

Civil-Military Cooperation in International Humanitarian and Civil Emergency Activities by Japanese Security Forces in Indonesia

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Introduction

In recent years, the Japanese government has deployed its Self Defense Forces (JSDF) overseas for peacekeeping, reconstruction, humanitarian and civil emergency missions in Asia and beyond. These deployments constitute dramatic departures from an earlier JSDF focus on territorial defense, but since then have been positively regarded as “international contribution” by the Japanese government and mass public. Because these are not combat missions, they are seen as compatible with the limits set by Article 9 of the Japanese Constitution. The JSDF’s deployments in Asia, however, are a sensitive matter. Given these countries’ historical experience of wartime Japanese aggression, any JSDF ground deployment necessarily triggers parallelisms and questions about Japan’s wartime record.

The JSDF’s increasing visibility coincides with the global trend of deploying the armed forces for a variety of non-use of force missions, such as peacekeeping, humanitarian assistance, disaster relief and reconstruction. This trend further indicates that alongside monetary contributions, governments increasingly favor sending their troops abroad as a form of “human contribution” more readily appreciated. In these situations, military units work in multinational force settings and perform side by side with civilian actors (local and international). These developments necessarily raise questions about democratic accountability for overseas deployment and civil-military engagement in these spectrum of activities.

This essay presents the partial results of a research project funded by the Nippon Foundation Asian Public Intellectual Program, which examines civil-military engagement in international humanitarian and civil emergency mission undertaken by the SDF in Aceh, Indonesia (tsunami

relief in 2005).¹ This case is treated as a window in viewing how foreign publics-- host government and local authorities-- reacted to the presence of foreign security forces during humanitarian operations in their communities. The essay identifies the various humanitarian, disaster relief activities carried out by that the JSDF singly or in conjunction with other security forces and international humanitarian organizations, within the legal, institutional and normative frameworks of civil-military interface in these operations. Japan's framework of providing humanitarian assistance abroad is examined, including the institutional relationship between the JSDF and the civilian Japan Disaster Relief (JDR). The essay also broadly explores the role of the Indonesian military (TNI) during the post-tsunami response in Aceh, and the patterns of civil-military engagement in the ensuing relief activities.

Human security and the Military

In recent years, there have been efforts to redefine "security" away from its statist mooring (that is, the protection of the state from internal or external threats; and the reliance on security forces to ensure it) towards "human security"-- that is, the protection of humans/citizens from harmful disruptions in their daily lives. This redefinition puts the people as the subjects of security rather than the state. Human security also broadens the scope of threats beyond political violence, to include threats from natural disasters that have devastating consequences on people's lives. Advocates of human security problematizes the state as too weak to protect of its own people or the very source of insecurity.

Central to the debate on human security is the political question of whose responsibility (national government or international community) to address human insecurity. Although it is widely held that national governments have the first responsibility to respond to threats, the practice of international intervention appear to be guided more by concerns of threat crossing over territorial boundaries (Owen 2004, 383) . Increasingly, international intervention by way of humanitarian aid and peacekeeping operations, are seen as competing with civil society/non-state actors as key

¹ The project actually involves the comparison with the Japanese Coast Guard intervention in the 2006 oil spill in Guimaras, Philippines but the author has not completed the data gathering for this portion of the project.

agents (Bellamy and McDonald 2002). International intervention by state actors, notably through their military, for humanitarian reasons is also dealt with skepticism under this framework. Concerns abound about the “militarization” of security, in which the shortcoming of international humanitarian assistance provided by non-state actors is slowly being filled up by the military. The armed forces are increasingly employed to manage complex humanitarian emergencies as they can do so with speed and effectiveness (Mandel 2002, 120). The military can send self sufficient units, with good communication, access to transportation and heavy machinery that international humanitarian agencies sorely lack.

The increasing deployment of militaries to conduct non-use of force operations (disaster relief, in particular) has profound consequences. While the military is ideal for rapid mobilization and response, their deployment in disaster relief missions move them away from their professional mooring as experts in “managing violence.” This type of operations also requires soldiers to undertake civilian tasks (e.g. policing, relief provision, post conflict reconstruction or rehabilitation, civil administration) for which they require new competencies (Berklee et al 2005). The ensuing “militarization” of civilian functions brings the armed forces in direct competition with international agencies and non-governmental organizations. The military’s exposure and experience in these missions also widen civilian-military interface across borders and across functions, for which rules of engagement are just beginning to be institutionalized. The cost and benefits of overseas troop deployment and the sensitivity of host countries to foreign military presence are also important factors worth examining.

