Ensuring Sustainable Livelihoods - Using Rights-Based Tools for Implementing Pro-Small Farmers' Oriented Policies in Klaten district, Central Java, Indonesia

An OXFAM GB-Indonesia Case Study

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8. Ensuring Sustainable Livelihoods – Using Rights-Based Tools for Implementing Pro-Small Farmers’ Oriented Policies in Klaten district, Central Java, Indonesia – An OXFAM GB-Indonesia Case Study

Author: Upala Devi Banerjee¹

¹ The author is currently the Asia-Pacific Coordinator of the UN Inter-agency Lessons Learned Project, based at the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Bangkok.

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LIST OF ABBREVIATIONS USED:

ASEAN: Association of South East Asian Nations
CAT: Convention Against Torture
CBOs: Community-based Organizations
CEDAW: Convention on the Elimination of Discrimination Against Women
CRC: Convention on the Rights of the Child
CRD: Convention on Racial Discrimination
CSOs: Civil Society Organizations
DfID: Department for International Development
DPRD: Dewan Perwakilan Rakyat Daerah
FKIP: Farmers Forum for Information and Communication
GB: Great Britain
HRBAP: Human Rights-Based Approach to Programming
IMF: International Monetary Fund
INGO: International Non-governmental Organization
JARNOP PP: Jaringan organisasi non per, merintah Pendamping Petani Se-Java
JSA: Jan Swasthya Abhiyan
MDGs: Millennium Development Goals
NCHR: National Commission of Human Rights
NGOs: Non-governmental Organizations
NHRC: National Human Rights Commission
NPAHR: National Plan of Action on Human Rights
OHCHR: Office of the United Nations High Commissioner for Human Rights
PRSP: Poverty Reduction Strategy Paper
ToTs: Training of Trainers
UDHR: Universal Declaration of Human Rights
UN: United Nations
UNDP: United Nations Development Programme
US: United States
VSO: Volunteer Services Overseas
WB: World Bank
Background and Rationale: The Status of Human rights in Indonesia

**Country and Programme Context:** Indonesia's commitment to the promotion and protection of human rights in the country is derived from *Pancasila* (Five Pillars), notably from the second pillar -"A just and civilized humanity" - as well as relevant articles in the 1945 Constitution which came into being prior to the adoption of the United Nations (UN) Universal Declaration of Human Rights (UDHR) in 1948.

Endeavours to promote and protect human rights of the 230 million strong Indonesian people are based on the principles of indivisibility, equality and recognition to the prevailing national conditions. The indivisibility principle implies that civil, political, economic, social and cultural rights as well as the Right to Development are regarded as integral parts of a whole that cannot be broken up without diminishing each one of the components. This is true whether in the implementation, monitoring or in the evaluation of their implementation. The equality principle requires that there should be balance and harmony between individual and collective rights and between the rights of the individual and his responsibility to the community and nation.

The general framework within which human rights are protected include Decree No. XVII of 1998 on Human Rights, Law No. 39 of 1999 on Human Rights, the National Commission of Human Rights (NCHR), the Government Regulation in Lieu of Law No. 1 of 1999 on Human Rights Courts, the National Plan of Action on Human Rights (NPAHR) 1998-2003, and the 2000 amendment to the 1945 Constitution, which includes a new chapter on human rights.

**Policy and Legal Framework:** As stated above, the commitment of the Indonesian Government to promote and protect human rights has been demonstrated by, among others, the establishment of the NCHR in 1993 and the Human Rights Courts through the human rights trial act number 26/2000 for the purpose of helping develop a national atmosphere conducive to the exercise of human rights. In line with the recommendation of the 1993 Vienna Declaration and Programme of Action and the outcome of the Second National Workshop on Human Rights held by the Government of Indonesia, the NCHR and the UN on 24-26 October 1994, Indonesia formulated the NPAHR 1998-2003, which consists of concrete steps of what will be conducted at national level in the ensuing five years. Systematic and comprehensive implementation of the Indonesian NPAHR - which is based on the provisions of the Seventh Five-Year Development Plan of the People's Consultative Assembly no.11/MPR/1998 on State General Guidelines - is expected to help promote a culture of respect for human rights.

In addition to the above, the country has acceded to the Convention on Racial Discrimination (CRD), signed and ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Optional Protocol, signed and ratified the Convention Against Torture (CAT) and signed and ratified the Convention on the Rights of the Child (CRC), including the Optional Protocol on the Sale of Children and Children in Armed Conflict.
Since the fall of President Suharto from power and the elimination of the “New Order” in 1998, a series of political and civil reforms have been implemented to build the framework of a liberal democracy. New rules have been instituted for political parties, the electoral system and parliamentary bodies and the Government is making progress in its transition to a more pluralistic and representative democracy. This transition includes a recent decision to reduce the formal political role of the police and military. Yet, while the framework of electoral democracy has been well established, the progress in deepening democracy has been hampered by the slow pace of judicial and military reform. For instance, though the Constitution provides for an independent judiciary; in practice, the Courts remain subject to influence, including by the Executive Branch; this can have far-reaching effects on the ability of disadvantaged/marginalized peoples to access justice.

In the area of attainment of social and economic rights too, the people are facing numerous challenges. Over 37 million people live in extreme poverty and the Government’s capacity to meet the basic rights of citizens is undermined by a crippling debt burden, poor governance, corruption, natural calamities and in fighting civil wars in various parts of the country. Some of the more entrenched political and economic interests have proven resistant to change and the disparity of wealth and opportunity within Indonesian society remains large. The Government has taken on the Millennium Development Goals (MDGs) challenge, and formulated reasonable poverty frameworks to work toward the Goals. The National Development Program (2000-2004) lays out initiatives for poverty reduction, including provision of services to poor families, support for small and medium enterprises, and a pro-poor social security system. Reports indicate that Indonesia is making good progress toward realising the MDGs, particularly in relation to poverty reduction, education, gender equality and child mortality.

Yet, this prognosis masks a more complex reality about the state of development in Indonesia. Nationally aggregated statistics fail to capture the degree of underdevelopment among “pockets of poor” and the unevenness of MDG attainment. Although forecasts predict that the goal to reduce poverty to 7.5% will be achieved by 2008 at a national level, this will largely be due to development gains in a few wealthier regions. Most provinces are not expected to reach MDG targets by 2015 and, based on 1993-1999 trends, it is predicted that the least-developed provinces will not have reached these targets by the end of the century. Corruption and poor governance often mean that funds secured for development objectives do little to bring about real and lasting improvements in the equity or rights of the most disadvantaged.

