The Norwegian Centre for Human Rights

Indonesia Programme
# Table of Contents

## Foreword
Looking back over 10 years of cooperation 2

## Introductions
Significant concrete contributions, by Esti Andayani 3
Yet another important milestone, by Eivind S. Homme 5
A solid three-party relation, by Nils Butenschøn 7
Thoughts on ten years of human rights cooperation, by Knut D. Asplund 8

## Areas of work:

### 1 Human Rights Education
Human Rights Education 9
Changing attitudes – interview with Suparman Marzuki 10

### 2 Administration of Justice
Administration of Justice 13
Dealing with the Past – interview with Ifdhal Kasim 14

### 3 The Role and Conduct of the Military
Activities with the Armed Forces 18

### 4 Freedom of Religion or Belief
Economic, Social and Cultural rights 20
Bachelor Course “Human Rights, Islamic Law and Domestic Law” 21

### 5 Economic, Social and Cultural rights (ESC)
Economic, Social and Cultural rights 23
Poverty and Its Paradoxes – interview with Sri Palupi 25

## Current and previous staff
28
Looking back over 10 years of cooperation

Two Ministers of Human Rights met on 5 September 2000: the Norwegian Minister of Development and Human Rights, Ms. Hilde F. Johnson, and Dr. Hasballah M. Saad, Minister of Human Rights of the Republic of Indonesia. They had learned a few months earlier that they were both part of a small yet exclusive group of Human Rights Ministers. At that time in fact, only three ministers in the world held a Human Rights title – a fact worth evolving into a partnership and joint projects. Ms. Johnson soon invited Dr. Saad to Norway for a meeting. This meeting proved to be quite monumental and laid the foundations for the human rights cooperation between Norway and Indonesia for the years to come. The first Human Rights Dialogue was planned and The Indonesia Programme at the Norwegian Centre for Human Rights (NCHR) was formally established in 2002.

Since Ms. Johnson and Dr. Saad’s first handshake, a decade has passed. Meanwhile, nine Human Rights Dialogues have been conducted and Norway and Indonesia’s Human Rights cooperation has enjoyed continuous growth. Over 10 years of frank and fruitful cooperation, a friendly trusting relationship has developed. A relationship worth celebrating. A relationship worth evaluating. A relationship worthy of future expansion. We hope this brochure reflects that.

We are proud to celebrate the tenth anniversary of the Indonesia Programme at the Norwegian Centre for Human Rights at the same time as the anniversary of the Human Rights Dialogue between Norway and Indonesia.

By Nina E.N. Vennevold
(journalist and editor)
Indonesia and Norway have enjoyed an excellent bilateral relationship and cooperation over the past few years. The two countries have a common view on several global issues – such as promotion of human rights and democracy, environmental conservation, climate change and environmental issues – which make the bilateral relationship even closer.

The very first form of cooperation between the two countries for the promotion of human rights was the Human Rights Dialogue in 2002. This has now become an important pillar for the bilateral relationship. With the 10th anniversary of the Dialogue this year, it is clear how far the countries have come in understanding various human rights issues through the mechanisms of consultation, comprehensive exchange of views and concrete cooperation projects.

Indeed, the Human Rights Dialogue has involved and formed links among a great number of participants – representatives from various government institutions, academic experts as well as civil society representatives in both countries – including experts from the Norwegian Centre for Human Rights (NCHR). It has also provided...
the basis for the establishment of the Indonesia Programme, as one of the international programmes at the NCHR.

For Indonesia, the Human Rights Dialogue has represented a significant concrete contribution. This contribution is reflected, among others, in the activities of the Indonesia Programme which include cooperation with universities to improve the quality of human rights education in Indonesia, courses on human rights for government officials who are directly involved in law enforcement and human rights issues as well as training and capacity building activities providing substantial input on human rights and related issues, particularly the law of armed conflict, for the Indonesian Armed Forces (TNI).

The activities carried out under the Indonesia Programme have also assisted in improving the mutual understanding by both parties that there are indeed differences in the interpretation of human rights values. This understanding generates mutual respect for each other’s values and strengthens the bilateral cooperation in all fields. In order to further reinforce the bilateral relationship, a Joint Declaration on a Dynamic Partnership was signed by our Foreign Ministers on November 2011 in Jakarta.

Finally, on the occasion of the 10th anniversary of the Human Rights Dialogue and the Indonesia Programme, I would like to extend my warmest congratulations to those who have participated and made extensive contributions to the success of the Dialogue and to those in the Indonesia Programme of the NCHR who have shared their knowledge, expertise and experiences with their Indonesian counterparts. I am convinced that the Human Rights cooperation between our two countries will be beneficial and further enhance our bilateral relationship and future cooperation, and I look forward to a more tangible result from the Human Rights Dialogue.

