

**DRAFT**

**The Role of Parliamentary Institutions in Transitional Democracy  
in Establishing Peace and Sustainable Development**

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## Section I – Contextual Background

Indonesia, as one of the Asia-Pacific region countries, has experienced a good process in transition to democracy. Although Indonesia's transition to democracy is taking place under difficult circumstances characterised by crises and conflicts, its progress in developing and sustaining viable institutions, democratic procedures, and a culture of freedom has been noteworthy. In general the transition remains fragile because of some unfavourable conditions such as struggling economy, unresolved ethnic and religious conflict, widespread public mistrust onto the government, and unchecked corruption that continue to gnaw at the roots of the emerging system. In addition, even as they wrestle with the problems of daily governance, Indonesia's leaders are forced simultaneously to redefine their own roles, not just to decide the issues of governing, but also to probe the nature of governance itself.

In Indonesia, a period of parliamentary democracy and open elections under the 1950 Constitution was followed in 1957 by a return to the (presidential) 1945 Constitution, and the 'guided democracy' of President Soekarno – the precursor to contemporary Indonesia's Pancasila democracy. After experiencing a long struggle, the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution) finally could be amended four times by the People's Consultative Assembly (October 19, 1999; August 18, 2000; November 9, 2001; and August 10, 2002). The agenda of political reform in 1998 had led to the amendment to the 1945 Constitution, that had been continually carried-out into four series from 1999-2002. Historically, before the 1945 Constitution could be amended in 1999, Indonesia has experienced four constitutional periods as follow: (1) the 1945 Constitution (first period, from August 17, 1945 to December 27, 1949); (2) the Federal Indonesian Republic Constitution of 1949 (from December 27, 1949 to August 17, 1950); (3) the Provisional Constitution of 1950 (from August 17, 1950 to July 5, 1959); and (4) the 1945 Constitution (second period, from July 5, 1959 to October 19, 1999).

During those periods, the tensions, dimensions and management of conflicts have varied significantly. During its very early democracy (1945-1970), the parliaments have become the media for conflict resolutions and managements among the differing political groups. Political parties that were formed based on regional, ideological and ethnic ties institutionalised their political struggle and competitions through the parliamentary institutions. During this period there were at least 30 local rebellions which demanded for separations from Indonesia or for the foundation of an Islamic state. Such these movements have been suppressed by the government using the military force. No real political dialogues and negotiations were done to create win-win solutions that could

satisfy the existing political groups. With the emergence of the so-called New Order, the oppressions were done more systematically by using military and security measures and the enforcement of the country's sole ideology '*Pancasila*'. During this period, which lasted till late 1990s, all political powers are forced to adopt the governmental ideological values which derived from the *Pancasila*. Those which were against this policy were banned and sanctioned by the ruling regime. Open conflicts were not there and all political powers superficially believes that Indonesia headed to the right direction of nation building.

The *reformasi* which started in 1998 showed that the political revivalism and the local social revivalism have not stopped. Open regional and identity based political struggles and conflicts that were silenced for more than three decades re-emerged. The situation has become less favourable for a peaceful democratic transition because the reform of government has gone along together with the implementation of the regional autonomy and decentralisation. Lots of efforts have been made to maintain peace until recently. Parliamentary organisations at the national and local levels have tried hard to institutionalise political participation of all actors to minimise conflicts. Along this political development, the start or direct local elections have generated more serious local conflicts. There is not yet any formal efforts that are initiated by the local parliaments to cope with those conflicts. Politicians normally deal with the conflicts through their political parties and basis. While this area could be a challenging entry for the coming local parliamentary supports, not yet much could be elaborated in this area.

Therefore, the study gives its emphasis more on the role of parliaments in peace building and sustainable development. It also gives similar attention to the role of donor and international organisations in the building of the parliamentary capacity so that they could implement their functions and tasks with peace building and sustainable development perspectives. However, it is recommended that the parliamentary and electoral supports in Indonesia could make some follow up to study the role of parliaments in managing local conflicts, especially the ones related to the implementation of the direct local elections.

## **A. Structure of the Current Parliamentary System**

The above very brief illustration indicates the historical dynamics of the Indonesian parliamentary systems, which could provide some learning. First, within a relatively short period (around 6 decades) Indonesia has experienced almost all systems of government: from the presidential, to the parliamentary, to the hybrid and back to the presidential. These changes show how the country has dealt with immense political skirmishes caused

by the struggle of political powers to suffice their interest with less concern to the creation of an established system that could make the country big. Though it has been institutionalised, the political conflicts will seemingly continue, especially if the regional revivalism is taken into consideration. Second, the adoption of the asymmetric bicameral system has also been followed by some intriguing relationships between the People's Representative Council (*Dewan Perwakilan Rakyat* or DPR) and the Regional Representative Council (*Dewan Perwakilan Daerah* or DPD). The two parliamentary institutions – which are normally termed as the Lower and the Upper Houses) – have recently been engaged in tenuous competitions for winning their influences. The bases of competitions are the fact that the members of the DPR were indirectly elected based on the semi-proportional system and the members of the DPD were directly elected by the people based on the single non-transferable vote. The inappropriate logical reason for their election has made the members of DPD feel to have better legitimacy. Third, the present unresolved national competitions among the political powers and between the parliaments and the executive government have brought serious impacts to the current conflicts happening at the regional level. The direct elections of city mayor, district heads and governors, for example, become the reflections of political competitions among political powers at the national level, in which ethnic-regionalism remains an obvious characteristic.

The dynamics in the parliamentary politics is also influenced by the massiveness of their numbers. At the national level, the asymmetric bicameralism has instituted 550 members for the DPR (grouped into 11 fractions – originated from the Dutch's *fractie*) and 120 members for the DPD (each province is represented by 4 members). While the formation of the political groups in the DPR in fractions is relatively easy and in order, the formation of the political groups in the DPR seems difficult because each member feels to have their own individual legitimacy. At the regional level, there are 32 provincial parliaments with each having at the minimum 40 members and 440 districts and cities parliaments (some time called council) with each having at least 25 members. The slow process of political decentralisation has caused the patronage between the national political principals and their regional agents remains strong. Though the parliaments possess their formal autonomy, the executive government keeps on trying to control the political processes either by using certain economic instruments or by internalising certain procedures.

In such complexity, the Standing Order has become a powerful tool for the groups in the parliaments, for which they have struggled to make sure that the rules and procedures could maximise their role and authorities when accomplishing their functions.

In the Indonesian law on the parliamentary order, the representation has been translated into the three functions of parliaments: legislation, budgetary and oversight. The Standing Order has included the Code of Ethics since 1999, for which the Honorary Committee comprising all representatives from the fractions is established. However, this Committee has not been effective, because it seems cumbersome for its members to enforce sanctions to their own colleagues. The influence of the public pressure on this respect is also hardly effective, because the parliaments and public relationships have not been based on clear accountability principles. The DPR has a structure called the Deliberation Body (*Badan Musyawarah*). This Body comprises the representatives of fractions and the leadership. It is very powerful because all parliamentary agenda should get the endorsements. However, this Body could not eliminate conflicts among fractions whenever it comes to the struggle of political agenda as mandated by their parties.

## **B. Parliamentary Development and Democratic Reform**

Though constitutionally Indonesia follows the presidential system, in reality the hybrid nature still, to a certain degree, persists because it just departed from a system where the parliament was so strong. The president is from the Democratic Party and the Vice President is from Golkar. They command a cabinet called 'United Indonesia' that comprises of ministers from different political background. The president and the vice president – though often caught in competition for political influence – could therefore play the competition in politics between the DPR and the DPD. In other words, the nature of the cabinet has made the executive able to manage internal parliamentary tensions, while making the check and balance favouring itself. The consolidation process in the parliaments caused by this constitutional changes seems too slow to keep up with the consolidation of the executive. In many occasions, the executive could well conditioned the parliaments, so that without explicit demands the parliaments would come up with their statements of supports to the executive. This is very different to the last period, when the parliaments could really impose their political stands to the subdued executive. However, this does not mean that the parliaments give away their autonomy, because their authorities in the making of law and determining the state budget remain.