For the large pockets of the country’s poor, many of which depend on the land for their living, social and economic rights are severely compromised and opportunities for control over key aspects of their own welfare are severely restricted. And the same is the case for other vulnerable groups like women and children and people belonging to ethnic minorities. Internal unrest is further resulting in threat to livelihoods,

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2 http://www.oneworld.ca/guides/indonesia/development
4 Ibid. Refer to footnote No. 2.
collapse of farming and fishing markets and structures, governance and environmental destruction.

**Human Rights and the Role of Civil Society:** Various forms of civil society has existed in Indonesia prior to the arrival of the colonial power/s. Traditional institutions such as the pesantrens (the Islamic traditional educational institution), lumbung desa (the traditional village cooperatives in Java), subak (the traditional water irrigation system in Bali), and religious-based charitable institutions had existed in society and served as institutional bases for building solidarity and social empowerment among the people at the grass-roots level. However, of all forms of civil society present in Indonesia, it is reasonable to concur that non-governmental organizations (NGOs) and civil society organizations (CSOs) have been perhaps the most visible and successful in articulating demands of the people, with varying levels of success.

When the process of modernization took place during the early twentieth century, many social leaders not only adopted the western organizations as a model, but they also envisioned that those traditional institutions could be developed and adjusted to serve their goal of social and cultural transformation. Those leaders - whose social origin were from the middle class (and some of them having availed of a modern educational system) - then played an important role in transforming the society through the establishment of various organizations devoted to implanting new awareness among the subordinate people. These organizations can be seen as the first generation of NGOs in the country.

The second generation of NGOs emerged during the post independent Indonesia, and took its peak under the New Order regime of Suharto. This generation emerged in response to the accelerated economic development that took place in the late sixties and early seventies. They were mainly supported by new generation of activists (some of those from the previous generation) who adopted the idea of empowerment of the people or at least, minimum State intervention. While coordinating a number of activities ostensibly aimed at "community development" or simply "development," these groups have sought to influence Government policy at the highest levels through grassroots organizing and through limited media campaigns in both the local and international press. It is the efforts of these organizations to achieve a measure of participation in the political decision-making process that "constitute the first signs of societal pluralism in Indonesia's authoritarian political order" since Suharto's rise to power.

Unlike the first generation, the new generation was quite aware that a fundamental change in the paradigm of development is necessary for their movement. It is fair to say that the idea of empowerment of civil society began to be introduced in the mid-eighties amidst the increasing degree of State intervention and control over society on the political realm. The weakness of political institutions had made NGOs an alternative arena for struggle, not only for their activists but also for the students who lost their academic freedom in their campuses under the policy of *Normalisasi Kehidupan Kampus* (the normalization of campus life or in short, NKK). 15

from other forms of political involvement, many of these newer NGOs were established by intellectuals and former student activists themselves

As a consequence, efforts were made to broaden the objectives, strategies, and programs of NGOs in line with the demand for fundamental changes in the State and society relations. Many NGOs moved beyond the conventional model of community development and began to look at the redefining institutional roles, emphasizing notions of power sharing between national and local levels as well as popular participation in their action programs, very much in line with certain principles of a rights-based approach (like enlisting participation of various stakeholders in public programs, ensuring accountability of duty-bearers to implementing such programs and so on). Their subject matters for intervention encompass macro social and political issues, including human rights, labor relations, environmental protection, and gender issues in addition to poverty alleviation, health/education provision, etc.

As mentioned above, it was the reorientation of Indonesian NGOs from Government supported development agencies to civil society empowerment that actually transformed the character of State-society relations. Although the domination of the State is unchanged drastically, the room for maneuvers by civil society has gradually broadened. Efforts undertaken by advocacy-oriented NGOs have tried to ensure that people are now capable of articulating and defending their interests vis-à-vis the State with some successes. This is due in part to the fact that these NGOs are not only capable of using their networks to disseminate information - which otherwise remains hidden by the State apparatus - but also mobilizing both moral and political support beyond the local community or even the State boundaries. Over the years, quite a few NGOs have become "established and internationally recognized organizations with regular high level contacts with Government and multilateral development agencies" and have developed both national and international networks through which they could strengthen their bargaining position vis-à-vis the State and enlarge their basis of support beyond State boundaries. And more importantly, many of these NGOs and CSOs have used a human rights-based approach to programming (HRBAP) in helping poor, marginalized and vulnerable people to laying claims and demanding their rights.

This paper will study one such case wherein poor farmers in Klaten district in Central Java have used right-based approaches to claim sustainable livelihood rights gains. It also examines the role of one NGO – Jaringan organisasi non per, merintah Pendamping Petani Se-Java (JARNOP PP) and its collaboration with a CSO, FKIP (Farmers Forum for Information and Communication) – in empowering such farmers in successfully lobbying for pro-poor farmers’ oriented policies that ensured that such livelihood rights were not threatened or marginalized. And it highlights the role of an international NGO (INGO) – OXFAM Great Britain (GB) Indonesia in playing a catalytic capacity development role in supporting the entire process.

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6 http://www.infid.be/baliconfpapermuhammadhikam.html
2. The Study of the OXFAM GB Indonesia-supported Project initiated by JARNOP PP/FKIP as a Case Study using Rights-Based Tools

The Right to an Adequate (and Sustainable) Livelihood and its Complementarity to the Livelihoods Approach: The right to an adequate (and sustainable) livelihood is an integral aspect of any human rights framework. In a way, the rights approach is complementary to the livelihoods approach since they both seek to attain the same goal (say, attainment of capacities like sustainability and empowerment) and look at people as agents of change rather than as passive recipients. Primary focus of a rights approach is to build links between public institutions and civil society so as to increase accountability of such institutions to all citizens. The livelihoods approach, on the other hand, focuses more on the constraints that prevents realisation of people’s rights, which is a prerequisite for promoting livelihoods. These rights are not specified in the livelihoods approach which is relatively more positive rather than normative in approach as compared to a rights approach. Obviously, the utility of the two approaches lies in the possibility of blending them and the complementarity that exists can be useful for this purpose. Viewed from this angle, the rights approach can be seen as promoting access to livelihoods as conceptualised by the livelihoods approach. This analysis is also applicable for sustainable livelihoods, which, generally makes explicit the sustainability of the natural resource base as a part and parcel of livelihoods of the poor.7

