

The future of the Jakarta Centre for Law Enforcement Cooperation

Indonesia's chance to promote a new era of regional law enforcement cooperation

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Executive summary

For 13 years, the Jakarta Centre for Law Enforcement Cooperation (JCLEC) has served as a regional rallying point for much-needed counterterrorism (CT) capacity development and cooperation. Since its inception in 2004, with strong bilateral support from the Australian Government,¹ JCLEC's operating and donor environments have evolved considerably. The strong relationship between the Indonesian National Police (POLRI) and Australian Federal Police (AFP) that has raised and sustained JCLEC is in a state of decline. Regional partners and donors are now considering JCLEC's future. There are some big decisions to be made, the most pressing of which is whether JCLEC should become a truly regional body or an Indonesian Government institution.

POLRI and the AFP—as well as the various donor countries—must now collectively determine how JCLEC should be managed, what it should be doing, and who should pay for its activities.



Photo of the JCLEC building in Semarang, Indonesia. Photo courtesy of the JCLEC.

Under an AFP–POLRI agreement ratified on 1 March 2016, changes to JCLEC governance arrangements will see POLRI assume greater responsibility for the centre’s funding.² It will also take up a greater role in JCLEC’s management, and there have been signals that POLRI will be seeking to integrate the centre into Indonesia’s broader law enforcement training regime.

One of the questions being asked by some national and multinational donors is whether the current predominantly bilateral AFP and POLRI administrative framework prevents JCLEC achieving its full potential as a regional hub for CT and law enforcement cooperation.

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There’s a clear alternative to making a binary decision between the ‘nationalisation’ of JCLEC or maintaining the status quo. JCLEC could seek greater ASEAN and ASEANAPOL engagement. That could be achieved through such measures as appointing the ASEANAPOL Commissioner as a JCLEC patron and an ASEAN representative to the board of patrons.

The ASEAN law enforcement operating context

Before considering JCLEC’s future, there’s value in exploring the conditions that led to its establishment: the regional law enforcement operating context in the early 2000s. Al-Qaeda’s devastating 9/11 terror attacks were a global call to arms for wannabe jihadists. The attacks served as a tangible proof that al-Qaeda, and those that affiliated with it, could take jihad to the West and fight against Western interests. By 2002, Indonesia’s domestic and regional security environment was rapidly deteriorating.

To the casual observer, Jemaah Islamiyah emerged onto the global terrorism stage in Malaysia, Indonesia and the Philippines out of the ashes of 9/11 with the support of al-Qaeda. But this populist understanding of regional CT is factually incorrect. Asian terrorist groups such as Jemaah Islamiyah, the Abu Sayef Group and the Moro Islamic Liberation Front had been operating independently from al-Qaeda for many years.

ASEAN’s security environment did indeed change, and decline, in the early 2000s. This change wasn’t brought about by a single terrorist or organised crime group, or through any new ideological perspective. The region’s national terrorist and organised crime groups began to evolve into truly transnational organisations. These criminals, terrorists and insurgents exploited the benefits of globalised financial and logistical supply chains. They also began thwarting the then current intelligence and police strategies by operating across multiple jurisdictions, enabled by a new generation of widely available and inexpensive technology, such as digital mobile phones. In response, Western governments, desperate to protect their interests in the region, had little choice other than to encourage inter- and intrajurisdictional police-to-police cooperation and capacity development.

The increasing domestic and transnational terrorism threat across the archipelago in the early 2000s alarmed policymakers in Jakarta and Canberra. This extraordinary threat environment encouraged the necessary forward thinking among officials in both countries to consider extraordinary policy measures.

For the past 10 years, Indonesia has enjoyed unprecedented success in disrupting and investigating Jemaah Islamiyah and its remnants. While the same can’t be said for Indonesia’s efforts to target organised crime, it can be argued that progress has been made. Ten years of law enforcement capacity investment has also supported the development of increasingly capable domestic security agencies across the region, although this progress is still uneven in some places.

In response to the digital age and emergent law enforcement technology capabilities, terror groups are becoming adept at sharing and engaging with new technologies, especially encrypted communications. Unfortunately, law enforcement agencies are less prepared and capable of rapidly adopting new technology. This technology lag is creating new vulnerabilities across the region.