Japan as Sending Country: Framework of Overseas Deployment for Humanitarian Missions

In 1982, the Japanese Ministry of Foreign Affairs (MOFA) established the Japan Medical Team for Disaster Relief composed of volunteers from numerous public and private hospitals (Okada 2006, 27). The team’s original mandate was to provide medical assistance to refugees and victims of natural disasters. The team first saw action in the dispatches to assist victims of the Ethiopian famine in 1984 and the 1985 Mexico earthquake. The 1987 Japan Disaster Relief Team

Law of 1987 expanded this concept by allowing for the overseas dispatch of combined rescue teams, medical teams and team experts. The 1992 amendment to said law allowed for the Japan Self Defense Forces (JSDF) to be dispatched to provide relief assistance during civil and humanitarian emergencies abroad.

Japan's framework for SDF overseas dispatch makes clear distinctions between types of operations. In terms of disaster relief, the key civilian agency is Japan International Cooperation Agency (JICA), under which is the Japan Disaster Relief (JDR). JICA makes an assessment whether additional help from the SDF is required and submits such a request accordingly to MOFA. MOFA in turn consults with the Defense Agency (now upgrade into Defense Ministry) which recommends for a deployment to the Prime Minister who finally approves it. Under Japan's constitution, the Prime Minister alone can deploy the JSDF (with exceptions such as responding to missile threat in which the Defense Minister is authorized to take action). Thus, wherever the JSDF is dispatched for this type of operations, it transpires within a civilian system of JICA. Unlike PKO, which has since been elevated as a primary SDF duty alongside territorial defense and therefore considered a military operation, international humanitarian assistance operations remain an ancillary task, which is subject to more stringent policy calculations by the government. In terms of refugee relief assistance in conflict situations, the International Peace Cooperation Headquarters under the Cabinet Office was designated as the coordinating institution for Japanese efforts.

Japan's framework for overseas humanitarian assistance mixes both civilian and military elements. The civilian component (JDR) has been operational since 1987, with substantial overseas field experience in operations ranging from relief provision, medical services and logistics. The JDR is further networked with various UN civilian agencies and international humanitarian organizations and parallel national disaster relief teams (e.g. US). Under this framework, the JSDF also is only called in as a last resort if greater assistance than what the JDR could muster, is required.

Since inception, there has been latent tension between the JDR and JSDF over this task. First, the inclusion of JSDF as an actor under the 1992 amendment is widely seen by many as premised upon the Japanese government's desire to save face from the international criticism it received for failing to send any troops during the 1991 Persian Gulf War. The JSDF's additional mandate is linked with the broader government project to carve a new role for its ersatz armed forces. This intent was clear with the passage of the International Peace Cooperation Law of 1992, which also allowed for the overseas dispatch of the JSDF for UN PKO operations. Although the JDR has already been in place for five years and has had considerable experience in the field, the government still wanted the JSDF involved in a bid to present a more visible face of Japanese international "human contribution."

At play as well is the JDR's low opinion of the JSDF institution in terms of its ability for immediate and effective response during crisis situation. The JSDF already has existing disaster relief units and corresponding equipment (for domestic operations), but in line with the 1992 mandate, needs more development. To date, the JSDF has machines/equipment for water purification, medical, epidemic prevention and logistics dedicated to disaster relief. The unit designated for disaster relief is in Hokkaido (the same one deployed in post-tsunami response). As a "military" organization, the JSDF is burdened by cumbersome SOPs and civilian control requirements, which makes working with the highly mobile, ad hoc team based structure of the JDR extremely difficult. Based on parallel foreign operations, the JSDF needs at least two weeks or up to a month to mobilize and move its troop and equipment from Japan to the host country. The JSDF is also characterized by a disproportionate distribution (80%-20% rule) of support versus actual responders in its contingent. Because the JSDF contingent need to be independently housed and fed, the logistical requirements for providing these (e.g. water, food, shelter) to the troops makes any kind of deployment preparation complex and lengthy. Administrative approval of weapons, equipment and costing for operations also have to be secured from the defense and finance ministries, and cabinet approval have to be secured before a dispatch gets underway. By contrast,

the JDR teams which usually are small, could travel independently to the location with their own equipment. The ratio of support versus responder requirements for JDR is 20% to 80%. Because they are well networked, they usually get immediate assistance for local transport and housing in disaster areas. In addition, while JDR teams are composed of seasoned individuals when it comes to foreign operations, most of those likely to be included in a parallel SDF dispatch would have little or no overseas experience at all.