Oxfam GB and the Rights-Based Approach to Livelihoods: Worldwide, OXFAM GB takes a rights approach to addressing the root causes of poverty. OXFAM GB’s definition of poverty goes beyond the purely economic to encompass capabilities, powerlessness and inequity. For instance, OXFAM GB’s work under the Democracy and Human Rights Programme focuses on ‘voice poverty’ - the denial of poor women and men’s right to influence the decisions that effect their lives. It thus focuses on the Right to be Heard8 as an integral aspect in any HRBAP that it undertakes. Through addressing voice poverty via the Right to be Heard, it contributes to its core aim of reducing poverty and suffering in two ways. Firstly, by ending voice poverty, OXFAM GB tackles a key element of what it is to be poor. Secondly, by enabling the voices of the poor to reach and influence policy makers (via voting or by participating in hearings and budgeting exercises), the organization can advocate for policies and practices that impact positively on all other aspects of poverty such as material deprivation. In addressing Democracy and Human Rights, OXFAM GB works with local partners worldwide to strengthen people's rights in specific areas, including rights to access to information, to expression, to association, and other ways that people meaningfully participate in determining their own future. It also works with such partners in the progressive realisation of social and economic rights, such as the Right to Education or the Right to Health. Only by realising these rights can people overcome the factors that cause and exacerbate poverty, and build the skills, resources

8 Though the Right to be Heard is not a basic human right as defined under the UDHR, the realization of this right can help realize other basic human rights.
and practices that force accountability upon Governments, companies and other institutions (see Box 1).

**Box 1: OXFAM Great Britain’s work on Democracy and Rights: Incorporating people’s Voices**

OXFAM GB’s work on Democracy and Rights incorporates the voices of the people from the global to the personal spheres, and forms the core of all OXFAM GB’s work. In Uganda, for example, OXFAM worked with local partners to influence policy makers, leading to a tripling of Government spending on water and sanitation programmes after it was demonstrated that this area was a key priority for poor people. This was part of the Poverty Reduction Strategy Paper (PRSP) process which has also been implemented in many other poor countries and which has offered limited but increased democratic spaces for OXFAM’s partners to lobby for their rights. PRSP has been a major focus of OXFAM’s work in the area of Democracy and Human Rights. At the same time, it works to increase the accountability and transparency of these decision makers, in local and national Governments, donor agencies, multilateral agencies such as the World Bank (WB) and International Monetary Fund (IMF) and lastly, the private sector. In Southern Africa, for example, OXFAM GB worked with others to demonstrate how the policies of the WB and IMF in agriculture had made the food crisis far worse, leading to violation of people’s rights.9

Based on its work on rights, OXFAM GB adopted a Sustainable Livelihoods Approach in the early 1990s as a response to a felt need for a broad framework that could accommodate issues of environmental change together with concerns about globalising markets, deteriorating economic rights, gender and wider social inequality, and the need to strengthen deprived people’s participation in the development process. OXFAM GB uses the Sustainable Livelihoods Approach in planning and assessment (of projects and wider programmes) and incorporates it as part of its overall strategic aim. It takes its definition of sustainable livelihoods from Chambers and Conway (1992) that stresses that sustainability needs to be looked at from several perspectives:

- Economic (e.g. the functioning of markets, adequate credit supply);
- Social (e.g. building of networks, enabling gender equity);
- Institutional (e.g. capacity development, access to services and technology, political freedom); and,
- Ecological (e.g. quality and availability of environmental resources).10

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9 [http://www.oxfam.org.uk/what_we_do/issues/democracy_rights/introduction.htm](http://www.oxfam.org.uk/what_we_do/issues/democracy_rights/introduction.htm)

10 The Department for International Development (DfID) built on this work when developing its own ideas about sustainability.
Under the Sustainable Livelihoods aim, two ‘strategic change objectives’ have been formulated:
1. People living in poverty will achieve food and income security; and,
2. People living in poverty will have access to secure paid employment, labour rights, and improved working conditions.

Since 1993, OXFAM GB has employed the Sustainable Livelihoods Approach both in formulating overall aims and in improving project strategies. In the former area, the approach has helped articulate the need to help deprived people gain better access to and more control over productive resources, strengthen their position in markets, and ensure that these improvements are structural and sustainable rather than temporary. In the latter area, the approach has been used to formulate inclusive and participatory projects and to assess their impact on livelihoods, the environment and social relations\(^{11}\).

It is the former area (and how HRBAP tools were used in this aspect) that will be studied under this case. However, before analyzing the rights-based elements involved, a brief background to the project and OXFAM GB Indonesia country office’s support to JARNOP PP and its collaborating partner, FKIP, is presented in the section below.

**Case Study/Project Context:** Although agriculture is one of the most important sectors in Indonesia - about 59%\(^{12}\) of the Indonesian population base their livelihood on this sector – there are a lack of adequate policies and programmes that hampers placing the Indonesian farmer at the center of Indonesia’s agricultural development. Farmers are not given the opportunity to utilize natural resources in an optimal manner. Specific problems related to land include unclear ownership certification, Government-enforced cropping schedules and agricultural practices, and weakening soil fertility that is closely connected to cropping regimes and chemical fertilizer overuse. Water resources are controlled and managed by Government policies; thus, water resources and irrigation systems that were originally built ‘for the farmers’ often end up serving other interests and purposes such as those related to major industrial houses. The imposition and management of ‘water user fees’ and water allocation by sub-district level Governments further exacerbates the problem. Most of these problems are faced by farmers in areas under technical irrigation in various districts in Java, for example, the districts of Karawang and Lakbok Ciamis in West Java and Klaten, Boyolali and Grobogan in Central Java.

Furthermore, farmers themselves often do not have a voice in determining prices for their produce and hence, the purchasing power of farmers remains low. The ‘floor price’ for rice that is determined unilaterally by the Government has never been

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\(^{12}\) From OXFAM GB Indonesia’s workshop presentation at the local-level stakeholder workshop in Jakarta, 14th January 2005.
implemented at the farm level, resulting in farmers receiving a price that is almost always below the so-called ‘floor price’. ‘Buyers’ dealing with farmers are not local cooperatives, but ‘appointed’ buyers. In other words, cooperatives just sells (expensive) inputs to farmers, but does not buy produce, while traditional middlemen/traders do the buying. Cooperative efforts at the farmers’ groups level find that they cannot sell directly to the Logistic Bureau stations due to various regulations.

The scope for farmers to form and participate in farmers’ organizations on their own also remains limited; farmers are often forced to join farmer organizations created by the Government. The result is that no true farmer forums exist to exert influence and control over Government policies affecting farmers; this is further exacerbated by the lack of ‘cross-village’ farmer networks. Farmers groups often mostly exist in name only with little actual participation of so-called members. The lack of farmers to find an adequate forum to participate and have a legitimate voice in policy-making was, in fact, one of the major reasons as to why OXFAM GB Indonesia chose to support the capacity development of JARNOP PP and FKIP to use HRBAP tools.