Thank you!

By Esti Andayani, Indonesia’s Ambassador to Norway.
Yet another important milestone

Eivind S. Homme, Norway’s Ambassador to Indonesia.

This year marks the 10th anniversary of the bilateral Human Rights Dialogue between Norway and Indonesia, as well as the establishment of our Indonesia programme. This is yet another important milestone, as we celebrated 60 years of diplomatic relations and Foreign Minister Natalegawa and Foreign Minister Støre signed a Declaration on Dynamic Partnership in Jakarta last year.

The first official Human Rights Dialogue took place in 2002. The initiative was founded on mutual interest and trust and brought forward and developed in the following years by leaders and governments of vision and a number of truly committed key persons on both sides. Today, our bilateral relationship with Indonesia is stronger than ever, and we cooperate closely on a wide range of issues, ranging from non-proliferation to health and foreign policy, climate change, democracy and human rights.

Over the years, the Human Rights Dialogue has become a cornerstone of our bilateral...
relations. Its format is unique as it comprises consultations at political level, a comprehensive exchange of views at expert level and specific cooperation projects in the field.

The Indonesia Programme was established in 2002 under the auspices of the Norwegian Centre for Human Rights as an academic project component linked to the Human Rights Dialogue, funded by the Norwegian Ministry of Foreign Affairs. During the past decade, the programme has fulfilled its aim of developing academic expertise and project cooperation in areas of particular importance for the Ministry’s work within the field of human rights.

Although closely interlinked, the Indonesia Programme and the bilateral Human Rights Dialogue remain independent of each other. However, the centre and programme continue to make substantial contributions to the dialogue, both through project activities and expert participation in various working groups.

I am confident that our human rights cooperation is highly beneficial to both our countries and that it greatly enhances our bilateral relations and mutual understanding.

I would like to extend my warmest congratulations on the 10th anniversary of the Indonesia Programme to all those who have contributed.

By Eivind S. Homme,
Norway’s Ambassador to Indonesia.
A solid three-party relation

The Indonesia Programme at the Norwegian Centre for Human Rights (NCHR) is a broadly based competence-building programme developed in close cooperation with Indonesian partners. The programme is the academic complement to the human rights dialogue between Indonesia and Norway, and the Centre’s university affiliation offers particular advantages in that regard. Celebrating the Programme’s 10th anniversary gives us a special opportunity to look back at its achievements and current activities (as illustrated on the following pages), and I can safely say that we are proud. The three-party relation between Indonesian partners, the Norwegian Ministry of Foreign Affairs and NCHR has been particularly fruitful for the purpose of establishing a robust institutional framework for cooperation. Practical projects and academic output in the fields of human rights, humanitarian law, religious dialogue, and democratisation has been implemented to the satisfaction of all parties involved. The Programme is dynamic and allows for new initiatives and ideas that will hopefully meet future challenges. And not least: I feel confident that this cooperation will continue to deepen the mutual understanding between our two countries and contribute importantly to strengthen commitments in both countries to the protection of human rights.

Professor Nils A. Butenschøn, Director at the Norwegian Centre for Human Rights (NCHR).
Thoughts on ten years of human rights cooperation

Garuda flight to the Netherlands in 2004, was one of the lowest points. For some years, people had started to believe that the times of extrajudicial killings and involuntary disappearances were over. The death of Munir reminded us all that they were not.

While reflecting over the past decade, I recall taking part in a planning exercise, preparing the democratisation audit conducted by Professor Olle Törnquist and a group of Indonesian human rights activists in Tempo Magazine’s mansion in the Puncak hills back in 2002. Joining Munir as active participants at this workshop were former General Secretary of Komnas HAM, Asmara Nababan and Theodorius Sumartana from INTERFIDEI: an NGO championing religious tolerance and dialogue. Today, neither Asmara nor Th Sumartana is with us anymore.

My reflections are not all gloomy however. The peace agreement for Aceh in 2005 was a brave move by the Indonesian government, and one which resulted in an instant improvement in the human rights situation. About the same time, Indonesia ratified the two main UN human rights conventions, the ICCPR and the ICESCR. Although we must acknowledge that the implementation of human rights is still not perfect, Indonesia has come a long way since 2002.

The celebration of the 10th anniversary of the Indonesia Programme and also of the bilateral Human Rights Dialogue between Indonesia and Norway provides an opportunity to look back over the ten years that have passed and contemplate the human rights situation in Indonesia, and the ups and downs experienced by the human rights community.