The JSDF's "military" character also makes deployment in a foreign country more sensitive. Given this, obtaining permission to bring in troops and equipment has to pass through more formal government-to-government procedures, and more often under greater scrutiny and inter-agency-military negotiations within the host country. Depending on whether previous SDF-host military contacts/exchanges are present or not, the task of getting the green light from and coordinating with the host government can prove difficult. Often this also includes negotiations about rules of engagement and other restrictions on ground mobility. The JDR, by contrast, has the advantage of being networked with the panoply of UN agencies and international humanitarian organizations with whom they have previously worked with in other operations. For instance, the JDR is attuned to the international norms of humanitarian assistance (SPHERE) and has extensive linkages with UN agencies like OCHA, International Search and Rescue Advisory Group and the World Health Organization (WHO) when it comes to coordination of international disaster response.

The JSDF also has little experience working with civilian humanitarian organizations within Japan during domestic disaster relief. Up until the Great Hanshin Earthquake in Kobe, the JSDF for the most part is government's first and prime responder during natural disasters. The scale and massive failure of the government's disaster response in the Kobe earthquake (including limited acceptance of international help) sparked civil society formation thereafter. Civil society formations dealing with disaster response, aside from the Japanese Red Cross, are less mature in Japan.

The JDR and JSDF, despite the presence of a 15-year old law, has neither planned for nor actually conducted joint operations in the field. For the most part, this is because neither felt the

need for one. Deployments before the Indian Ocean tsunami in December 2004 were in response to smaller scale disasters for which JDR dispatch was sufficient. The JSDF meanwhile has seen more high-profile, multi-year deployments in Afghanistan and Iraq (under Special Measures), which possibly removed further interest in disaster relief operations. This lack of interface is exacerbated by the different language/ communication and operational procedures used by the JDR and JSDF. Mr Mizuno, for instance, recalls that one source of consternation between the medical team and that of JSDF is the fact that JSDF uses special words for items in official documents or invoices (compared to civilian agencies) and that they have special procedures for loading materials, which take more hours to complete. There is also a great difference in the practice of medicine between the JDR (whose team comprise the most elite and advanced medicine practitioners in Japan) and JSDF's medical crew who dealt mostly with minor treatments (no operations) typical of what one expects given soldiers whose functions are non-combat (e.g. fungal infections).

In the ensuing post-tsunami years, there has been more interface between the JDR and JSDF, particularly between their respective medical teams. According to Mr. Mizuno, they have lent a medical equipment packaging box to the JSDF medical team for easy packing, transport, assembly of sensitive medical machines onto the field. There have been talks of joint medical training, but none has been calendared yet.

Beyond size, the JDR and JSDF performance in the field also suffers from differential Japanese media coverage. JSDF overseas deployment in recent years has generated a significant mainstream media attention, compared to the relative obscurity of the JDR. Despite the staggering cost of mounting JSDF overseas operations (whether they be in the re-supplying and logistics activities in the Indian Ocean or the reconstruction efforts at Samawah, Iraq) for results that are less stellar than those of JDR, it is considered taboo in government circles to discuss cost effectiveness of such operations.

The JSDF in Action at Aceh

The Japan Disaster Relief teams preceded the JSDF on the ground in Aceh by four weeks. Four medical teams (64 personnel) were deployed in the area from December 27, 2004 to January 1, 2005. Although the decision to ask for SDF assistance did not come until January 13, it was revealed (by my undisclosed source) that the JSDF Joint Staff has already issued an order by the end of December for post-tsunami assistance. The said order, a copy for which was never provided to JICA or MOFA, contained detailed information about how many troops, equipment and cost the operations will entail. The order also accurately identified the location of host (Indonesia) and Thailand's military bases, as well as foreign troop positions (including that of US and Australia) in the vicinity ostensibly from which they could ask for military assistance. The secrecy of the JSDF planning created the impression within the Japanese civilian humanitarian community, that it was a joint military action, rather than a civilian undertaking with military element. The subsequent JSDF ground operations closely followed this blueprint.