Large-scale agricultural programs in Indonesia really began with the introduction of the ‘Mass Guidance’ (INMAS/BIMAS) programs in 1968. These ‘Green Revolution’ programs still exist today in one form or another. And these programs still cause the same problems in terms of disempowerment of farmers, dependency on outside/Government inputs, cropping regimes that strain soil fertility, over-application of chemical inputs, disrupted environment due to pesticides and subsequent pest and production problems because the ‘old paradigm’ of ‘technology transfer’ still reigns and has not been replaced by farmer-led science at the field level. The ‘Gemapalagung’ program - a commodities based intensification program- complete with input and technology ‘packages’ causes tremendous losses for farmers, especially the IP-300 rice-rice-rice system pushed by the Government in some areas and which is nearly always rejected by farmers since it encourages the breeding of rats while diminishing soil fertility.13

Finally, the increasing price of imported technology due to the decreasing value of exchange rates against the dollar, combined with subsidy elimination on agricultural inputs and market liberalisation have devastated farmers’ livelihood. Poverty incidence in rural areas has increased significantly. Recent statistics shows that more than 53% (or approximately 115 million from total number of 230 million) Indonesian population live on less than $ 2 per day.

Stakeholders Involved - The OXFAM GB Indonesia and JARNOP PP/FKIP Partnership: Though the problems faced by poor farmers in Indonesia are immense, a road of opportunity for greater public-State participation emerged with the passing of Law No. 22/1999 on Regional Governance, and Law No. 25/1999 on Fiscal Balance between the Center and the Regions that aims to transform the concept of decentralisation and regional autonomy into reality (see Box 2 below).

Box 2: Facilitating Participation, Equity, Democracy and Justice through Enabling Laws:

The key features of Law 22/1999 are the devolution of a wide range of public service delivery functions to the regions, and the strengthening of the elected regional councils (Dewan Perwakilan Rakyat Daerah - DPRD) which received wide-ranging powers to supervise and control the regional administration. The law places regional autonomy on five fundamental principles: democracy; people's participation and empowerment; equity and justice; recognition of the potential and diversity of regions; and, the need to strengthen the regional legislatures. Law No. 25 (1999) on Fiscal Balance between the Center and the Regions aims at empowering and raising regional economic capabilities, generating a financing system for the regions which is "just, proportional, rational, transparent, participatory, accountable and provides certainty", and at realising a funding system that reflects the division of functions (between levels of Government) and which reduces regional funding gaps.

JARNOP PP – already a network of 30 NGOs working in Java with experience on strengthening farmers’ networks in Java and advocating policy reforms both in local and national levels – wanted to exercise this opportunity to encourage farmers’ organizational capacity to influence the policy developmental processes at the district level, especially pertaining to agriculture development and budget allocation priority. It thus facilitated the formation of a partnership with farmers through FKIP. FKIP has a network of around 25 farmers’ groups that comprises of around 300 farmers working in all the 26 sub-districts in Klaten district and was formed in 1999. On a national level, FKIP works in 28 districts in 4 provinces - Central Java, West Java, Yogyakarta and East Java. Since its inception, FKIP has been advocating for fair rice prices, cheaper prices for fertilizers and access to the Government-imposed floor price for rice. The formation of such a partnership which had a strong resource base in the form of strong networks with other stakeholders and institutions provided an ideal opportunity to OXFAM GB Indonesia to support a process for building sustainable livelihood capacities by using HRBAP tools – the organization worldwide was already working on ensuring sustainable livelihoods via using HRBAP (including using the tool of participatory budgeting) and such experiences were tapped while developing this programme. Furthermore, the advocacy successes that JARNOP PP and FKIP had already demonstrated in several sub-districts highlighted the fact that the regional autonomy era in Indonesia has made possible a lawmaking process that seriously engages and involves the public. Hence, it was foreseen that effective pressure from community groups - particularly FKIP and other farmers organizations - could result in influencing local Executive and Legislative Branches of Governments...
to make laws that reflect poor farmers’ wishes and needs as well as protect their interests.

**Objectives of the Project:** OXFAM GB Indonesia’s support to JARNOP PP would enable a partnership between JARNOP PP and FKIP – to build a farmers’ movement through the creation of farmers’ organizations that would be capacitated to advocate to claim pro-farmers’ policies. It was with the macro objective in mind that OXFAM GB Indonesia started supporting this initiative since 1999. The desired rights-based outcomes include:

* Reform of agricultural policies and legislation to strengthen the rights of the poor farmers, the landless, women or other marginalized groups;
* Promoting inclusive policy debates and consultation in relation to drafting of laws and policies that reflect poor farmers’ demands and needs;
* Strengthening organizations that represent the poor or advocate for land and livelihood rights on behalf the poor – community-based organizations (CBOs) and NGOs (in this case, JARNOP PP and FKIP);
* Instituting arrangements for monitoring of Governmental policies and programmes that are accessible, accountable and transparent;
* Representation of JARNOP PP and FKIP on various commissions;
* Ongoing livelihood rights information and awareness campaigns; and,
* Capacity development of JARNOP PP and FKIP to achieve the above desired outcomes.

**Monitoring to Ascertained Rights-Based Outcomes:** OXFAM GB has used elements of Chambers and Conway’s original Sustainable Livelihoods framework as something of a checklist in project appraisal, planning and review in its Sustainable Livelihoods Programmes. Since 1993, OXFAM GB has trained staff and partner staff from about 12 country programmes in a mixture of what ‘sustainable livelihoods’ can mean (strongly based on Chambers and Conway framework), the use of checklists borrowed from environmental screening (i.e. an early stage of Environmental Impact Assessment), and participatory approaches to appraisal and project review. These workshops have demonstrated that in order to operationalise the Sustainable Livelihoods Approach, *it is necessary to combine some conceptual analysis with a range of existing project management and analytical tools, including participatory assessments*. The workshop reports were communicated and distributed widely and influenced training and learning in other countries. As a result, new initiatives have been adopted and analysis improved within projects/programmes.

And HRBAP tools have also been integrated in some of its sustainable livelihood programmes, especially in those wherein power equations needed to be altered and

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policies framed to ensure that poor people could access their rights to land and to a livelihood.

At a macro level, in the OXFAM GB Indonesia-supported JARNOP PP/FKIP initiative, annual participatory reviews and workshops have been held with the stakeholders – members of JARNOP PP and FKIP, women’s groups, and Klaten district officials in charge of agriculture and district development and local planning agencies - to monitor, evaluate project implementation and to design and plan future plans of action. While normal outcomes as a result of such reviews and workshops ensured that relationships with other like-minded networks have been developed and workshops and regular meetings among the members of JARNOP PP, FKIP and other farmer organizations held to monitor the process and progress of the project implementation, there were certain other micro level processes that were incorporated to ensure that rights-based outcomes were derived from project implementation.