It would appear that Indonesia's CT efforts, and those of its regional partners, might be facing some tough times ahead. The threat picture today appears all too similar to that of the early 2000s. There are more terrorist attacks now globally than in 2001. There are multiple active terrorist groups across ASEAN, and Indonesia is once again dealing with an increasing terrorist threat from domestic groups, this time being encouraged by two global movements: al-Qaeda and the Islamic State. Transnational serious and organised crime groups have continued to integrate regional supply chains that take advantage of 'no-go' zones, such as Myanmar's Shan State. In doing so, they have become more resilient to traditional police operations. Organised crime has become increasingly transnational, making the need for multijurisdictional investigations more commonplace.

ASEAN member states and their global stakeholders now face a security environment that's more uncertain and more in need of international cooperation than ever before. The path that's been laid by JCLEC to approach multijurisdictional crimes could be taken further in a quest to keep law enforcement in step with a rapidly changing Asia-Pacific.

JCLEC's origin

The foundation stone for the extraordinary cooperation that led to the creation of JCLEC was the POLRI–AFP relationship, which had been formed over some 30 years. The joint efforts of the POLRI and AFP in investigating the first Bali bombing in 2002 saw this relationship reach new heights. For many years, it was also an aspirational best practice model for police-to-police cooperation in the region. That cooperation created the institutional trust that became a fulcrum for the AFP's efforts to transfer skills and knowledge on targeting and disrupting terror networks to POLRI.

In 2004, the AFP and POLRI agreed to establish a joint training school to further enhance Indonesia's law enforcement capacity to respond to transnational crime and terrorism. JCLEC's strategic vision grew out of a desire to provide Indonesian law enforcement with the necessary capabilities to disrupt terrorism and transnational organised crime.

From the very beginning, JCLEC was envisioned as a regional centre—a place where donors and regional police could work together to build capacity through training and cooperation. The vision for the centre included a strong focus on building coordination and cooperation between ASEAN partners and the international community as a force multiplier for the capabilities it developed.

JCLEC was built in the grounds of the POLRI's National Police Academy in Semarang, Central Java. Indonesia's senior policymakers and police both sought to create an independent identity for JCLEC, to ensure that it maintained a regional flavour, so it was established as an independent foundation under Indonesian law.³

Once construction began, the Netherlands and France also contributed funds and oversight to the centre.⁴ In this way, the diverse, yet flexible, model of JCLEC donor participation was established.

From humble beginnings, the centre's donor list has grown. Canada, Denmark, the EU, New Zealand, the UK, the US and Turkey have all provided funding and training for the centre, including projects partnering with international organisations such as Interpol and the UN Office on Drugs and Crime.⁵

JCLEC's role has been further strengthened by the increased capacity building, information sharing and security cooperation provisions in the 2006 Lombok Treaty, the 2011 Indonesian National Police Arrangement on Cooperation in Preventing and Combating Transnational Crime and the 2015 Memorandum of Understanding on Combating International Terrorism.⁶

In practice, JCLEC's board of patrons has sought to provide flexible course structures and teaching systems. Those education and training systems have allowed donors to fund and teach numerous specialised courses on communications, general investigations, financial investigations, intelligence, forensic sciences and, more recently, cybersecurity.

The board of patrons has also sought to synchronise JCLEC activities with those of other regional law enforcement centres. JCLEC now partners with the Asian Regional Centre for Counter Terrorism in Malaysia and the International Law Enforcement Academy in Thailand.

Almost 20,000 officials from 70 countries have trained at the centre since 2004. More importantly, the centre and its training have both transferred knowledge and enhanced law enforcement cooperation, especially in the disruption of terrorism in ASEAN countries.

POLRI will now be taking a greater role in the management of JCLEC. Unsurprisingly, then, there have been rumblings that POLRI will be seeking to integrate JCLEC into the country's broader law enforcement training regime. As JCLEC enters a new phase of development, it's a good time to consider 'Where to next?' for this successful program.

What next?

Since ASEAN's inception, member states have struggled with bilateral and multilateral cooperation on national security and law enforcement matters. It seems that hardly a month passes in which an ASEAN member state official doesn't call out the need for greater cooperation. The security cooperation challenge seems unsurprising, given that ASEAN's charter holds the principles of respect for sovereignty and non-interference in such high regard.