The JSDF's preliminary survey team of 20 arrived at site several days after the tsunami. Forty-five personnel of the Air SDF and 2 C130 (Hercules) cargo planes were also present early moving and delivering relief goods from Utapao base in Thailand. It followed the Utapao to Aceh route, dropping relief cargo in Banda Aceh as well as the remote western coast. The main contingent of 230 GSDF and 1220 MSDF personnel, however, did not arrive in site until January 26, as other foreign militaries were scaling back their relief efforts (International Herald Tribune, January 28, 2005). The GSDF had an air unit with 3 cargo planes and two helicopters, as well as a medical and epidemic prevention unit. The MSDF had a sea transportation unit with 630 personnel and 1 transport ship, one supply vessel and 1 escort ship, and a search and rescue unit consisting of 590 personnel (most of which were medical personnel) together with 1 supply vessel and 2 escort ships. Most of the personnel (except the ASDF who were stationed in Utapao) under internal rotation, operated in the Aceh coast, with two field hospitals in Banda Aceh (Miboh and Lam Ara). They "commuted" to land to work in the field hospital, and went back to the ships at the end of the day. A Joint Staff Coordination Center or JCC (with 10 personnel) were on site to oversee the

combined air, sea and ground troops.² A total of 1,570 JSDF troops were in Aceh throughout the duration of the mission.

Given the delayed arrival of the main ground unit, in effect the JDR and JSDF's activities in Aceh only overlapped by a week. The GSDF advanced medical unit first set up shop beside the JDR field hospital in Lam Ara before moving closer to evacuation camps in January 25. The different timetables also reflect each organizations' mindset about local necessity for outside assistance. The JDR usually stays only during the "emergency phase" (which is roughly a month after the disaster), concrete measures for which include qualitative change in the nature of ailments reported by outpatients (into fever and headaches), and enhanced local capability to address these concerns. In other words, among civilian humanitarian operatives, a pull-out is imperative to encourage local resiliency. The JSDF by contrast did not have any target date for departure, and in fact only announced a graduated pullout in March after the Indonesian Vice President announced a 3-month duration for all military assistance in Aceh. Unlike other types of overseas operations where deployment dates and withdrawal are pre-decided by legislation or by the Japanese Cabinet, the length of JSDF's (as well as for most militaries, except the US) stay in Aceh was decided by the Indonesian government.

The JSDF performed a variety of post-tsunami relief activities such as relief provision, transport and medical services. Japanese relief items (mostly donated by Japanese companies) were first transported to Bandah Aceh by civilians using the Japanese Hercules cargo plane. Japanese chinook helicopters were used to distribute relief items in the inaccessible western coast. The same helicopters also transported volunteer teachers to Meulaboh and brought back more volunteers (corpse collectors) to Bandah Aceh on its return run (The Jakarta Post, February 3, 2005). The JSDF's epidemic prevention unit cleaned up foul water and fumigated/sprayed beginning January 31, and sanitized almost 13,70 square meters in various areas in Bandah Aceh (The Jakarta Post, February 7, 2005). The GSDF medical team treated an approximate 3,000 patients, or an average of

² The JCC was created ad hoc to coordinate the activities of the three SDF branches, but had no independent authority to order the Japanese troops. There was no precedent to this arrangement. A permanent Joint Chief of Staff was finally created in 2006.

100 patients per day. The JSDF also teamed up with the International Organization for Migration (IOM), UNICEF, Indonesian Health Ministry and GOAL (an Irish NGO) in conducting a measles campaign along the west coast of Aceh province. The JSDF provided air transport.

As Aceh was the first time that the JDR and JSDF medical teams have worked side by side, there were considerable issues that arose. The JDR had used white tents in their field hospital and had to instruct the JSDF to use white rather than the khaki tents. The JSDF team put up their field hospital beside JDR as they can't independently negotiate with locals. The JSDF doctors dispensed a lot of antibiotics which the JDR doctors have been trying to avoid to begin with because antibiotics builds up drug-resistance ailments. The JDR doctors as well as other Japanese government personnel approached the JSDF for accommodation in the ships, but was refused because the JSDF has regulations against civilian access to their facilities.

During these activities, they interacted with a variety of civilian actors. The International Organization for Migration (IOM), which is well known among humanitarian organizations for its logistics, assisted the JSDF in establishing their base at the Sultan Iskandar Muda Airbase (Bandah Aceh) by helping them unload their camp material and providing them transportation facilities to carry building materials. The JSDF was also IOM's main partner in airlifting relief items to west coast areas.

