 4% | 27% | 35% | 29% | 5% |

TABLE 5: SEX

APPENDIX 9

THE COMPOSITION OF THE MPR - 1999 GENERAL SESSION

| Bloc/Party | DPR Seats | Additional UD Seats | Total MPR Seats |
|--------------|-----------|---------------------|-----------------|
| 1) PDI-P | 153 | 32 | 185 |
| 2) Golkar | 120 | 62 | 182 |
| 3) PPP | 58 | 12 | 70 |
| 4) PKB | 51 | 6 | 57 |
| 5) Reform | 41 | 8 | 49 |
| <i>PAN</i> | 34 | | |
| <i>PK</i> | 7 | | |
| 6) TNI/POLRI | 38 | 0 | 38 |
| 7) PBB | 13 | 0 | 13 |
| Unity (KKI) | 12 | 2 | 14 |



| Minister | Previous Position(s) | Party/Organizational Affiliation(s)* |
|----------------------------------|--|---|
| 22) SM, Environment: Sonny Keraf | Lecturer, Philosophy and Ethics, Atmajaya University | Atmajaya University, [PDI-P] |