For instance, FKIP used Government allocated funds to monitor whether the budget that was directed for agricultural and development of farmers organizations in Klaten district has been used for those stated purposes. JARNOP PP played a catalytic role in ensuring that farmers were equipped with the necessary capacities to undertake the above.

3. Process:

Addressing Power Equations –Strategies Used: As mentioned in Section 2, OXFAM GB uses the Right to be Heard as a necessary corollary to achieve human rights-based outcomes. This is more inherent in projects that aim at changing power equations and achieving desired policy impacts favouring the poor, marginalized and the vulnerable. In the case of JARNOP PP/FKIP too, OXFAM GB Indonesia used principles under the Right to be Heard as integral in achieving the desired outcomes that influenced policy-makers to introduce measures that ensured that poor farmers had access to a framework that would enable them access to a sustainable livelihood.

The table below demonstrates how OXFAM GB worldwide uses strategies under the Right to be Heard and the Right to a Sustainable Livelihood to achieve rights-based outcomes:
The Right to Be Heard

<table>
<thead>
<tr>
<th>Strategies used</th>
<th>Expected Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting poor people to have the skills, resources and access required to influence Government and institutional policies and practices affecting their lives. Influencing Governments, multilaterals and NGOs to employ practices that allow poor people to participate effectively in the design, implementation and evaluation of the programmes and policies affecting their lives.</td>
<td>Greater aid and budget accountability to poor people in programme areas. • Governments actively seek to involve poor people in the development of national poverty reduction strategies and decentralisation plans. • Poor people and civil society groups have the skills and resources to influence Government policies and practices in the interests of poor people.</td>
</tr>
</tbody>
</table>

The Right to a Sustainable Livelihood

<table>
<thead>
<tr>
<th>Strategies used</th>
<th>Expected Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting poor producers to gain access, power and fair prices in markets.</td>
<td>• Improved access to markets for selected products by producer groups in programme areas. • Greater influence by poor people on national trade policies and regional/global trade agreements affecting their livelihoods. • Growth in pro-fair trade consumer movement and increased offer of fair trade products in Britain. • Effective civil society engagement on world trade rules and accountability of institutions governing trade rules.</td>
</tr>
</tbody>
</table>

To achieve rights-based outcomes (the desired project outcomes have been highlighted in Section 2), OXFAM GB Indonesia realised that developing capacity in using HRBAP tools was key for the poor farmers to interface knowledgeably and advocate effectively with policy makers (in this case, district officials). For, it is only when people are empowered to ask questions, seek accountability and claim their rights from duty-bearers can viable changes occur. And rather than they – as an INGO – undertaking such a process, it could be more accepted and hence, more effective if undertaken by a local NGO (as such an agency has more of a closer mass base and relationship with the people). Hence, OXFAM GB Indonesia held workshops and training of trainers (ToTs) to strengthen the capacity of JARNOP PP on various issues including policy advocacy and lobbying skills, participation in policy forums, etc.

JARNOP PP then held such workshops and ToTs with FKIP farmers - both men and women – and included training in participatory budgeting (integrating a rights perspective with a good understanding of the mechanics and politics of public expenditure management has potential for advancing understanding of the key question of how a pro-poor focus can be encouraged and fostered in the mainstream of public policy\(^{17}\), to conduct policy dialogue and in campaign/advocacy skills.

*Along with capacity development, other strategies for using HRBAP tools included supporting farmers through regular meetings, discussions, annual and thematic workshops (based on agricultural issues and related problems faced by farmers) as well as consolidation and reflection meetings – these forums served as valuable spaces for farmers to come together to discuss their problems in an atmosphere of trust and solidarity.*

**Changing Power Equations – Rights-Based Tools Used:** Various HRBAP tools were used to change power equations and achieve desired outcomes with the overall macro objective of creating farmers’ organizations that would be recognized as a legitimate force having a voice in lobbying and advocating for pro-poor farmers’ policies as follows:

Using the tool of participatory budgeting: As allocation (or lack of) of budgetary resources to specific sectors and ensuring that spending under such sectors is undertaken in a transparent manner is one of the main indicators whereby citizens can hold duty-bearers accountable\(^{18}\), the poor farmers identified the need to start work on participatory budgeting in collaboration with the district officials. JARNOP PP and FKIP members participated in the process to increase allocations in the District Development Budget Plan and the 2002-2003 District Government Development Budget in Klaten district, the outcomes of which are documented in Section 4. This process of participation in the budgeting process included various strategies and these are highlighted in the figure below:\(^{19}\)

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\(^{17}\) "What’s behind the Budget? Politics, Rights and Accountability in the Budget Process", Andy Norton, Center for Aid and Public Expenditure, Overseas Development Institute, London, and Diane Elson Department of Sociology/Human Rights Center, University of Essex, United Kingdom, June 2002.

\(^{18}\) There have been various initiatives worldwide on how citizens’ participation in analyzing and formulating national budgets has a strong rights-based component as it demonstrates how such partnerships increases accountability and transparency in public expenditure planning and monitoring. The South African Women’s Budget Initiative is a case in point wherein such elements were strongly visible and wherein “civil society complemented a government’s own capacities and in the process, strengthened policy formulation overall.” (Source: Pg 284, “South Africa: Women Analyse the Budget, and Parliament Heeds the Gaps”, from “Ownership, Leadership and Transformation: Can we do Better for Capacity Development”, by Carlos Lopes and Thomas Theisohn, UNDP, 2003.

\(^{19}\) Ibid. Refer to footnote No.11.
Public hearings as a rights-based tool: Public hearings have been used as a rights-based tool in various countries to mobilize communities around the specific issues; to create awareness amongst local communities about the various services which the Government at different levels should provide; to document and highlight specific instances of denial of such services; to present testimonies that detail the instances of denial to public officials and expert panels, and to emphasize the structural deficiencies in facilities underlying such cases; and finally, to present the larger structural deficiencies related to the system, based on surveys and analysis of key issues.

In this case, armed with skills provided through various capacity development initiatives by JARNOP PP (as mentioned in the Section above), farmers started to participate in district parliamentary hearings and district Government hearings to interface at various levels about the problems faced by poor farmers in Central Java (these interfaces at various levels have been highlighted in the figure above). These hearings served as a vital space for policy-makers and the poor farmers to interface, discuss and dialogue and ultimately, to influence budgetary increases in allocation for poor farmers’ needs. They also proved invaluable in making duty-bearers accountable to the claim-holders for the implementing of policies and programmes that impact the lives of the farmers and their rights to land and a livelihood – district officials used these forums to provide information on their plans/policies and also to invite farmers to participate in the budgetary planning process. The hearings are very much in line with OXFAM GB’s belief that the Right to be Heard is inherent in achieving rights-based outcomes.