Indonesia and the Philippines as Receiving Countries: Disaster Response Frameworks and the Role of International Actors

In this section, I will compare the disaster response frameworks of Indonesia and the Philippines. The disaster response framework of Indonesia (at the time of the tsunami disaster) and the Philippines invests a coordinating role on an inter-agency body (National Board for Disaster Coordination or BAKORNAS for Indonesia; and National Disaster Coordinating Council or NDCC for the Philippines) at the national level, and with government agencies, including the Armed Forces as members.³ BAKORNAS is chaired by the People's Welfare minister, while the NDCC is

³ The NDCC members are 14 executive departments, Office the President, the Armed Forces of the Philippines and the Philippine Red Cross. The Indonesian legislature passed a new law on disaster management in March 2007 (Law 24), which mandates the creation of an independent body, called National

led by the Department of National Defense (DND). The NDCC is responsible for planning, coordinating and monitoring disaster response.

There are also parallel coordinating bodies at each local level (for the Philippines, regional, provincial and municipal/city; for Indonesia, region and district) corresponding to the scope of disaster with local government agencies as members. In case of disasters with local scope, the coordination role falls to the local chief executive (in Indonesia, the regional and district administrator, who most often is an appointee of the local legislature; in the Philippines, the police regional director, elected governor and mayor). Neither the BAKORNAS nor the NDCC have a separate staff, budget or authority to deploy government's resources, including the armed forces to respond to a disaster. The NDCC operations center, secretariat and executive functions rests with the Office of Civil Defense under the DND. It could only request for assistance from each member agency/ministry. Each ministry has the independent responsibility to draw up plans and to set aside a corresponding portion of their budget for disaster response. Local governments are also legally mandated to set aside 5% of their international revenue allotment as calamity fund. Access to the national calamity fund, which is approved by the President upon NDCC recommendation. For oil spills as a specific type of disaster, the Philippine Coast Guard is designated a key role in containing the spill and preventing it from reaching the coast.

In both countries, these coordinating bodies were eclipsed by ad hoc Presidential Task Forces. In Indonesia, a Task Force to Coordinate Tsunami Assistance was created by Vice President Jusuf Kalla, whose tasks overlap with that of BAKORNAS. In the Philippines, similar task forces have also been created for major disasters (e.g. 1999 Bagiuo earthquake, 1991 Mt. Pinatubo eruption). The Presidential Task Force on the Guimaras Oil Spill, headed by Presidential Adviser for Visayas Vicente Coscolluela was another example. Unlike the NDCC which organizes member activities according to disaster preparedness, mitigation, response and rehabilitation clusters, the Task Force organizes government agencies according to related concerns such as relief provision,

Disaster Management Agency. Unlike the BAKORNAS, this new body (to be organized in the next 6 months) will have a independent budget and greater authority to deploy government resources, including the TNI, for disaster preparedness, mitigation, relief and reconstruction.

infrastructure, livelihood, resettlement, etc. Unlike the NDCC, the Task Force has an independent budget.

The legal framework for disaster response in both countries also has complications. In the Philippines, no distinction is made between provision of humanitarian assistance in a conflict versus a disaster situation (Soriano 2006, 15). In Indonesia, there exists a category of “emergency” situation under the Emergency Law, which given the legal ambiguity surrounding it, also included those arising from disaster, and consequently invests a parallel role for the armed forces to respond.

International Actors in Aceh

Indonesia, although not a stranger to receiving foreign civilian and military disaster assistance, nevertheless had no existing procedures for accepting them.⁴ As such, foreign military and civilian humanitarian actors have to individually approach their agency contact to get entry permission (visa for volunteer workers and clearance to bring in equipment, medicine and relief items free of duty), and such are decided on a case-to-case basis. In Aceh, foreign military establishments relied on their contacts with the TNI.⁵ This is usually done through a liaison officer. The visas and permits (particularly for the ships, helicopters and other transport vehicles to move within Indonesia’s sovereign territory) were worked out prior to arrival on site. The response to the Sumatran forest fires in 2001 was a prior example whereby the Indonesian government received