This situation will most likely continue, because political parties could not improve or maintain their capacity in politics. There has been a tendency that political parties are busy only during general elections and when the 'party' is over their intensities in politics decline or even stopped. Only a few political parties which continue to accomplish their functions such as political education and communication. Many argued that their functions

have been done by their representatives in the parliaments. Some political parties are even trapped by their internal conflicts because they are in the process of successions. It could be said that in general the weaknesses of political parties – in several aspects such as functional, social ownership, membership structure, legal status and political stand in front of the state – have caused the strengths of the parliaments could not be sustained. Therefore, the parliaments have tried hard to establish constituency relationships with hardly any structural supports from political parties. From this short explanation, it could be identified that the engagements between political parties and their constituents as well as between themselves and the parliaments are weak and occasional. This is why political parties in Indonesia have not been in the position to foster the peace building in larger national and regional context.

Using their autonomy, the parliaments have exerted their decision making processes independently from political parties and, also in many aspects, to the executive government. The members of the Deliberation Body give an impression that they form their own community in the parliaments. This has caused the leadership in the parliaments has frequently been challenged by the members of even the supporting fractions. When it comes to the connections between the national and regional political ties, regional political leaders would approach their patrons for certain decisions, such as in nominating the candidates for local elections. Such this practice has caused political complications that potential generates conflicts. The parliamentary leaderships are normally effective internally or in making deals with the executives. But, this has in some cases been challenged by the other sided party members who could not maximise their utilities both in the parliaments and in general politics.

Keeping themselves busy with struggling for their political interests, the national and regional parliamentarians have neglected the fundamental needs for capacity building. First, while there are awareness on the needs for information and expertise, not enough resources have been made available both for the parliamentary organs and the Secretariats. It is sometime difficult to understand the fact that the parliaments do not use their budgetary authorities to make those resources for capacity enhancement available. This is why some international assistance have dedicated their supports to building the capacity in the Secretariats, because this kind of assistance has better sustainability. It is also important to note that the present Secretariat of the DPR has tried to reform itself so that it could fit to the structure and functions of the DPR. Second, the parliaments often show their willingness and, to some extent, also effort to make independent decisions, the substantive capacities have been imbalance to the ones owned by the executives. The

problem normally lies with the incapacity of the parliaments in forcing the executives to disclose all available information to them.

It has been under the above mentioned circumstances that the parliaments have been challenged to institutionalised democratic practices in its internal processes. Parliamentary decision making processes have been situated in serious gaps of information between the small and the larger fractions. This is understandable because larger political parties normally have their people in the cabinet or in the bureaucracies. The fact that the Standing Order provides regulations to make sure that the deliberations take place during sessions could not really give fair opportunities for smaller factions (thus the political minority in the parliaments) in discussing crucial legislations. Once again, the Body of Deliberation has substantial roles in the decision making processes. Be that as it may, the Indonesian parliaments are now heading to more and more stable structures. Within approximately one year and with painstaking efforts, the newly elected members start to learn how they should play in the parliamentary processes. However, the removal of the systems of patronage from the Indonesian parliamentary practices seems still a long way to go.

During this period of transition, it is obvious that the parliaments get better popular recognition as they are no longer the rubber stamp to the executives. This does not mean that the parliamentarians could now claim for their popular supports for their decisions. The fact that they were proposed by political parties is basically the hindrance. Furthermore, it has also hard for the parliamentarians to prove that they have significantly contributed to the sustainability of the national development. The parliaments, to the contrary, have been cornered as the cause of unfavourable political conditions that have slower the social and economic recovery. The more active roles of civil society organisations in the national and regional political processes could potentially place the parliaments as the mediators and solvers of immediate and long term conflicts. But in general, the parliamentarians have not proven their capacities in utilising such opportunities as the bases of their political incentives. This is particularly true for the regional parliaments, because the national parliaments have taken more roles in resolving or mediating regional conflicts. This reality also indicates that the decentralisation and regional autonomy have not been equipped with reliable political actors in the regions, particularly the regional parliamentarians. In addition, the decentralisation process in Indonesia now reaches only the devolution of the administration.

### **C. The Parliaments and Their Population**

A small note could be provided on the relationships between the parliaments and the general public. In the past, when the floating mass was the social and political phenomena, the legislative and executive governments decides whatever they believed appropriate without any consultation to the public. Nowadays, with the demands for larger transparency, the decisions and conducts of the parliaments are very opened to public scrutiny. Similarly, the public could now complain and report problems related to the accountability of the parliaments, including the practices of corruptions and the violations of the Code of Ethics. However, the degree and quality of relationships are different from region to region.

## Section II – International Interventions around the Issue

This Section elaborates the efforts of international support programmes provided by donors (multilateral, bilateral or international NGO) that have direct connections to peace establishment and sustainable development. Before going further on the kinds and dynamics of the international assistance, there is a need to first elaborate the characteristics of those assistance. In terms of intervention approach, assistance can be divided into two kinds. In the first category covers the supports that are provided in the forms of short term activities or projects. This kind of assistance normally helps the parliaments in thematic areas or technical-specific capacity building efforts. The second covers a number of assistance that are more programmatic and thus have a longer and broader terms.

### A. Previous and Existing Supports

#### 1. Previous Supports (Until 2004)

Some donors and national and international NGOs have been active in helping the country reinventing democracy as a way to establish a peaceful transition and fostering more sustainable development. During the earlier phase of reform, when national and regional conflicts prevailed, international assistance have been done in very careful way. The Government and the civil society groups were very sensitive. They competed for resources that were provided my international

**Table 2.1. Selected previous supports**

Name of organisations	Assistance coverage
<i>International donor and organisations:</i>	
UNDP	General elections, capacity building for parliamentary organs and Secretariat General, political dialogues and public awareness building
USAID	Voters educations, civil society empowerment, political dialogues, parliamentary capacity building
NDI	Capacity building for political actors in the parliaments and civil society
IRI	Capacity building for political actors in the parliaments and civil society
Partnership for Governance Reform	Parliamentary capacity building, civil society empowerment
The Asia Foundation	Parliamentary capacity building, civil society empowerment
Konrad Adenauer Stiftung	Parliamentary capacity building and political education for civil society
International IIDEA	Parliamentary capacity building
<i>National organisations:</i>	
CETRO	Advocacy in general elections, voters education, parliamentary reforms
Rectors Forum	Monitoring of general elections, civil society engagement
LP3ES	Monitoring of general elections and parliamentary training

communities for the maximisation of their political power and bargains. This phase was also the time when international organisations started to openly dare themselves in the democratic political development in the country. There were only two international organisations that have worked in the parliamentary area for long before in Indonesia, i.e.

the Asia Foundation (since 1989) and the Konrad Adenauer Stiftung (since 1990). While the Asia Foundation provided supports to the Secretariat General in capacity building, the Konrad Adenauer Stiftung successfully facilitated the factions in the parliament in making political processes more deliberate.

The results and impacts of those supports in peace building and sustainable development could be elaborated as follows. First, massive voters education that were organised by many civil society organisations with the supports of international donors and organisations have proven their contributions in minimising conflicts. Many were afraid that the 1999 General Election could cause wide spread vertical and horizontal conflicts at the national and national levels. Second, various parliamentary capacity building supports have also been a factor in decreasing the internal conflicts in parliaments. Political parties and their members in the parliaments were better prepared in taking care of deliberative processes and in negotiating multi-polar political interests. It could be hypothetically said that the minimisation of the national conflicts among political parties and leaders have significantly reduce the open horizontal conflicts in the regions. Third, civil society empowerment that were done by national and international NGOs have also generated positive impacts to the capacity of civil societies in dealing with parliamentary institutions and processes. While demonstrations become more and more orderly as well as less and less violent, political communications between parliamentarians and their constituents have been more effective, with the improved capacity of the civil society in challenging the accountability and transparency of the parliamentary institutions. Fourth, in line with the implementation of the decentralisation policies, capacity building for parliamentarians have also make them able in generating public policies that were more accommodative and better sufficing the conflicting interests of various political groups. This condition has been very supportive to the efforts of the country in assuring more sustainable development. Fifth, there is a general impression that where there are consistent programmatic parliamentary supports that were related to enhancement of civil society capacity and political participation, there are indications that democratic parliamentary processes have been utilised (even if still in their initial stage and more obviously in the regional level) as institutions to establish peace and nurture more sustainable development.