Advocacy and lobbying campaigns: In addition, various advocacy and lobbying campaigns were conducted by the poor framers to implement pro-poor
farmers’ policies. The various entry points where advocacy and lobbying were used as an HRBAP tool can be captured from the diagram above. The results that such well-targeted campaigns achieved are highlighted in Section 4.

All the above HRBAP tools used are very much in tune with a rights approach wherein more emphasis is placed on the spaces and capacities needed for citizens – in this case, poor farmers - to ask questions of public policy and implementation systems; to participate in such policy making and monitoring of implementation systems; and, the developing of capacity of the disadvantaged to make (and sustain) claims for service outcomes.20

**Capacity/Role of Duty-Bearers (including the Judiciary/Related Frameworks) in Addressing Demands:** The State (duty-bearer) can act as an enabler of livelihood-related rights by promoting policies, which increase access to them, and by promoting dialogue with social movements and civil society. This is very much in concurrence with the rights approach that states that the State (duty-bearer) has to be responsive to the demands/claims made by citizens and ensure that proper mechanisms be created to enable citizens to participate and put forward their claims (see box No. 3 below).

**Box 3: The National Human Rights Commission in India: State Responsiveness to Rights Claims**

A very good example of state responsiveness to address claims made by citizens has been the setting up of the National Human Rights Commission (NHRC) as well as the State Human Rights Commissions in India. An autonomous quasi-Government organization, the Commission was set up by the Human Rights Protection Act of 1993 to inquire into human rights violations and make petitions on the behalf of those people whose rights have been violated. In case inquiry by the Commission reveals violations of rights, the Commission can recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons; approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary; and/or, recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary.21

The Commission also provides spaces for collaboration with civil society in holding the state accountable in case of non-delivery of certain rights. For instance, the Commission has been holding, in collaboration with the Jan Swasthya Abhiyan (JSA) - a national coalition of health organizations who are a part of the ongoing Right to Food Campaign in India - public hearings in different parts of the country. During these public hearings, selected cases or instances, wherein individuals or groups have suffered denial of right to healthcare, and have not received mandated healthcare from a public health facility, were presented before a panel consisting of the Commission and the State level public health officials. Similarly, violations of health rights due to structural deficiencies in any other health facility were also presented. Union and State Government health officials are expected to respond to these presentations with a description of the steps taken by them to ensure healthcare rights, mechanisms for public monitoring and interaction with civil society organizations. And various steps have already been initiated by State health officials in response to addressing these demands.

The Commission is an ideal and effective vehicle to coordinate such hearings because it has been specifically created by the State to address and inquire into rights violations and to promote dialogue on rights between the State and civil society. It also organizes human rights trainings. And finally, it has been given the mandate and “legal teeth” to address and inquire into violations; failure to comply could result in the Commission taking such cases upto the Supreme Court.

20 Ibid. Refer to footnote No. 14.
21 [http://nhrc.nic.in/](http://nhrc.nic.in/)
In the case of the farmers in Central Java, the responsiveness (and ensuing solidarity) of the duty-bearers to the demands made by the farmers were enhanced through providing access to the farmers to participate in the district and parliamentary hearings – these provided the vital platforms from where the farmers could dialogue with the duty-bearers and ensure that not only were their demands articulated but also met.

Duty-bearers also invited farmers to participate in the budgeting process - through their participation in the District Development Budget Plan and the District Government Development Budget in Klaten district, the farmers could pressurize the Government to increase funding in the annual budget plan for the agricultural and irrigation sectors.

4. Outcome (Results):

Changes that have Occurred as the Result of Application of using the Rights-Based Approach: The HRBAP tools used resulted in both the members of JARNOP PP and FKIP demonstrating high levels of success in creating a process of participatory decision-making at the local levels that would positively impact the lives of the farmers. And more importantly, this was achieved with participation of all stakeholders – farmers groups, women’s groups and Government officials (both at the district and sub-district levels). Such participation ensured accountability and ownership that would affirm that the gains made would also be sustainable. Some of the successes are highlighted below:

- **Increasing of budgetary allocations for agriculture and irrigation sectors, including the creation of farmers’ organizations:** The most important success that has been achieved has been the allocation of resources to create farmers’ organizations that could now legitimately lobby and advocate for pro-poor farmers’ policies. As mentioned elsewhere in this paper, a series of well-targeted advocacy and lobbying campaigns forced the local officials to invite the district level-JARNOP PP and FKIP members to participate in the district and parliamentary hearing sessions and review some policy budget drafts proposed by the local Government. From 2001 to the middle of 2002, the officials invited the members seven times to review the draft budgets relating to agriculture and its related issues. Through such participation in the Klaten District Development Budget Plan and the Klaten District Government Development Budget, the farmers pressurized the Government to increase funding in the District Annual Budget Plan for the agricultural and irrigation sectors by 10% - earlier, the budgetary allocation for the agricultural sector comprised 20% of the overall budget; the process of participatory budgeting led to this allocation to now comprise 30% of the overall budget. Thus, in the case of the 2003 District Government Development Budget, the amount earmarked came to be about Indonesian Rupiahs 22 6.5 million per year. And more importantly, a major proportion of this increase in budget could be used to create farmers’ organizations that could legitimately lobby for fair prices for their produce, fair prices for buying fertilizers, etc. Farmers groups could also use funds from this budget to not only create farmers’

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22 1 US$ is 9,200 Indonesian Rupiahs at the current exchange rate.
organizations but to also undertake training in the use of fertilizers, organic farming techniques, etc.

In the fiscal year 2005-2006, the farmers are lobbying to increase the allocation by another 4.2 billion Indonesian Rupiahs. And, they are lobbying for some funds in the budget to cover free health and primary education needs. It is also hoped that in the near future, all the 108 farmers groups in Klaten district can benefit from the increase in the budgetary allocations.

- **Formation of water users groups:** Advocacy and lobbying tools achieved other results too - members of JARNOP PP and FKIP in Klaten district lobbied to form water users groups that would monitor the management and use of water resources both at the source and catchment areas. A group called the Forum Koordinasi Irigasi Kapilaler Ponggorkanan – Pongok Kiri was formed in December 2004 to undertake the above and included members of FKIP, Government officials and Aqua Danone representatives. FKIP hopes to use this Forum to ensure that farmers also have equal access to water and irrigation facilities.

- **Highlighting the problem of illegal sand mining:** Another advocacy campaign conducted in September 2003 by FKIP focused the attention of local district officials to the problem of illegal sand mining on the slopes of the Merapi Mountain. The campaign was the result of a local investigation conducted by FKIP members; armed with the results of the investigation, the members demonstrated in front of the local Parliament office to pressurise the officials to pass a law that regulates such mining. Dialogue is now continuing on this issue between the officials and FKIP. A local Forum - the Black Hoe Forum - has been formed and consists of local village executives who are entrusted with monitoring the mining on the mountain slopes.