⁴ Under Law 24 (2007), the National Disaster Management Agency has access to, and can mobilize human resources and equipment for emergency relief, rehabilitation and reconstruction. Its mechanism for decision making (including funding) encompass activities prior to, during and after the disaster. Law 24 also allows for the international institutions and foreign NGOs to be involved in disaster management. Currently, a Task Force composed of UN bodies, NGOs and international donors is crafting a set of recommendations for the BAKORNAS to consider in drafting government regulations in line with Law 24. These recommendations cover matters such as purpose of international assistance and the role of the international community in disaster management. It also covers suggestions on government regulations pertaining to the form of aid allowed, who can provide aid, procedure in providing aid, coordination mechanism and arrangements, facilities made available to the international community and the initiation/termination of assistance. The Task Force identified the following barriers to international humanitarian assistance as: visa for foreign workers, legal difficulties in hiring local staff and volunteers, restricted use of communications and lengthy procedures for acquiring a legal status for international organizations to operate inside Indonesia. *Academic Script n the Role of International Institutions and International Non-Governmental Institutions in Disaster Management in Indonesia*. September 7, 2007.

⁵ One of the inherent advantages of militaries is that having previously trained together, they have an enviable network of contacts within the host country. They also operate with the same language and system, making working together relatively easier.

assistance from the US military. The US military provided the airplanes with machines that sprayed chemicals in the forest to prevent the fire from spreading. The details of the cooperation were made on a government-to-government basis, with the Department of Defense and the TNI headquarters overseeing the US unit whose activities were integrated with TNI at the operational level (Wijoyo 2007).

The scale of the disaster in Aceh, and the obvious inability of the TNI to cope with the required emergency relief response, prompted an unprecedented decision by the government on December 28 to appeal for international assistance. It must be noted that Aceh province at that time was a conflict area with civil emergency in place for six months. A year before that, from May 2003 to May 2004, it was under a military emergency, with restrictions on foreign presence. The post-tsunami situation was treated therefore under a civil emergency framework, with the relief and humanitarian effort carried out as part of military operations (Eye on Aceh 2005, 18).

The post-tsunami response also depicts the relative invisibility and weakness of civilian structures to the task compared to the armed forces. Although Indonesian President Susilo Bambang Yudhono's December 27 edict identified the BAKORNAS headed by Vice President Yusuf Kalla as having the task of coordinating all relief efforts in Aceh province, on the ground, much of the coordination activities were performed by the TNI. The SATKORLAK, which was supposed to administer relief at the district level, was also dominated by military officers. SATKORLAK's activities were facilitated by the army commanders of each territorial commands--Bandah Aceh, Meulaboh and Leuksumaweh.

The TNI's prominent role in post-tsunami Aceh was not a surprise. The military has always been able to mobilize more quickly because it has the manpower and because its territorial command parallel those of civilian administrators. Although it also suffered great casualty in its ranks, it was still able to respond quickly in the aftermath of the disaster compared to the civilian agencies, which at that point was completely paralyzed because of death, destruction of facilities and survivor flight outside of Aceh. During the first few days, the Indonesian military and police

had acted immediately after the tsunami struck, conducting search and rescue operations, collecting dead bodies and burying them in mass graves. In the following months, an additional 12,000 soldiers were sent to Aceh, topping the 50,000 pre-tsunami deployment (for counterinsurgency), to help in the evacuation and the clean-up/road repair. Among the early volunteers were members of neighboring Indonesian Red Cross chapters who helped along the security forces in collecting dead bodies and in manning local coordination centers set up in former neighborhoods as contact points for food, water and medical services distribution.

The tsunami, however, also revealed the dilapidated state of the TNI's air and sea assets, which could not particularly cope with the task of delivering relief assistance in remote areas. The government finally made an appeal for international military assistance in December 28, 2004. The arrival of foreign military units, with their heavy airlift (cargo planes and helicopters) as well as special water vehicles spelled the difference in the relief distribution system.

The international response to the tsunami in Aceh was overwhelming. In fact, many international agencies (like International Organization for Migration (IOM) and UN Office for Coordination of Humanitarian Assistance (UNOCHA) was already on standby in neighboring areas, waiting for the green light to go in. As such, the international response was immediate. In the first few days, there was confusion because Indonesia had no existing blueprint or standard operating procedure as to who foreign elements must report to nor of the legal consequences of foreign presence. One person we interviewed who was at Aceh in those early days recalled how chaotic it was at the Bandah Aceh airport, with the constant landings of huge cargo planes. There were so many flights coming in and out of the tiny airport that a special air traffic control had to be set up. Among the first foreign military contingents to arrive were Singapore, Malaysia and the United States (the aircraft carrier Abraham Lincoln was posted near the the west coast). All in all, 16 countries sent military personnel to Aceh providing various assistance such as water purification, medical care, distributing tents, food, water, medicine, among others.⁶ International military forces

⁶ These 16 countries are Australia, Brunei, France, Germany, Japan, Malaysia, Mexico, Netherlands, New Zealand, Pakistan, Russia, Singapore, Spain, Switzerland, the United Kingdom and the United States.

were coordinated by the Combined Coordination Center (CCC) headed by Indonesian Defense Forces Commander General Endriartono Sutarto (Asian Political News, January 10, 2005). Various governments also pledged enormous amounts to for relief and rehabilitation, with Australia (\$815.5 million), Germany (\$680 million), Japan (\$500 million) as top donors (The Jakarta Post, January 11, 2005).