## ***2. Existing Supports (2005 Onward)***

The Government has nowadays better confidence to international donors and organisations working in the political transformation field. The executive and legislative

government branches have seen a number of tangible contributions and impacts that generated enabling conditions both for the creation of peace for orderly transformation. Civil societies have also better awareness on the necessity of working together with other players, notably the government. In the supports related to democratisation, political party sector has generally been left behind, except by NDI. This organisation has provided supports in capacitating political parties so that they could take part actively in the parliamentary processes. In general,

international donors and organisations have been reluctant to provide supports in the political party sector because of its sensitivity. Realising the importance and impacts of the capacity and quality of political parties in the parliamentary processes, several discussions have taken place in the country on how international supports could rightly help political parties in building their democratic capacities. Sooner than later, international supports need to be formulated in this area.

The present context related to the implementation of direct election in the regions has broaden up the needs for international supports. The preparations for direct

**Table 2.2. Selected existing supports**

<b>Name of organisations</b>	<b>Assistance coverage</b>
<i>International donor and organisations:</i>	
UNDP	Deepening and consolidation of democracy (election, parliamentary, civic education), decentralised governance (public service reform and inter-governmental network), legal reform and human rights (access to justice and legal information)
USAID	Decentralised governance and thematic supports in trade and investment
NDI	Capacity building for political actors in the parliaments and civil society
IRI	Capacity building for political actors in the parliaments and civil society
Partnership for Governance Reform	Thematic supports on sensitive parliamentary agenda, electoral reform, civil society empowerment
The Asia Foundation	Parliamentary capacity building, civil society empowerment
Konrad Adenauer Stiftung	Regional parliamentary capacity building and political education for civil society (national support is cancelled)
<i>National organisations:</i>	
CETRO	Advocacy in general elections, voters education, parliamentary reforms
PSHK	Legislative processes and parliamentary monitoring
POLOKDA UGM	Development of modules for parliamentary capacity building and organisations of parliamentary research and training
USC-Satunama	Capacity building for regional parliaments and governments

local elections have indicated the huge potentials for local conflicts. Regional revivalism and political competitions have created actual and potential conflicts among candidates, political parties and their mass supporters. In this case, the capacity of the central government in managing and overcoming regional conflicts seems limited. On the other side, the intervention of the central government that alienate the role of the general election body and the regional parliaments – while trying to co-opt the election management – could potentially generate vertical conflicts between the national and regional governments. Parliamentary institutions at the national and regional levels are now trying to establish capacities and procedures that could facilitate the minimisation of such conflicts. Along with this development, the inconsistent implementation of the

decentralisation policies seem to also prone to generating conflicts. The problems of interregional disparities – in possession of natural resources, sharing of revenues, basic production capacity, etc. – have not been appropriately addressed. And, the situation has been worsened by the fact that tribalism has been utilised as the basis of regional and local politics.

A number of international assistance that are now working in the parliamentary sectors have been trying to help all actors of governance in furthering peaceful political transformations. The first type of assistance combines the approaches of conflict management and sustainable development. GIAT – a project funded by USAID – deals with trade and investment could be expected to contribute with better trade and investment system that reduces the national-regional economic gaps. The support of UNDP in local election could also contribute twofold, i.e. conflict minimisation and reestablishment of system and procedures that could lead to a more 'ideal type' of local election. The second type is more specifically related to conflict prevention and peace establishment. UNDP programme in this area (such as access to justice and conflict prevention and recovery) serves as an appropriate example, as parliamentarians have been engaged in the formulations of conflict resolutions and their implementations. However, this programme is now added with programmatic instruments that are related to sustainable development.

In the future it has been foreseen by international donors and national and international NGOs that parliamentary programmatic supports will have to integrate both peace building and sustainable development. Integration will also be needed between the functional approach (legislative, budgetary and oversight) and the actor-centred approach (committees, factions, caucuses, etc.). As some donors and NGOs have their specialisations and some others tend to be more general, donor coordination and synchronisation have been seen more and more important.

## **B. Donor Coordination and Programme Overlaps**

In the past donors and NGOs worked in the parliamentary supports have communicated and shared their experiences and other complementary information. Various reports and studies have been shared as sources of collective learning. Organisations of certain activities by certain donors or NGOs have also invited the participations of the others. However, coordination have normally happened on more limited basis, that is to say that there are groups of donors and NGOs which have tried to coordinate their activities and even initiated their joint activities. For example, UNDP has

worked more closely with NDI, and the Asia Foundations in supporting the national parliament (Dewan Perwakilan Rakyat/DPR) because they have similarities in operational activities and target beneficiaries. On the other side, each donor has tended to look for different NGO(s) as their conventional partners. As a result, small clubs of donors and NGOs have been formed based on their thematic concerns and competent.

There are a number of factors that have influence the willingness of donors and NGOs to coordinate. The first is the fact that programmatic and project flagship have been conditioned by donors as the basis of resources mobilisations. Hence, there have been efforts by each donor and NGO to differ from others when it came to programme formulations and implementations. This situation has generated a dangerous yet unnecessary programmatic and territorial claims. For example, UNDP selected marginal regions, USAID selected resourceful regions, the Asia Foundation selected responsive regions, and so forth. The second factor is that donors and NGOs tended to bring forward their own parliamentary paradigms, be they fit or not to the national and context. Programme developments and implementations have rarely based on the nationally shared values of parliamentarism. In effect, external assistance have struggled for their own recognitions rather than recognising the national and local parliamentary systems as their basis of orientations. The third factor has been that parliamentary institutions and other competent NGOs have positioned themselves as the recipients – or in some worse cases even instrumental to the paradigms of donors – to the supports provided by international donors and NGOs. This factor has at least two unfavourable impacts. In one side, there have been lack of coordination capacities by the parliamentary secretariats and national NGOs even in the implementation of activities. On the other side, parliamentary institutions and NGOs have generally been busy in implementing the planned project activities and forgot to keep the agreed parliamentary systems as the ultimate goal to pursue. These factors have made the accomplishment of parliamentary supports – particularly in the area of peace building and sustainable development – became less synergetic and optimum.

Nowadays, because of the past experience and crystallising competence, donors and NGOs seem to better aware on the importance of the real coordination. But, it should be admitted that this is only in the initial stage. There are several factors that have encouraged the coordination by those donors and NGOs. The first is that there are now donors which start to push the establishment of facilities that should be shared by common implementers. DFID, for example, encouraged the establishment of the Decentralisation Support Facility (DSF) by which it provides the resources that is accessible (directly or indirectly) by implementing donors and NGOs. The second factor is

the massiveness of the programme that has challenged the country and thus also its supporters. The parliamentary reform and capacity building in Indonesia – even it is limited on its relevance to peace building and sustainable development – is just too large; considering the number of beneficiaries that cover two major parliamentary institutions at the national level and more than 440 regional parliaments or councils at the regional or local level. This is not to mention the substantive massiveness in the structural and functional aspects. At the national level, the readiness of the Secretariat Generals of the Upper and Lower Houses to require donors and NGOs to coordinate serves as the third factor. Donors and NGOs have been requested to state their commitment of supports that are directly contributing to the reforms and agenda pursued by the parliaments. This is the basis of the intended coordination between the parliaments and the donors and NGOs as well as among donors and NGOs themselves.

Responding to the more conducive environment of coordination, a number of donors and NGOs have met the invitations of the parliaments to discuss and synergise their supports. The modes of coordination and synchronisation could be succinctly illustrated in Table 2.3. below. Even though only in its initial stage, the above Table indicates the advancement of coordination and programmatic synchronisation among donors and international NGOs. In this case, it is worth to note the importance of capacitating national actors to function as the coordinators and thus competition among donors to get the coordinator position should be avoided. With better coordination programmatic inter-linkages can be arranged and overlaps could be directed to higher degree of impacts.