- **Rescheduling farmers’ credit payments:** Farmers who had defaulted on their payment of farming credit (due to poverty and unaffordability of fees) have also succeeded in lobbying the local Government to reschedule such payments to better suit their paying capacities.

- **Monitoring of budgetary allocations made transparent and participatory:** The transparency and accountability of the system of budgetary allocation and management is critically important to ensure citizen’s access to public goods and services. FKIP was given a sum of around 6.5 million Indonesian Rupiahs from the 2002-2003 District Annual Budget to strengthen institution building - FKIP used some of these funds to actually monitor the usage of allocated funds of the Governmental agricultural programme. In the next fiscal year, FKIP collected its own funds for monitoring the Governmental budgetary allocation and use for agricultural development.

23 As a result of the government’s water privatization policy, multinational firms like Aqua Danone had sole control over the use of water, including permission to bottle water at source and catchment areas. No profits were shared with the local people and the policy also meant that farmers had less water for their farming needs (as water was tapped at the source and catchment areas by Aqua Danone).
Gaining membership of the Agency for Food Security: JARNOP PP acquired a position as a member of the Agency for Food Security. This Agency is a Governmental body and the membership will enable JARNOP PP to be more involved in advocating for pro-poor farmers’ livelihood and food security issues at the national policy-making level.

- **Developing organic farming techniques:** JARNOP PP and FKIP were successful in lobbying for the development of friendly organic farming techniques that has the backing of the local district officials and that which poor farmers could use - now, the farmers in Klaten district are preparing to launch the organic farming book, based on their experiences and successes in implementing organic farming. Such a method of farming is not only commercially viable but also poses less health hazards.

- **Potentiality for replication:** Finally, the success of a process can be measured by its potential for replication. In this case, the outcomes achieved have resulted in replication. Volunteer Services Overseas (VSO), an INGO, is interested in JARNOP PP and FKIP’s work in participatory budgeting at the district level and will replicate it in its targeted areas. In the context of this activity, VSO will invite JARNOP PP and FKIP representatives as resource persons in the workshops/trainings in participatory budgeting of VSO partners.

Successes have been replicated elsewhere in Java. In Magelang district in Central Java, since 2002, FKIP, supported by JARNOP PP, are intensively observing the budgeting process and critically giving inputs on the process to the Parliament. Meanwhile, in Purworejo district – also in Central Java - FKIP and JARNOP PP reviewed the draft of the 2004 Development Budget Plan and lobbied the Parliament and head of regency to provide space for them to participate. They have since received 467 million Indonesian Rupiahs to manage the water user groups. In Banjarnegara district in Central Java, JARNOP PP, FKIP and the Banjarnegara Farmers’ Union (Serikat Petani Banjarnegara) approached the local district budget officials to include them in the next year budgetary planning session. A similar process was conducted in Karang Anyar district by lobbying the Parliament to include them in the next year’s budgetary planning exercise. Farmers in Ngawi District in East Java have submitted critical inputs on the Ngawi District Development Budget Plan for the year 2004. In Mojokerto district in East Java, farmers have been reviewing the draft of the Mojokerto District Development Budget Plan for the year 2004. They also advocated the Government to issue regulations on sustainable forest management. And, in Trenggalek district in East Java, JARNOP PP and FKIP submitted their critical inputs on the Trenggalek District Development Budget Plan Draft as well as advocated for the government to focus attention to the potential of natural disasters due to the mining of stony mountains in this area.
5. The Value Added of Using Rights-Based Tools:

Positive Lessons Learned

- **Facilitating the principles of participation, accountability and sustainability:** The rights-based approaches used in this project support the legitimacy of key livelihoods principles including freedom, equality, well-being, participation, accountability and sustainability (Moser, Norton, Conway, Ferguson and Vizard). At the same time, the approaches used are also in line with the various Conventions that provide justification for the claim to secure and sustainable livelihood conditions, involving access to relevant natural, physical, human, financial, social, and political assets.

In this case, using HRBAP tools empowered the poor farmers to lay claim to their rights through dialogue that ensured and enabled their participation in policy-formulation. And such participation ensured a form of legitimacy (through the medium of creation of farmers’ organizations through the budgetary increases) that enabled claim-holders to hold duty-bearers not only accountable if they reneged on their duties (via monitoring of the budgetary allocations) but also ensured transparency of the process (as farmers could use some funds to monitor whether the district officials are fulfilling their obligations, in this case, whether funds have been allocated and properly spent). Such participation also enabled the creation of a process that was sustainable (as local ownership was created through participation in hearings and in the budgeting (and the monitoring of the) process.

- **Empowering communities through capacity development:** HRBAP tools enhance capacity for making livelihoods claims that involves supporting: access to information; group solidarity; skills development; linking to allies for advocacy work; and, access to independent regulatory institutions capable of assessing competing claims.

Following from the above, building up of such capacities enlisted stakeholder participation in the form of hearings and participatory budgeting and ensured that the gains made were not only economically viable but also sustainable and justiciable (farmers can go to district Courts and file class action suits if, for instance, the funds allocated for agricultural development have not been properly used). In one instance, farmers, along with JARNOP PP members, have gone to the constitutional court to lobby for an individual judicial review of the Government-introduced water privatization policy. Such access to Courts also demanded and ensured accountability but also transparency of the budgetary allocation and use process.

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25 Ibid. Refer to footnote No. 23 above.
26 Ibid. Refer to footnote No. 23 above.
The rights-based approach helped OXFAM GB’s ability to target truly poor and vulnerable households in its programmes, yet building on those households’ existing abilities (capacities) and activities rather than on their resource needs. This ensured that the gains made in terms of policy changes would prove to be sustainable and viable to the farmers.

The value-added of having a catalyst: The HRBAP tools used has also verified what has been often a underlying principle all along – that a strong civil society organization/ donor/ social capital is imperative to build capacities of hitherto rights unaware people to claim their rights and to achieve desired outcomes. In this case, OXFAM GB/Indonesia was the catalyst that came in with the requisite experience in developing rights-based strategies (like strategies under the Right to be Heard and the Right to Sustainable Livelihood) and using tools (like participatory hearings and budgeting). It thus helped develop the technical capacities of JARNOP PP, who in turn developed the capacities of FKIP to adopt HRBAP to achieve outcomes.