In Aceh, an aid distribution system was set up by the (Indonesian Armed Forces) TNI.⁷ All foreign military liaison officers as well as international humanitarian organizations were briefed of this procedure. The key authority for aid distribution rests with the humanitarian operations task force under Major General Bambang Darmono. The task force had five teams: information, internally displaced persons (IDP), logistics, body evacuation and health care. Every night, the TNI command organized a briefing, which was very well attended by both foreign military and civilian actors, as well as local/provincial government offices. The nightly briefings featured reports of what each organizations have done and where, and what they were doing the following day in which location. The briefings were considered by many as vital in linking up various actors (teams are formed at the briefing) to respond to identified needs. These also allowed for a more even distribution of activities across disaster areas.

Among the rules imposed by the TNI applying to foreign troops include: (a) registration of agencies with disaster relief activities, including how many staff and how much equipment/vehicles they are bringing in; and (b) movement in and around the disaster area (as Aceh was also a conflict situation at the time of the disaster, Free Aceh Movement or GAM insurgents were still assumed active during that period), that is informing the military when traveling or delivering relief goods to certain areas. All were required to inform the military beforehand about locations of relief drop offs or delivery.⁸ Supposedly, the TNI would follow or escort the agency/foreign military

⁷ That the TNI imposed the aid distribution system was justified on the ground that Aceh was a conflict area.

⁸ The JSDF troops, for instance, always moved with the Indonesian military liaison officer. According to one Indonesian ex-general we interviewed, such is necessary due to safety concerns-- that is as host, the Indonesian military does not want these foreign soldiers attacked by GAM elements. This is confirmed by Major General Heryadi (2007) who remarked in a conference that the TNI is tasked to provide a "thorough protection to all international and domestic missions, most particularly to the spots considered to be

unit in question, but sometimes this is impossible because the foreign troop's helicopters were much faster. The military's control over distribution and foreign movement also generated allegations of denying assistance to communities considered GAM strongholds and bribe collection (Eye on Aceh 2005, 22-24).

The TNI's overt field presence generated some considerable tension, particularly for humanitarian organizations like Palang Merah Indonesia (Indonesian Red Cross) and Oxfam which as a matter of principle, would choose not to link up with the military (any military for that matter) if they can help it (The Jakarta Post, January 15, 2005). For the International Organization of Migration (IOM), availing of military assistance is a sensitive issue, but in Aceh's case, they have opted to collaborate because the military alone has the capacity for heavy logistics. The utter paralysis of the civilian apparatus in Aceh also meant the TNI commands de facto took over the job of coordinating throughout the emergency phase.

The Military's Role in Disaster Relief: A Postscript

The disaster response in Aceh brought to light several issues surrounding TNI's or the JSDF's role and the overall involvement of security forces in disaster relief operations. First, the discussion about whether and in what circumstances the military may be brought in to respond to a disaster situation cannot be divorced from the overall discussion of democratic civilian control. For Japan as a sending country, the issue concerns the overlapping capabilities of the JDR and JSDF in overseas disaster relief missions, and the deployment of JSDF beyond the emergency phase. The cost and benefits from such deployment, when compared to purely civilian or monetary assistance, is not taken into account by the Japanese government.

