



Open letter requesting the Indonesian Parliament to reject to the proposed ORMAS Law and create an enabling environment for civil society

10 April 2013

**The People's Representative Council of Republic Indonesia
Gedung Nusantara III
Jl. Jenderal Gatot Subroto Jakarta 10270
Indonesia**

Re: Restrictions on Civil Society under the 'ORMAS Bill'

Dear House Speaker Marzuki Ali,

CIVICUS: World Alliance for Citizen Participation, the Indonesian Forum for Environment (WALHI) and the International NGO Forum on Indonesian Development (INFID) write to express our deep concern on the Bill on Mass Organisations (ORMAS Bill) due for hearing in Parliament on 12 April 2013.

We believe that the Bill severely undermines freedom of association enshrined in the Constitution of Indonesia and the International Covenant on Civil and Political Rights to which Indonesia is a state party. We urge the Indonesian Parliament to reject the ORMAS Bill in its current form and adopt alternative legislation to create an enabling environment for civil society free from unwarranted restrictions.

We welcome the Government of Indonesia's initiative to revise the existing legal framework for national and international civil society organisations (CSOs). Nevertheless, we are disappointed that amendments proposed through the ORMAS Bill not only fail to address the existing legislative limitations on freedom of association but further expand executive discretion and control over the establishment and operation of CSOs in the country.

Civil society has repeatedly expressed its concern over the vague and overbroad provisions found in Law No. 8 of 1985 on Societal Organizations which permits dissolution of CSOs for undertaking activities perceived to "disturb security and order." The ORMAS Bill further imperils the existence of CSOs through the prohibition on activities perceived to contravene 'Pancasila'- the five principles of official state philosophy of Indonesia. We believe that such broad based restrictions provide ample grounds for unwarranted interference in the activities of CSOs including expressions of legitimate dissent. Notably, the ORMAS Bill proposes to prohibit "activities which are the duty and jurisdiction of the law enforcers



and government.” We believe this provision if legislated will prevent CSOs from working on sensitive topics related to good governance and democratic reform in the public interest.

Worryingly, the ORMAS Bill bestows government officials with discretionary powers to forcibly suspend or dissolve CSOs. We believe that the power to sanction organisations without a judicial hearing seriously violates due process rights and seriously imperils the existence of an independent civil society in Indonesia.

The ORMAS Bill also imposes unduly prescriptive rules which drastically interfere with the internal self-governance of CSOs. Building on the structural requirements set out in the current Law No. 28 of 2004 (“Law on Foundations”) which stipulate that every foundation erect a three-organ governing body, the ORMAS Bill further requires that CSOs have an “internal board of supervisors” to monitor and enforce an organization’s code of ethics.

Discriminatory requirements for International CSOs under existing legislation are also further entrenched under the ORMAS Bill. International CSOs are currently required to present a statement pledging not to act in a manner detrimental to Indonesian society, nation and the state. Under the ORMAS Bill, international CSOs are subjected to ambiguous demands to refrain from activities which “disrupt the stability and oneness” of Indonesia or “disrupt diplomatic ties.” This overbroad provision is likely to seriously restrict the activities of international CSOs engaged in reform of the political, legal, and security sectors.

Overall, we believe, the ORMAS Bill overlooks the important role played by national and international CSOs in advancing transparency and accountability in public affairs. The creation of an independent civil society is a key pillar in the foundation of a vibrant and strong democratic system. Independent civil society, free from excessive state interference, can provide a vital check and balance necessary for the establishment of a robust democratic society. To this end, we urge you and your colleagues to reject the ORMAS Bill in its current form and to put forward new legislation which fully complies with international standards and constitutional protections on the freedom of association.

Respectfully yours,

1. CIVICUS: World Alliance for Citizen Participation
2. International NGO Forum on Indonesian Development (INFID)
3. The Indonesian Forum for Environment (WALHI)