**Table 2.3. Modes of coordination and synchronisation**

<i>Arena of supports</i>	<i>Regional Representative Assembly (Upper House/Senatory')</i>	<i>People's Representative Assembly (Lower House/Parliament)</i>	<i>Regional parliaments (provinces, districts, cities)</i>
<i>Donors engaged (examples)</i>	UNDP, the World Bank, ADB, NDI, IIDEA	UNDP, the World Bank, NDI	UNDP, the World Bank, local universities and NGOs
<i>Past supports (.. till 2004)</i>	UNDP provided supports in constitutional and parliamentary reforms with the assistance by IIDEA. NDI help the parliamentary sessions by providing substantive inputs. WB was still in the institutional assessment.	UNDP gave functional capacity building, WB gave generic supports, NDI gave substantive supports to factions.	UNDP gave supports through its national programmes, NGOs provided technical training and monitoring to local parliaments, while WB was not yet engaged.
<i>Recent shift (2005 onward)</i>	UNDP facilitated the Upper House in the institutional design and establishment. WB initiated a pilot activity for regional consultations. IIDEA focuses on capacity building and constituency relations.	UNDP practice actor centred supports with the help of NDI, WB specialises on budget committee, ADB to help the Secretariat General.	UNDP together with WB and NDI and national NGOs to form joint efforts for regional capacity building.
<i>Synchronisation prospect</i>	UNDP is appointed as the programmatic donor	The Secretariat General is taking the lead for donor	Legislative Empowerment and Resource Network

	coordinator. Donors and NGOs are given with their autonomy for managing their specific projects and activities.	coordination and programmatic synchronisation.	(LEARN) will be established as joint facility most likely under the DSF supports.
<b>Role of UNDP</b>	Donor coordinator	Most likely to be donor coordinator	Forum facilitator

### C. Reasons of Working with Parliamentarians

During the New Order under Suharto regime (before *Reformas*), international donors and NGOs – except Konrad Adenauer Stiftung and the Asia Foundation – were reluctant to work with the parliaments on politically substantive areas. Nowadays, donors and NGOs provides supports to the parliaments through programmatic interventions for a number of reasons. First, the newly established parliamentary system is considered to be the backbone of democratisation and reform of governance. Political parties have sent their increasingly qualified candidates to parliaments. Thus, building the capacity of both individual parliaments and parliamentary organs is important to improve the processes and results of the parliaments. Second, various supports in thematic areas have shown that with better inputs from civil societies and substantive reference, parliamentarians have produced better results. To name but a few, recommendations from public consultations and academic drafts have made the parliamentarians produced better laws. Third, even with the change toward a presidential system, the parliaments are still seen as the strategic agents for check and balance to the executive governments. The integrated facilities provided by donors and NGOs have become more effective, because the formulation and implementation of public policies can be made more balance and consistent.

The support to the parliamentary institutions at the national and regional levels at least has three significance. First, supports to the parliaments are basically directed to capacitate the law makers and the law making processes. National and regional conflicts as well as slow development in Indonesia have been caused in larger degrees by conflict insensitive and restrictive laws. Capacitating the law makers could be expected to overcome the problem. Second, parliamentary supports are significantly important to help the negotiators of conflicting interests in dealing with multi-actors priorities that have caused conflicts among political powers in Indonesia. In this context, civil society groups – which were before placed as a floating mass – could now demands their representatives in the parliaments to struggle for their interests. Conflicts could thus be minimised as the political leaders are now situated to directly struggle for their own and their supporters’

interests. Third, the direct elections and the shift toward presidential system still leave rooms for political patronage between the principals to regional agents. This context is still characterised by the structural dominations by the national party leaders. By capacitating factions in the parliaments, for example, donors and NGOs supports could generate wider impacts as chairs of factions are normally leaders of political parties.

There are three aspects of functional meaningfulness that have been contributed by parliamentary programmes in Indonesia. The first is that it could generate positive impacts in the sense that parliamentarians could now better deal with the post crisis and conflict stabilisation. Facilities aimed at improving public consultations and political dialogues, formulations and revisions of laws as well as more deliberate budgetary processes have help the parliamentarians in stabilising national and regional politics. The second is that international assistance has also exposed the Indonesian parliamentarians to international exchange of parliamentary learning and knowledge. This kind of exchange has generated further impacts, for example, on the commitment of the parliamentarians in realising accountability and transparency. Lastly, the international assistance has also promoted champions in the parliaments who then become the vanguard of good and democratic governance principles. By making good promises to the general public and to their constituents, the parliamentarians have been conditioned to fulfil the improvements they already campaigned during their elections.

#### **D. The Roles of the International Community**

The international societies have contributed to the democratisation in Indonesia by creating the necessary pushing factors. The prolonging impacts of crisis – economic, political and cultural – could be seen as the very expensive costs of democratisation that should be globally shared. Various parliamentary supports as elaborated in the earlier parts could, to a certain extent, be considered as part of the sense of responsibility and concern of the international societies. In the area of peace building, it has been stated in some media that the conflicts now happening in Indonesia (in Maluku, Central Sulawesi, Papua and Aceh) are related to or driven by some international (economic or political) interests. Therefore, it could be stated – at least hypothetically – that the supports of the global community in creating and maintaining the conducive environment for democratisations and the facilitation for peaceful transformation should be appreciated.

To further the democratic transformation, there are still a number of roles the global community could contribute to Indonesia. The first and the utmost important is the parliamentary assessment which could provide the basis for support agreements. Certain

donors and NGOs have done their assessments but for their specific project development purposes. Though in general they could be used as the basis for progress evaluations, further efforts would still be needed to broaden and deepen them so that they could be used as the basis of evaluations by the parliamentarians themselves. The second contribution relates to the constitutional reform and engineering, because the current constitutional structure of the country is still unsteady. Following this constitutional reform will be the constitutional stream-lining of various regulatory framework and governmental structures. This contribution can be considered as the basis of peaceful transformation that will assure sustainable development.

### **E. Information Mastery by Parliamentarians**

To date, many international assistance have not been fully informed to the parliamentarians and to the general public. Certain donors and NGOs have been discreet when it comes to their own transparency. Terms and conditions of international assistance have not been mutually agreed and the parliaments and civil society organisations have been in the position to only accept them. Such this condition took place especially when donors and NGOs have their excessive interests in placing international technical advisors in the projects. If this condition is maintained, there are seemingly two majors unfavourable consequences. The first is that there could be low national ownership by the parliaments because they do not feel the pursue of certain transformation agenda as part of their interest. The second is that as many of the international assistance are not placed as part of the parliamentary agenda, there could be high risks of low sustainability and unsecured institutionalisation.

To overcome the situation, there are some steps that could be taken by the donors and NGOs to maintain the clarity and up to date information on international assistance in this area. First, donors and NGOs need to prove their transparency and accountability in managing all kinds of parliamentary supports in the country. As this is easier said than done, a valid data base will be needed and it should be distributed to the parliaments. The database of international assistance should clearly mention the targets of international assistance and the resources that are made available to serve the purpose. The second effort, that can be done in parallel to the first, is to make sure that the parliaments are willing to open their financial resources that could be merged with the international resources to facilitate the capacity building activities. New awareness is needed to place the resources management for parliamentary support programmes as part of the public sector financing. Third, while uncovering the targets and results of international assistance

done under the bilateral and multilateral arrangement could be easier, more serious efforts could be needed to provide information to the parliamentarians on the assistance provided by numerous NGOS or the ones provided through other technical assistance which are not specifically directed to parliaments.