In Indonesia where tentative efforts are just being made to de-limit the military's role and to reassert control by civilian authorities over their deployment, their performance in Aceh illustrates

vulnerable from the armed separatists." The IOM person we interviewed also mentioned having been escorted by the TNI on a relief delivery to an area considered by the TNI as a rebel stronghold. Safety is paramount during the operations as all UN personnel have first to seek permits from the head of UN mission before embarking outside their base of operations. Oftentimes, they were also required to report their location every so often through the walkie-talkie.

that much more has to be done. Prior to and after the tsunami, great legal strides such as Law 3 (2002) and Law 34 (2004) invests role for TNI in disaster relief. However, there remains considerable ambiguity over the legal framework for military deployment during emergency (of which, emergency arising from natural disaster which does not necessarily threaten the stability of the national government, is presumably included). Under the Emergency Law (Law 23 of 1949), a broad spectrum of threat ranging from civil disturbance, civil emergency, military emergency and war are identified. It is notable that neither categories explicitly cover natural disaster. In a civilian emergency, the authoritative agency is regional or district administrator, while in a military emergency, it is the corresponding military area commander who is in charge. This 4-fold distinction also connote a graduated role for the security forces, with the military playing a more prominent part in civil and military emergencies compared to civil disturbances. In the case of Aceh, a civil emergency was already in place when the tsunami struck, which makes for extraordinary situation for military versus civilian roles.

On deployment, Law 13 (2002) provided that the Indonesian President can designate any area under emergency, and alone can authorize the movement of troops accordingly. In turn, the decision to declare an emergency and troop deployment can be reviewed by the legislature. Learning from Aceh, Law 34 (2004) further provides the military commander at the lowest level the authority to use the armed forces in the event of an emergency, but said commander should report to the TNI chief within 24 hours. The use of the armed forces in such context requires legislative approval within 48 hours. Law 34 was made in view of the need to balance accountability and discretion (deemed important in disaster situations) for a TNI unit to act.

At issue are several points. First, although civilian agencies are supposed to be the first responder in the advent of disaster, they have low capacity to respond because they have no access to resources needed for such undertaking, but of which the military has plenty. Second, ideally, civilian authorities must be able to effectively oversee how the military performs its relief tasks. In reality, civilian authorities do not check the military's standard operating procedures (SOPs) for

disaster relief operations. They are either unaware of or take no interest on the the military' detailed procedures for specific types of operations. Third, the military's suitability to disaster response is problematic. Both the JSDF and TNI are currently structured according to geographic commands, not types of operations. They are also tied up with rigid standard of operations. One of our interviewees had three suggestions to this quandary. To better harness a military organization for disaster response, there is no need to re-structure the existing area commands. What is perhaps needed is to review protocols for types of operations to inject flexibility (e.g. allowing the soldiers to bring in their weapons in some operations but not in others). The creation of an alternative civilian apparatus with capabilities for disaster response (e.g. FEMA in the US) is also an option. In Indonesia, for instance, a civil defense unit under the Department of Home Affairs envisioned under Law 156 of 1958, could be organized, trained and integrated into a disaster response plan within the Defense department. They could be equipped for such task, instead of relying on the armed forces (Anggoro 2007).

Conclusion

The JSDF deployment to Aceh to render assistance to tsunami victims was the largest ground deployment since World War II ended. From a foreign policy perspective, the JSDF relatively large presence among the multiple foreign military contingents was well noted. The deployment established a precedent in that for the first time, the JDR worked beside the JSDF, along the parameters envisioned by the International Humanitarian and Civil Emergency Assistance law in 1992.

The deployment made visible the duality, that is civilian versus military elements, of Japanese "human" contribution. The JDR and JSDF as organizations with distinct cultures, procedures and networks as well as differential overseas experience created difficulties in working together. These differences continue to serve as barriers in planning for future deployment. A key issue between these agencies is whether to treat operations such as that which transpired in Aceh, as

civilian (under Japan International Cooperation Agency) or as military (under the JSDF) operations. In practice, there was limited interface between the two, and the JSDF assumed “ownership” of their own operations. Despite the good performance of the JSDF units and their assets, the Aceh deployment also revealed how the JSDF is not abreast with mainstream thinking about when aid is needed and when pullout is necessary. The main JSDF contingent arrived just as other foreign troops are winding down their operations. The cost entailed in such deployment was also not reckoned with.

As host country, the tsunami disaster revealed the serious gaps in Indonesia’s legal and institutional framework for accepting international assistance. The absence of established procedures and mechanisms for allowing/receiving foreign military and civilian elements prompted ad hoc decision making on the ground. The paralysis of local civilian authorities and institutions supposed to be responsible for decision making and administration created a space, which the TNI was quick to fill in. TNI’s overt presence and control over the distribution system, however, posted difficulties for UN agencies’ and international NGOs’ activities. The military stream of assistance (coordinated through CCC) functioned parallel to the civilian stream (through UNOCHA, the International Federation of Red Cross) with crossover mainly in the realm of logistics in relief distribution.

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