This challenging insular strategic environment makes what's been achieved by JCLEC over the past 13 years all the more remarkable. However, both the operating and donor environments are now changing. A number of stakeholders and donor countries are questioning whether JCLEC also needs to adapt. Before any change is considered, it needs to be recognised that the cooperation that JCLEC has nurtured is fragile and perishable. The future of JCLEC rests on stakeholder engagement and the resolution of a number of strategic questions about how it should be managed, what it should be doing, and who should pay for its activities.

One of the questions being asked by some donors is whether the strong bilateral AFP and POLRI framework prevents JCLEC from being a foundation stone for regional CT and law enforcement cooperation. From an Australian perspective, the police-to-police relationship between POLRI and the AFP has been in decline for a number of years. Memories of the strong operational

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cooperation between the two in terror investigations into bombings in Bali and Jakarta (the Australian Embassy and the Ritz Carlton) are fading, and with this the trusted personal relationships so important within ASEAN. Without those relationships, the AFP and other law enforcement agencies across the globe will find it difficult to translate into action the polite yet often noncommittal nods given in bilateral dialogues with Indonesia. The lesson from this experience is that the POLRI–AFP model for police-to-police cooperation works, but these kinds of relationships require constant maintenance efforts to remain effective.

Some in POLRI see the potential for the nationalisation of JCLEC, hinted at in the new program renewal agreement, as a positive move. Strategically, however, Indonesia and its regional partners stand to benefit much more from the creation of a truly regional institution that promotes closer cooperation and understanding. When it comes to a decision on how JCLEC should be managed in the future, there are clear alternatives to making a binary decision between the 'nationalisation' of JCLEC or maintaining the status quo.

In a time of global fiscal austerity, the big question for stakeholders is who will pay for JCLEC. Australia remains the biggest single donor. Comprehensive capacity development programs are becoming more difficult financial propositions for donor countries and multilateral organisations alike as pressure on aid budgets grows. JCLEC's current funding model isn't without its challenges, but it does provide an agile mechanism for burden-sharing between donors.

As the region's domestic law enforcement capacity has improved, JCLEC's training regime also needs to evolve. While there'll always be a regional demand for basic investigations and intelligence, disaster victim identification, and bomb data analysis training, the new terror environment demands new skills. Decryption, computer forensics, financial analysis, social media web-scraping and big data analytics present new challenges to police across Southeast Asia. For JCLEC to remain relevant, donors and the JCLEC board of patrons will need to coordinate new training offerings.

Policy recommendations

To continue to be relevant to Indonesia, other ASEAN states and donor countries, JCLEC needs to change. With this in mind, the following recommendations are offered to address some of the questions about the centre's future.

1. The JCLEC board of patrons should consult ASEANAPOL and each ASEAN state's national law enforcement representatives on the future of the centre, with a view to producing a five-year strategy.

Traditionally, international law enforcement engagement has been an operationally focused activity. In this model, personal relationships facilitate the exchange of information based on achieving investigative or disruption outcomes. Consequently, planning for international engagement has been polarised between police-to-police relationships and activities focused on legal instruments for the facilitation of mutual legal assistance that collect the information and intelligence garnered informally from police-to-police cooperation. The impacts of this ad hoc operational model for police cooperation are evident in such programs as JCLEC.

The level of planning for JCLEC now needs to be lifted to a strategic level. In that planning, consideration ought to be given to creating a clear vision for JCLEC's outputs and outcomes in five to ten years.

2. The JCLEC board of patrons should implement measures that promote greater ASEAN and ASEANAPOL engagement in the centre's management and operation.

Critics of an ASEANAPOL management model for JCLEC will argue that ASEANAPOL has, to date, done little to encourage meaningful regional cooperation. But JCLEC's flexible, ad hoc funding and operating models could act as the catalyst for ASEANAPOL to play a more meaningful role in regional law enforcement cooperation. ASEANAPOL's greater participation in JCLEC management could provide it with the opportunity and frameworks to facilitate both short- and long-term regional law enforcement cooperation.

ASEAN and ASEANAPOL engagement could be achieved through such measures as appointing the ASEANAPOL Commissioner as a JCLEC patron and appointing an ASEAN representative to JCLEC's board of supervisors. To be successful, there's a need for these measures to be integrated into JCLEC's and ASEANAPOL's strategies and policies.