## **F. Inquiry on Assistance in Peace Building and Sustainable Development**

There has not been many inquiries on international assistance that are related to peace building and sustainable development both in terms of coverage and effectiveness. A request has been stated by the Upper House in anticipating the monitoring of direct local election, as there are indications of serious and wide spread local conflicts that are connected to it. In the past, there was a request by the parliament to study the potentials of conflicts that are caused by the laws. The study has been completed but the necessary follow-ups have not been made due to the changes of membership in the parliaments. In general, if assistance that are related to peace building will be made, a specific framework for parliamentarians is surely needed. International donors and NGOs should be in the position to help the parliaments in formulating the strategic and programmatic framework.

## **Section III – Analysis of Intervention**

This Section provides a brief analysis in the process and impacts of various international assistance in the parliamentary support programmes. The analysis is general and thus only certain cases of donor or NGO assistance will be mentioned as examples. In the first part, the analysis shows that even if there were efforts to base the supports on the real needs and demands of the parliaments, the management support, operational strategies and capacity building approaches have been in larger extent externally lead. In the second part, the analysis illustrates the necessity of follow up efforts to yield more sustainable impacts, because in many of the supported activities, the parliamentarians have been places as the recipients rather than the principals of programme implementations. Consequently, there is a need that the future capacity building supports are directed to capacitate the parliaments and their secretariats as the manager of activities implementations.

### **A. Process Undertaken**

#### ***1. Management of Support or Intervention***

In general, the supports to the parliaments include all fractions that represents political parties in the parliaments. All parliamentary organs (fractions, committees, special committees, speakers and secretariats) have been involved in the process of assessment, programme design and implementation. However, the implementation modes have been different among donor and NGOs. The implementations of activities are non-partisan in the sense that the facilities provided by international donors and NGOs have been delivered or accessible by all political groups in the parliaments. The comparison of roles of the national and regional parliaments in the course of programme development and management in comparison to their external supporters can be seen in Table 3.1. The difference of intervention management also takes place in the project administration procedures, including their terms and conditions. Each donor or NGO seems to have their specific administration procedures and reporting forms. This has generated additional workloads to the Secretariats, especially in the financial aspect.

It is certainly important for donors and NGOs working in the parliamentary capacity building to appreciate the leadership and political changes in Indonesia. Though in general 70 % of the parliamentarians are new, their education and professional backgrounds have guided them to seek better professionalism. The leaderships in the parliaments have been more opened and collaborative to external cooperation and

assistance, but they have also indicated more mature political awareness in the sense that they want to take lead in determining the contents and methods of implementation of those assistance. New intervention management approach will be required, so as to maintain the balance between the accountability and transparency of the assistance on one side and the recognition to the internal ownerships on the others. There are also indications that the parliamentarians realise the agenda of their supporters, be that economic or political. This factor would also requires donors and NGOs to have better sensitivity when they arrange the intervention management. The *raison d'être* of the international assistance saying that it has been motivated by donors' or NGOs' generosity to facilitate the democratisation process in Indonesia could no longer be sufficient as the selling point. The questions on why donors and NGOs would be willing to help the parliamentary reform in the country should be transparently explained and, based on this, the intervention management should be rearranged accordingly.

**Table 3.1. Comparison of roles of parliamentary organs**

Name of donors or NGOs	Specific roles of parliamentary organs and secretariats			
	Assessment	Design	Implementation	Monitoring and evaluation
<b>UNDP</b>	Parliamentarians were actively involved as resource persons.	The project documents were drafted by UNDP for the endorsement by the Household Committee.	The larger segment of activities are organised by the parliamentary organs or the Secretariat General. Some activities are subcontracted.	Evaluation is normally done by external experts.
<b>NDI</b>	Parliamentarians were actively involved as resource persons. Experts functioned as facilitators.	NDI formulated the programme proposals. Consultations with recipients were done if considered important.	Activities were directly implemented by NDI.	NDI directly organised the evaluation.
<b>International IDEA</b>	Assessments were done by IIDEA; some time with consultations donors.	Project proposals were formulated by IIDEA for the consultations with donors.	IIDEA directly implemented the activities or working together with partners.	IIDEA directly organised the evaluation.
<b>The Asia Foundation</b>	Assessments were done per activity in cooperation with the recipients.	Proposals of activities were formulated by the parliaments with the help of the Secretariats.	Partners implemented the approved activities.	Supervision is done during the implementation of activities and evaluation is done through activity reports.
<b>Konrad Adenauer Stiftung</b>	Assessments were done per activity in cooperation with the recipients.	Proposals of activities were formulated by the parliaments with the help of the Secretariats. In some cases, technical assistance were provided. KAS had its own design.	Partners directly implemented the activities. In some strategic cases KAS directly implemented them.,	Monitoring is done through activity reports and evaluation is done by missions from Germany.

The above explanations shows the initial shift of perceptions of parliamentarians to the programme supports provided by the international communities. New parliamentarians are even aware on the differences between technical-expert assistance, loan assistance and grant assistance, even though in some cases are still they are not yet really clear. The important point is that if the agenda are too much driven or steered by the external assistance, the attendance and attention tend to be more limited. Supports using this kind of approach are normally seen as the additional insight broadening. Thus, the expectation on institutionalisation of certain results or recommendations could be more limited. The Indonesian parliamentarians now tend to prefer assistance that gives more space and roles to them to steer. In a number of projects in Indonesia, this reality has been considered seriously by donors and NGOs when they formulate the implementation arrangement and the terms and conditions of the assistance.

For certain donors, strengthening the role of the parliaments and the parliamentarians have been commenced since the formulation of the project documents or proposals. But, for a number of others, this kind of approach would still require some efforts. The modes of role and functional capacitating are related to the intensity and duration of supports of each donors and NGO. Considering the importance of a more programmatic parliamentary building, a newer intervention management should be formulated. Donors or NGOs which provide short term and specific activity are advised to adjust their intervention management to the longer assistance. In other words, there is a need for programmatic integration between the specific short-term intervention and longer term programmatic supports. All of these need to base on the capacity building envisioned by the parliaments.

To strengthen or support the roles of the parliaments and the parliamentarians in the management of interventions, several efforts have been tried out. First, the parliamentarians were placed as the responsible parties for the implementations of activities, at least at the substantive matters. This approach is applicable both parliaments. The Secretariats have been involved in the technical organisations and the reporting. Second, some representatives of fractions or committees and the leadership have been seated at the steering or advisory level. In this case, their roles have been in the process of determining the general policy directions of the assistance, while the technical organisations were delegated fully to the Secretariats. Third, recently, the newly elected parliamentarians are even willing to assume the roles and responsibilities as the member of the donor coordination committees. Thus, they have worked together with donors and NGOs in agreeing the contents and conditions of the assistance. In the case of the national parliament, the coordination authority has been delegated to the

Secretariat. In all approaches, the parliamentarians were advised that the resources made available for the assistance should be reported to the Government and donors. These three ways of parliamentary involvement have made the public scrutiny and improvement of responsibility and accountability of the parliaments in the intervention management to happen.

In addition, a large portion of the assistance have also proven the improvements of relationships between parliament and civil society. In many cases, civil society organisations in Indonesia have been involved at the substantive level and not just as the indirect beneficiaries of the assistance. Civil society involvements in the parliamentary capacity building activities have taken place in some forms. First, some activities have been subcontracted to NGOs and research institutions (including universities). This happened when the parliamentarians needed more comprehensive academic drafts or policy papers. NGOs and research institutions have then been invited in the follow up discussions in the parliaments. Second, some activities have also been designed the parliaments and donors to involve broader civil societies at the national and regional levels, depending on the contexts of the activities. Civil society relationships of this kind have been implemented in public consultations during the deliberations of bills or in political dialogues on certain critical cases. This type of engagement has been very useful when there are conflicts or differences of perceptions. Third, in the case of the upper house, civil society relationship has been designed to build wider constituency communication with the regions. Donors and international NGOs have been invited to help the upper house in building the infrastructures and in developing the systems and procedures of civil society engagement to optimise this purpose.