Enabling access to policies and legislative frameworks: Also, such approaches can not only enable access to positive policies and legislative frameworks (it is however imperative that such mechanisms already are in place) but also help use such policies and frameworks to achieve positive outcomes that are rights-based. In this case, the policy of decentralization adopted by the Indonesian Government, accompanied by the passing of Law No. 22/1999 on Regional Governance, and Law No. 25/1999 on Fiscal Balance between the Center and the Regions helped transform the concept of decentralisation and regional autonomy into reality. JARNOP PP and FKIP could successfully use the enabling mechanisms under these two laws to lay claims to their demands and achieve outcomes that were rights-based.

Laying a base of mutual trust and cooperation to achieve viable and sustainable outcomes: Rights-based approaches can achieve desired outcomes by laying a foundation of mutual trust and solidarity for the cause. In this case, district Government officials were successfully co-opted into the process through the efforts of JARNOP PP and FKIP – members employed both inward and outward lobbying tactics to build such a foundation. Inward lobbying through participation in the budgeting process and parliamentary hearings and outward lobbying through advocacy campaigns that was built on a mass support base ensured that the Government would extend all cooperation to JARNOP PP and FKIP to achieve sustainable livelihood outcomes. For instance, it was the district officials who educated the farmers on the new laws relating to district level decentralized governance. The solidarity has now extended to the Klaten District Development Office offering a room in their office premises wherein policies on participatory developmental planning are discussed and drafted in collaboration with JARNOP PP and FKIP members (as well as with some other CSO groups). And district officials are planning to start a pilot project in 10 Klaten district villages wherein the selected village members will be invited in policy planning in regard to budgetary allocations.
Challenges in Implementing the Rights-Based Approach: Lessons Learned

Though JARNOP PP and FKIP have achieved remarkable successes, it is clear that there are several internal and external constraints and challenges that hamper the full realization of their capacities in not only using HRBAP tools but by using HRBAP. These constraints and challenges are being faced by civil society in varying degrees across the country and some important lessons can be gleaned from them as follows:

Internal Constraints and Challenges:

- **Levels of literacy and capacity a pre-requisite for using rights-based approaches:** The most important challenge in using a HRBAP relates to a minimum level of literacy and capacities need to achieve outcomes. At a minimum level, some levels of literacy can help accelerate meaningful participation in, for instance, Government meetings (as many district Government officials in Kalten district were using slide presentations to educate the farmers about the laws and what the entry points for the farmers to engage in participation could be, etc). Moreover, the time-consuming nature of participation in such HRBAP processes (as have been used in this case) often means that poor farmers do not have the necessary time/capacity to devote to such a process (as they are more involved in meeting their daily needs in terms of securing access to food, water, land, etc). This constraint can be a major challenge while using HRBAP tools.

- **Lack of coherence of a rights-based ideology:** Another constraint on a macro level relates to Indonesian NGOs being still unable to establish a coherence regarding rights-based ideology, which can serve as a common platform in the empowerment of civil society. This lack of a coherent ideology has made it difficult for Indonesian NGOs to build strong networks and organizations through which a rights-based movement can be developed.

As of now, most of the rights-based work that are based on the principles of sustainability (without challenging the existing State-civil society status quo) have been undertaken by INGOs like - OXFAM GB - that have provided technical skills to using a HRBAP in local contexts and who have played the role of a catalyst. Although it may be true that there has been a common view shared by NGOs regarding the State-society relations - in which the former should not dominate the latter – the challenge of using HRBAP remains in altering the status quo by activists in such a way that it does not only become either a slogan or a rhetorical (and threatening) statement.

- **Lack of adequate social capital:** In addition to ideological constraints, there has been also the lack of adequate social capital development among the Indonesian NGOs. The proliferation of NGOs in Indonesia for the last fifteen years has been spectacular, particularly in big cities such as Jakarta, Surabaya, Yogyakarta, Bandung, Medan, etc. Even in smaller district towns, there are smaller NGOs who engage in community development programs and advocacy oriented work. Quantitatively, Indonesia has one of the largest presences of NGOs amongst not only the Association
of South East Asian Nations (ASEAN) but even amongst Asian countries on the whole. And yet, the capacity of those NGOs in building social capital remains low, which in turn affects their ability to significantly transform the balance of power equations between the State and society (especially when it relates to marginalized and disadvantaged people).

The poverty of social capital within the Indonesian NGOs has also negatively affected their relationship with other elements of civil society such as social and religious organizations as well as intellectuals. Suspicions from many religious leaders that NGOs are agencies of foreign forces are still rampant – and this has been highlighted very strongly in the recent relief and rehabilitation efforts in the aftermath of the December 2004 tsunami in Aceh province (wherein some religious groups viewed western aid with suspicion). The challenge lies in bringing a strong and like-minded civil society together, without which no demands or claims can be made on the State.

**External Constraints and Challenges:**

- **Limitations of using a rights approach within the framework of a State bureaucracy:** The State bureaucracy poses a threat to NGOs because it has been used in the past to control them in the forms of regulatory measures and limitations to NGOs operations. Even though the State power has been reduced substantially following the collapse of the New Order, it remains to be seen whether the NGOs are able to recover and expand their activities in the near future. And most of these limitations will be more difficult to surmount when a rights approach is used – as such approaches often challenge power equations and try to ensure that the most poor, marginalized and vulnerable have a voice in decisions that impact their lives.

One of the related constraints is also the fact that many regulations aimed at limiting social organizations have not been revoked. This means that NGOs are still vulnerable to the State intervention once the latter is fully consolidated. Clearly, the main challenge of NGOs in this respect is to pressure the current regime to revoke those regulations, including the ones relating to Social Organizations) No. 8/1985, PP (Government Regulation) No. 18/1986, and Instruksi Mendagri (Ministerial Instruction) No. 8/1990.

- **Adequate budgetary allocations often not made available:** On a macro level, other pressing “priorities” like a higher allocation towards a defense budget by the Government as well as diversion of funds in cases of emergencies like a natural disaster, etc. means that Government does not often have the necessary funds to allocate towards basic human needs like health, education and livelihood issues. The challenge lies in using rights-based strategies in the right manner to pressureize the Government by using the right pressure techniques in a non-confrontationist manner and lay claims on access to such rights. Again, this requires a high level of capacity and resources (both human and material).

- **Limited availability of funding for rights-based work:** A major external constraint relates to funding for rights-based programming. As of now, Indonesian NGOs depend largely on foreign funds to implement programs, either it be rights-
based or otherwise. Post September 11, 2001, such funding to Indonesian NGOs, especially from the United States (US), has been severely constrained. For instance, the Patriots Act in the US now requires US-based donors to divulge information on each and every project to which funding is or is planned to be given. It has become obvious that such restrictions will curtail or limit funding on any future rights-based programming in the country.
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