3. JCLEC's stakeholders should work together to achieve greater certainty on long-term resourcing.

There should be little doubt that the ad hoc nature of JCLEC's current resourcing arrangements has allowed the centre to respond flexibly to emerging needs. However, those arrangements unnecessarily complicate day-to-day decision-making and inhibit the board's capacity to develop long-term strategies. Achieving funding certainty will of course be no easy task. Initially, an international stakeholder such as the UN Office on Drugs and Crime ought to bring all donors (countries and international government organisations) together to discuss current and future funding arrangements.

4. The board of patrons should commission an independent regional training needs analysis, which should focus on identifying capability gaps in existing national law enforcement training programs and emerging capability requirements.

At present, much of the training delivered at JCLEC by donor countries isn't developed as part of a wider strategy. Instead, it's often developed from a donor perspective based on police liaison officer advice and available funding. JCLEC's success is based equally on the development of capacity and relationships. Therefore, its training programs need to achieve a delicate balance between

creating the capacity needed today and the relationships and capability needed in the future. Such a strategy can be developed only through stakeholder engagement and the production of a comprehensive training needs analysis that dovetails with the offerings in other centres, such as the International Law Enforcement Academy Bangkok. The training needs analysis must also examine future law enforcement capability requirements.

5. The board of patrons should consider further expanding the scope of JCLEC's law enforcement focus to include a wider selection of stakeholders from the region's criminal justice sector.

ASEAN's evolving security environment is creating a requirement for policymakers to leverage broader criminal justice responses to emerging threats. This change signals an opportunity for JCLEC to integrate other components of the criminal justice sector into its training programs. The importance of the wider criminal justice sector was illustrated recently by the role some paroled prisoners have played in terrorist incidents in Indonesia. JCLEC should be a regional criminal justice centre that encompasses the capacity to train all of the components of the region's criminal justice systems—police, prosecution, and judiciary.

6. The board of patrons should develop JCLEC's human resource capacity so that the centre's staff can deliver as well as coordinate training.

Consideration should be given to developing the human resource capacity of JCLEC to deliver training and not just serve as a training venue. JCLEC's reliance on international law enforcement trainers, deployed for short periods, results in a great deal of variance in training standards. And it isn't always clear that the training provided at the centre has been customised for the regional context. Developing the human resource capacity of a dedicated cadre of trainers under the umbrella of JCLEC allows for potential fee-for-service delivery, thereby creating a revenue stream for the centre to support its operations.

Conclusion

While JCLEC grew out of a close bilateral partnership, it has steadily evolved in the direction of a regionalised model. The centre has played an important role in gathering together regional partners to create the low-key informal relationships of trust that make police-to-police cooperation possible. But, as the POLRI–AFP experience has demonstrated, those relationships need continuous renewal.

It would be ill-advised to nationalise JCLEC at a time when the terrorism threat in the region is growing. ASEAN has to contend with multiple active terrorist groups, and Indonesia is fighting domestic terror networks affiliated with the Islamic State and al-Qaeda. Bilateral and multilateral law enforcement cooperation on terrorism will remain vitally important. Put simply, ASEAN member states still need JCLEC, as it remains one of the few policy mechanisms fostering operational law enforcement cooperation.

Southeast Asian law enforcement cooperation at both the bilateral and the multilateral levels still has a long way to go. The next stage in JCLEC's evolution should be a decisive step towards further regionalisation to ensure that benefits are shared across ASEAN.

Notes

- 1 Jakarta Centre for Law Enforcement Cooperation (JCLEC), *About JCLEC*, updated 31 May 2016, [online](#).
- 2 Australian Federal Police (AFP), *Annual report 2015–2016*, 2016, 4.
- 3 David Connery, Michael Mckenzie, Natalie Sambhi, *Partners against crime: a short history of the AFP–POLRI relationship*, ASPI, Canberra, 2014, [online](#).
- 4 JCLEC, *Annual report 2005*, [online](#). The Netherlands gives €5.2 million (p. 11), and Marc Pasotti sits on the board of supervisors (p. 7).
- 5 JCLEC, *Annual report 2013*, [online](#).
- 6 Michael Keenan, *2016 Australia–Indonesia Ministerial Council on Law and Security: Joint communique*, 8 June 2016, [online](#).

Acronyms and abbreviations

AFP	Australian Federal Police
ASEAN	Association of Southeast Asian Nations
ASEANAPOL	Association of Southeast Asian Chiefs of Police
CT	counterterrorism
EU	European Union
JCLEC	Jakarta Centre for Law Enforcement Cooperation
POLRI	Indonesian National Police

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