## **2. Strategies**

The entry points of assistance could be understood from two points of view. The first way in understanding the entry points of assistance is more structural. During the earlier stage (before the national reform era), assistance have been provided through the Secretariat General. The Secretariat then informed the parliament on the available resources provided by donors or international NGOs. Proposals were formulated by the Secretariat based on the directions given by the parliamentary organs. In some cases, international NGOs stated their preference on the partnering organs, because they normally brought certain agenda as targeted by their head offices. It seems that this approach was opted to avoid cooptation by the ruling party which also control the parliament. In the second stage, when reform movement was stronger, even in the

parliament, the second type of entry started to take place. There were growing demands stated by certain committees and factions for more substantive international supports and NGOs were requested to help in making the necessary institutional adjustments. This was the time when revisions of the Standing Order was started and when the parliamentarians started to see the importance of the constitutional reform. Nowadays, the more opened parliaments, NGOs and donors could even get into the higher structure. The leadership, committees and fractions are in their full confidence to accept or request more substantial supports to international assistance. The latest development even indicates that the leadership of the parliaments request some international donors (mainly under the multilateral coordination) to help the parliaments in handling certain burning political issues.

The other way of understanding the international parliamentary assistance is through the substantial perspective. In the earlier stage, international assistance could not deviate from the agenda that was set out by the ruling regime. So, even though the Secretariat was formally the host, technical supports were directly administrated by the international NGOs and were provided for very technical matters. More activities were directed to support the strengthening of the units in the Secretariat which supported the work of the parliament, such as the drafting of session questions and statements. In the second stage of development, international donors and NGOs were invited to substantiate core parliamentary policies and products, such as the Standing Order and the constitutional amendments. Comparative studies were also done to provide the parliamentarians with broader knowledge of the parliamentary structures and practices. In recent years, donors and NGOs have been invited to help the parliaments in the efforts of professionalisation and high level substantive mastery, such as in the legislation, budgetary and oversight works.

In general, the sequence of the parliamentary capacity building support has evolved from period to period. There are four stages of evolution according to the general orientations, which cover technical-sectoral focus, institutional focus, parliamentary processes and parliamentary consolidation. Tabel 3.2. below provides a more elaborate description on the programmatic sequence in the parliamentary supports in Indonesia, which is taken from the national level.

**Table 3.2. Programmatic sequence in parliamentary supports (National)**

Period	1989 – 1995	1996 – 2000	2000 – 2004	2004 - ...
Political context	Bureaucratic authoritarian; parliaments as 'rubber stamps'.	Democratic transition; parliaments played more critical roles.	Democratic establishment; parliaments repositioning in government.	Democratic constitution-alism; parliaments institutionalise check and balance in

				government.
<b>Programmatic trends</b>	Technical-sectoral focus.	Institutional focus.	Parliamentary processes.	Parliamentary consolidations.
<b>Implementation characteristics</b>	Supports were given for specific technical activities proposed by the Secretariat General or certain committees.	Supports started to cover some aspects of institutional changes in the parliament, while maintaining the technical supports.	Legislation, budgetary and oversight functions became the major areas of international assistance to the parliament.	International assistance gets into the institutional rearrangement of the parliaments (both the upper and lower house). Some assistance then shift to be more actor centred or agenda specific (e.g. budgetary).
<b>Donors/NGOs (selected)</b>	KAS, TAF, The Library of Congress	KAS, TAF, NDI, IRI, UNDP, IIDEA, CETRO, PSHK, PGR-I	KAS, TAF, NDI, IRI, UNDP, IIDEA, CETRO, PSHK, PGR-I, IRIS, The British Council, Universities	KAS, TAF, NDI, IRI, UNDP, IIDEA, CETRO, PSHK, PGR-I, IRIS, Universities, World Bank, ADB

The above Table, especially the part of implementation characteristics, indicates the efforts of international donors and NGOs to always fit their strategies and approaches to the national context in general and the parliamentary condition in particular. That is why it could be said that their strategies have been appropriate to accomplish the best possible results. The fitness of the strategies has also contributed to the easiness in the institutionalisation of results, such as the adoption of the Code of Ethics in the Standing Order of the parliaments.

The Indonesian regulatory framework requires all international assistance (and also the national ones) are provided to all political institutions based on a non-partisan approach. Direct financial supports to political parties is also prohibited. Support to capacity building of political parties should be in broad-spectrum and are given with equal access opportunities for all political parties. In other words, supports should be provided without differencing strong and weak political parties or majority and minority parliamentary fractions. Working in this way, sometime international donors and NGOs have been situated in uneasy relationships because larger factions have normally been more prepared in utilising the external resources.

There are more and more international donors and NGOs which are developing new programmes in the parliamentary area in Indonesia. Therefore, it could be projected that in terms of financial resources, there should not be a problem. From the previous experiences, the problems have been related to the absorption capacity of the parliaments, assuming that programme implementations should be based on the agenda of the parliaments. This problem will certainly lessen if programmes related to parliament-public relationships are conducted by involving national NGOs or research institutions through subcontracting. Thus, the parliaments will be positioned more as the users of their results. In any case, it should be reemphasised that the implementations of more short term activities or projects must be placed in the longer term programmatic supports which

are formulated by the parliaments and international supporters. There are a number of international donors which are currently formulating longer term programmes, such as UNDP, the World Bank and the USAID.

Pertaining the connections between the parliamentary strengthening and peace building and sustainable development, there have been more and more demands stated by the parliaments. Those demands have been contextualised by the prolonging regional horizontal conflicts and by the new emerging conflicts triggered by the regional direct elections. The two would require different capacity building supports, though their elementary components could be similar. Capacity building supports in relation to peace building appear to be the more concerns of the regional parliaments, while conflict management caused by the regional direct election may become the interests of both the national and regional parliaments. At present, the integration of parliamentary supports to peace building and conflict reconciliation as well as to post-conflict seems minimum. The parliamentarians from the conflicting regions have merely been invited in political dialogues and seminars, but integrated programmes have not been established. This is clearly different to the integration of parliamentary programmes to other supports to maximise impacts on governance reform, simply because the substantive readiness in this area have been crystallised longer by both the parliaments and their supporters.

### ***3. Capacity Development Strategies***

In trying to better understand the complexities of capacity development strategies for the parliaments, this study has tried to establish simple instruments that could hopefully help in providing general illustrations of the realities and assess the appropriateness of the existing strategies. In other words, before formulating the programmatic supports, international donors and NGOs need to properly assess the core competence of the Indonesian parliamentary organisations and institutions. Such this assessment could combine both the perceptions of the parliamentarians (internal) and the communities at large (external). From the perspective of institutional and organisational development, assessment could be done at the minimum level on the functional capacity of parliamentary organs, quality of parliamentary procedures, mastery of relevant information, balance of power between parliaments and governments, integration of important agenda in parliamentary products, and capacity of auxiliary support systems in parliaments. In the Indonesian context, the general gaps between the present and ideal status on those indicators are illustrated in Table 3.3.

**Table 3.3. Institutional and organisational development within parliaments**

<b>Selected indicators</b>	<b>Present status</b>	<b>Ideal status</b>
<i>Functional capacity of parliamentary organs</i>	The majority of the parliamentarians frequently stated their lack of functional capacity due to their newness. Capacity enhancement could not be accessed equally by all parliamentarians.	Parliamentary organs and members have their equal sufficient capacity to accomplish their core functions, based on their accountability standards.
<i>Quality of parliamentary procedures</i>	Parliamentary procedures frequently generated internal tensions or conflicts. They could not establish a consolidated parliamentary processes among the national parliaments and between the national and regional parliaments.	Coherent parliamentary products (laws, internal procedures, etc.) that are obeyed and could be implemented by the state and non-state actors.
<i>Mastery of relevant information</i>	Parliamentarians frequently suffers from the lack of information both related to the interests of their constituents and to the political agenda to be deliberated or discussed internally or together with the governments.	Parliamentarians have all necessary information to do their jobs and relevant information are accessible to parliamentarians.
<i>Balance of power between parliaments and government</i>	Politically parliaments are powerful, but in reality the national and government governments could dictate them because of the control over resources. Parliamentary budgets could be limited by the governments; thus no budget autonomy.	Parliaments could balance the authority of the governments by using their constitutional mandates and reliability of their products.
<i>Integration of peace building and other agenda in parliamentary products</i>	Mastery on important agenda such as conflict situation, peace building, MDGs, poverty alleviation, human rights, etc. are relatively limited.	In making laws, important national and regional agenda are included and integrated.
<i>Capacity of auxiliary support systems</i>	Secretariats just departed from their status as the administrative servant to the parliaments. Budgets for capacity enhancement are very limited.	Auxiliary support systems (notably the Secretariats) are in full capacity to support the smoothness of the parliamentary organs in accomplishing their jobs.

It has been observed during this study and long before, that external programme supports have given more emphasis to the immediate results. This tendency could probably caused by the promises of the project implementers to their donors. The above gap analysis suggests that external assistance require appropriate sequencing, should meaningful impacts and consistencies are expected. While still seeing the importance of the tangibility of results, this should not be separated from the longer term directions of capacity building. The difficulty could be on the institutionalisation processes and the maintenance of support coherence among international donors and NGOs. This statement deserves an example. A couple of years ago, UNDP provided some technical supports to the Budget Committee by providing a simple State Budget database. IRIS then utilised it as the basis for providing basic budgetary analysis to the Committee members. But, this limited support could not suffice the growing needs of information nor the professionalisation of the functional capacity. Therefore, the coming support of the World Bank that is specialised in this function, need to close the capacity and information gaps as indicated above.

A similar symptom persist in the engagement of civil society in parliamentary processes. The gaps between the present and the ideal status is illustrated in Table 3.4. below.

**Table 3.4. Engagement capacity of civil society in parliamentary processes**

<b>Selected indicators</b>	<b>Present status</b>	<b>Ideal status</b>
<i>Ability to access parliamentary information</i>	The majority of the civil society members are negligence to parliamentary information.	All parliamentary information should be treated as public property and are accessible by civil society.
<i>Quality of inputs given to parliaments</i>	Demonstrations are still used as protesting tool, while substantive feedback are minimum. Protests have rarely been followed up by civil societies.	Civil society organisations are able to provide oral and written inputs to parliaments. Better if they are ready for use in parliamentary processes.
<i>Clarity of political affiliations</i>	Active memberships in political parties are still limited. There is still a tendency of floating mass.	Civil society would know their general or specific political affiliations to their parliamentary representatives.
<i>Influence of political parties in public participations in parliaments</i>	Political parties prioritise their own immediate interests through their fractions, while giving less attention to the promises to their constituents.	Political parties have the capacity to channel public interests and participations in parliaments.
<i>Parliamentary oversight by civil society</i>	Civil society organisations have limited concerns to corrective efforts that can be imposed to parliaments.	Civil society organisations could effectively oversee the parliaments and are able to push corrective efforts.

While lots of efforts have been done to promote the capacity of civil society so that they could better take part in parliamentary processes, institutionalisation efforts complementing to this have not been significant. Some of them have even been abortive, because they are organised in project approach by donors or NGOs.

Similarly, parliamentary capacity building strategies have not sufficiently consider the larger context of relationships building among political parties in parliaments. In Indonesia, political parties winning the general election will form fractions (adopted from the Dutch system). Political ideologies, programmes and promises that are spelled out during general elections seem to be forcefully melted in the parliaments, because the substantive works are done in Committees under the guidance by the leadership in the parliaments. The principle that all Committees should have the representatives from fractions has made small parties under-represented in many sessions. International assistance has not been able to formulate a genuine breakthrough that could overcome this matter. On the other level, the relationships between the parliaments and the government have not been sufficiently considered in the capacity building strategy of donors and NGOs. Programme formulations and implementations have been centred on parliaments. This is understandable simply because in general the gaps of capacity between the parliament and the government is very big, that more attention and efforts are concentrated more on the internal parliaments. To provide a more comprehensive understanding on the capacity gaps between the parliaments and their government counterparts, Table 3.5. below gives a short illustration.

**Table 3.5. The dynamics of relationships between parliament and government**

<b>Selected indicators</b>	<b>Present status</b>	<b>Ideal status</b>
<i>Formal power balance</i>	The presidential system just adopted has made the parliaments loose its ground as their political power is lessened.	Constitutional framework provides clear basis of power balance between all branches of government.
<i>Individual capacity of apparatuses</i>	The majority of parliamentarians are new and having diverse professional background that frequently do not match with their substantive jobs.	Parliamentarians could balance the governmental apparatuses having their strong technical capacities.
<i>Information balance</i>	Parliamentarians have much less information capacity compared to their government counterparts.	Parliaments and governments have equitable information capacity.
<i>Patterns of dependency</i>	Though politically feel very strong, in reality parliamentarians are placed as situated as agents of their governmental affiliates.	Check and balance systems are in place, even if there are political affiliations between certain political fractions and their people in the cabinet.
<i>Competition of influence in real life</i>	The capacity of parliaments in generating influence in public domain has been very limited; partly because of their own internal weaknesses.	Parliaments and governments fairly compete for public influence.

External assistance provided by international donors and NGOs have not taken the above gaps into full considerations. A new breakthrough could be formulated, for example, by assisting the parliamentarians in the debates with their governmental counterparts.

In Indonesia, more and more demands have been stated by the parliaments to donors and NGOs for the improvements of competencies of political groups. Most of them are very substantive. The competency improvements could be divided into several aspects, i.e.:

- i. **Functional:** National and regional parliamentarians wants to have better ability in accomplishing their legislation, budgetary, oversight and representation functions. The definitions of these functions require renewals because of the constitutional amendments that now adopt the presidential system. It seems that these functional areas will be considered by donors and NGOs in providing their supports; which are also matched to their competence.
- ii. **Substantive:** The parliamentarians also expressed their needs for improvements in the sectors that become the responsibility of the Committees. For example, the Budget Committee needs better knowledge on the state budgeting systems and the Committee IX needs broader and deeper knowledge on the economic affairs.
- iii. **Structural:** Beside committees and fractions, there are also other parliamentary organs, such as the Household Committee, the Legislation Committee, the Inter-Parliamentary Cooperation Committee, and the Committee of Honour. All of these committees have not received the necessary assistance from donors and NGOs.

- iv. Individual: Many members have also mentioned the needs for improvements in their individual capacity, such as in constituency communication, communication with the public, foreign language mastery, policy analysis, negotiations, etc.

The above aspects are proposed to the strategic bases of capacity development in parliaments. There are several strategies that are in line with the above aspects that could be used as examples. Some international NGOs have tried to assist the parliaments in improving their functional capacity. IIDEA, the Asia Foundation, NDI and UNDP have provided training and workshops in budget analysis or legislative drafting. Much less have been done on the oversight capacity. IRIS, UNDP, and GIAT of the USAID (and certainly the World Bank in the future) provide substantive supports that relate to the development sectors, such as trade and investment, education, etc. In short, to address the four aspects of capacity building, international donors and NGOs have provided their direct functional supports. In addition, it is very important to place the equipment provision as part of the instrumental support to the parliaments. For example, the computer and internet facilities that have been provided by IFES and UNDP were instrumental to the public communication which is aimed at improving parliamentary transparency and accountability.

## **B. Impacts**

### ***1. General Impacts***

Even though lots of interventions would still be needed to optimise the performance of the parliaments, the international parliamentary assistance by donors and NGOs in Indonesia have generated significant impacts. For example, UNDP support has supported the formulation of 16 legislative academic drafts, IRIS has contributed with a number of financial and budgeting policy papers for the Budget Committee, the Asia Foundation has provided strengthening to the internal legislative drafters, the Konrad Adenauer has strengthened in the area of political responsiveness, while NDI has empowered the political processes in the fractions. There are many more examples that could be given on the functional impacts or contributions of the international assistance.

On the impacts related to women, NDI and UNDP has promoted more significant roles of the women parliamentarians. In 2001, the Women Parliamentarian Caucus was established and around 40 women members of parliaments joined it. There are two important impacts which have been made by this Caucus with the help of NDI and UNDP.

The first is the proposal on the quota of women in the parliaments. Even though the formulation is still rather fake, there is now a suggestion that political parties allocate 30 % of the candidacy to the parliaments to women politicians. The second is the study in laws that discriminate women (generally on the political laws) or that treat women unfairly (such as in education and labour). With the change in the parliamentary membership, the studies have not been followed up and, thus, will be included in the coming programme support. With the support provided by UNDP, an exercise has also been done in studying the laws that are not supportive to poverty eradication or even conditioned the structural poverty in the country. While no follow up has been made in the parliament, the study has been contributed to the formulation of the national poverty reduction strategy.

Almost all international assistance have given serious attentions to the improvements of representation and outreach in the activities. The legislative-civil society interactions have been facilitate through political dialogues, parliamentary hearings, involvement of external experts, and subcontracting of studies and formulations of policy papers. In the past, the committees were able to only invite representatives from civil society groups when it comes to discussing critical political agenda. Recently, with the international assistance, the parliamentarians have been exposed to more direct, wide covering political dialogues and debates, even reaching the provincial levels. In the past, this kind of activities were normally seen as 'socialisation', while nowadays regional consultations have been facilitated to become the arena for debates and come comprehensive social deliberations. As the results, there have been more and more critical response by the civil society in the process of law making and parliamentary oversight, while the popular acceptance to the parliamentary products could be maintained or even in many cases be improved. In general, this impact could lead to better ownership of and commitment to democratic peace processes by the national and regional parliaments. However, the sustainability of all the impacts remain in question, simply because sufficient (financial) resources have not been made available to the parliaments.

## ***2. The Role of Parliaments in Conflict/Post Conflict Situations vis a vis International Assistance***

In one side, with respect to conflict mitigations, the Indonesian case indicates that the capacity of the parliaments and their political machineries are still insufficient. Nevertheless, the prolonging regional conflicts in the provinces caused by tribal rivalries and direct local elections seem to encourage the parliamentarians to learn more about conflict management and peace building. This is certainly connected with sustainable

development, because conflict situation has hampered the regional development. At present, UNDP, the World Bank and some NGOs have tried to include the parliamentary sensitivity on peace building and sustainable development in its supports.

On the other side, the current political context has challenged the parliamentary roles in peace building, conflict preventions and sustainable development. There are several entries that could be further explored where international assistance could contribute. First, in terms of the internal conflict among the parliaments, revisions of the Standing Order could be the initial help. The Indonesian parliamentary system now follows the asymmetric bicameralism. This has generated potential conflicts between the upper and lower Houses. NDI and UNDP have been invited to help the national parliaments in resolving this problem. Second, parliamentarians are political leaders with wide range of supports from their respective political groups. These groups are the ones which have been engaged in horizontal and vertical conflicts. Using their international experiences and knowledge, international donors and NGOs should be in the position to build the capacity of the parliamentarians in conflict mediation and resolution. Third, as the law makers, the parliamentarians are in the position to create laws that could resolve conflicts or maintain peace. This function has not been promoted in optimum manner and thus could be another entry for international assistance. This is particularly relevant to the roles of the increasing number of sub-national parliamentarians in decentralised governance.

## **Section IV – Learning**

### **A. General Learning**

After three decades of state-forced peace, the present social and political dynamics have been indicated by growing multi-layer or multi-arena conflicts. But, because many national and international actors have been busy with normative governance reform supports, not enough has been done to support parliaments in conflict/post conflict transitions. In the longer term, several types of conflicts/post conflict supports deserve assistance, particularly the ones that are connected to the parliamentary area. The first is the inter-regional conflicts that are related to the implementation of the decentralisation policies. Disparities among regions and between the national and regional structures seem very potential in resulting in conflicts. The second is related to conflicts that are effected by the local elections. This type of conflicts are connected to the competitions among political parties and powers which seek political posts and influence. The third type is based on the deep-rooted political conflicts that persist in certain areas like Aceh, West Papua and several other regions. These conflicts have lasted for decades and some of them have not been fully resolved. Considering the parliamentarians as constituency-based the political players and leaders who at many time involved or engaged in collisions or conflict resolutions, it should be very important for donors and international and national NGOs to enrich their assistance approaches by including peace building perspective at all layers of programmatic works.

### **B. Lessons from the Strategies**

We have learnt from the Indonesian case that there are some programmatic trends: technical sectoral focus; institutional focus; parliamentary processes; and parliamentary consolidations. These approaches have been very appropriate for the facilitation of reforms in parliaments and they have contributed to meaningful impacts. However, they seem insufficient to address the current challenges in the peace building (thus covering conflict and post-conflict situations), particularly in connections to the parliamentary capacity building. A new insight is needed to deepen the support to democratic governance by placing the parliaments as the base for resolutions, mediations and institutionalisations of political agreements of all political players. Three elements that are feasible as the basis of developing renewed strategies have been considered

important. The first is on the awareness and knowledge of the parliamentarians as critical actors in the complexities of conflicts; even they are some time the core cause of conflicts. They need to have better understanding on the lines how their policies, political statements and gestures, as well as preferences could to a larger or lesser be associated to the emergence, escalation or resolution of conflicts. The second element relates to the aspect of institutionalisation of peace building and maintenance into parliamentary procedures and results or products. In other words, parliamentary capacity building needs to install a new value where the parliaments are considered as a political forum that contribute to conflict resolution and peace building. The third is, very particularly, on the remaking of the parliament as a model of peace agent. In this respect, new strategies will be needed to germinate the culture a culture of peace and political dialogue to effectively prevent, mediate and resolve conflicts.

There is an additional reflection on the strategy of the parliamentary reform in relation to peace building. This study figures out that the installation of a more democratic structure is not directly correlated to the capacity of those democratic organisations and institutions in conflict management or peace maintenance. In other words, deeper study will be needed on how electoral and representation systems as well as political leaderships and relationships to look at the correlations between democratic indicators and conflict/peace. However, there should be ways how to capacitate parliamentary or other democratic institutions so that they become conflict sensitive.

### **C. Lessons from the Impacts**

This study reveals that the impacts that have been generated by various international donors and NGOs are positive and meaningful for the parliamentary capacity building. However, the impacts have been limited more to this area. The study also uncovers that it is very important for parliamentary capacity builders to opt for more conflict sensitive instruments, because of two emerging realities: the requirements for peace maintenance for sustainable development and the emergence of wide spreading conflicts cause by the opening up of more democratic processes. There are several points of learning in terms of the impacts. First, impacts are very much influenced by the original targets of the programmatic assistance. So, if impacts to conflict management capacity is wanted, assistance needs to explicitly put the parliamentary capacity in peace building or conflict mediation as tangible targets. Second, integration of such target in parliamentary agenda could better assure the degree of impacts. This means that international assistance should base and be integrated into the agenda of the parliaments

(and also of the other involved partners), as otherwise, the sustainability (or institutionalisations) of results will be vulnerable to gradual disregarding.

Third, collectiveness in activity implementations are also important. The involvements of civil societies and universities, for example, have increased the acceptance of the results and the ownerships of the processes. This approach-for-impact is certainly more important for the parliamentary support programmes in conflict/post conflict situations. The fourth point is related to claim of attribution. International assistance could generate more impacts whenever the attributions to success are accessible by all involved parties. The appreciations should be tangible enough. The case on the revision of the Education Law could serve as an example, because many actors could claim their contributions to it. A further impact to this has been that the conflicts between the two religious political groups could be reduced.

#### **D. Lessons from the Involvements of Political Leadership and the Entry Points**

In general, it could be said that the entry points of the parliamentary supports went along the political dynamics. The important lesson has been that while international assistance should strategically adjust to the political context, there were many opportunities and demands where the parliamentarians and the external supporters could share commonalities in goal settings, especially on critical elements that could substantiate the political transformation. This is particularly reflected in the international supports to the Indonesian constitutional amendments. This kind of success also indicate the importance of identifying the change agents or the 'champions' in the parliaments. It is felt that looking for change agents in the parliaments could be more difficult if the programmatic supports are particularised in conflict and post-conflict situations; simply because the political risks are normally high.

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