Undoubtedly, the loss of Munir, who was cowardly poisoned with arsenic onboard a

Knut D. Asplund, Head of the Indonesia Programme.
Over the last ten years, human rights have become a compulsory part of a legal education at Indonesian universities. However, it is a relatively new topic for most Indonesian law lecturers. Initiatives to develop capacity have therefore been warmly welcomed. Qualified lecturers with a solid base of teaching materials are a necessary prerequisite for the proper education of a new generation of legal experts. The Indonesia Programme has, in cooperation with Indonesian universities, run projects directly aimed at development of such capacity.

Human rights lecturers have been a target group for the Programme: Tomorrow’s legal experts and practitioners will be tasked with finding ways of solving Indonesia’s current and future human rights challenges.
Paying it forward
The work on human rights education at university level has been a main building block in the Programme’s project portfolio for several years. A long list of training courses and workshops – both introductory and more advanced training in specialised areas of human rights – has been conducted. By taking part in this training, human rights lecturers throughout Indonesia have thoroughly upgraded their human rights knowledge. Thus, thanks to the joint efforts of universities and partners in Indonesia, the quality of human rights education in Indonesia has seen steady progress in recent years.

Library Support
Since 2004, the Indonesia Programme has provided book packages to several centres for human rights studies at Indonesian universities. The objective has been to provide staff, researchers and lecturers at centres for human rights studies, and others within their network, with access to relevant, high-quality international human rights literature. Books translated into Indonesian and books produced by NCHR’s partners have also been provided.

Indonesian Human Rights Textbooks
A human rights textbook for students of human rights at the undergraduate level was published in April 2008. The book is the most comprehensive textbook on human rights ever to be written in Indonesian. To date it has received overwhelmingly positive feedback, and has proved to be an important resource for lecturers and students.

The undergraduate level human rights textbook can be downloaded at Pusham UII’s website for free.
Changing attitudes

Interview with Suparman Marzuki – member of the National Judicial Commission and former head of the Centre for Human Rights Studies at the Indonesian Islamic University in Yogyakarta.

For some time now, the work on human rights education at university level has been a main building block in the Indonesia Programme. As a former head of a Centre for Human Rights Studies, how would you describe the development on human rights thinking and education in Indonesia?

There have been enormous changes. Both when it comes to the understanding of human rights, and the discourse surrounding the issue. People are now much more conscious about human rights, and it is no longer perceived as something foreign.

But what is, in your opinion, the importance of human rights education? Does it have a larger impact?

It is indeed important, and not only at the cognitive level. If properly done, human rights education also affects people’s affective and psycho-motor centres. We see this not only in students, but in particular when we are training groups such as the police. Human rights education changes their attitudes by having an emotional impact.

You have cooperated with the NCHR since the beginning of the Indonesia Programme. How would you assess this cooperation over the years?

The Norwegian Centre for Human Rights has made a real contribution towards strengthening human rights education in Indonesia, particularly for university lecturers and students. The textbook published in cooperation with the Indonesia Programme (see page 10) is now used by more than one hundred law faculties in Indonesia. Imagine that! The concern and commitment shown by the Norwegian Centre have been exceptional. They have not only contributed with funding, but also ensured quality control. This has been very important for us!

Suparman Marzuki.
After all these years of cooperation, do you have any special memories?
Well, there have been some quite witty participants at our courses over the years. Some have had limited knowledge, but they have been very passionate and eager to learn. This has given rise to a number of funny episodes. A few years back we had a course on the rights of indigenous people in Lombok. As a part of that course, we were supposed to meet a group of indigenous people, but when we went on the excursion we could not find them. So it ended up as a picnic instead.

Nearly 10 years have passed since the NCHR first became involved in human rights education in Indonesia. What are your prospects for the future?
I am quite positive. Human rights law education has seen rapid progress. We have changed from seeking to understand the concept of human rights, to beginning to explore the issue in much more depth.

In 2010, Suparman changed “hat” and became a member of Indonesia’s National Judicial Commission. The Norwegian Centre for Human Rights, and especially the current and previous staff under the Indonesia Programme, are grateful for the positive cooperation and friendship with Suparman Marzuki. His spirit and position in the Judicial Commission should warrant good possibilities for real improvements in the justice sector in Indonesia.
A competent and transparent judiciary is vital for an effective realisation of human rights. The Indonesia Programme has focused on the condition of the Indonesian judiciary since the birth of the Programme. Our overall aim has been to promote legal reform and strengthen the transparency and predictability of Indonesia’s judiciary. In the first couple of years, our main focus was on capacity-building activities with and within the National Commission on Human Rights and the Attorney General’s Office relating to gross violations of human rights. Since 2007, our main partner in the legal sector has been the National Judicial Commission.

Human Rights Court: Even through most defendants were acquitted, the process of setting up the Human Rights Court was an important learning exercise for the Indonesian legal system.
The Indonesian Human Rights Courts
Since the fall of President Suharto in 1998, Indonesia has undergone major legislative developments related to the protection of human rights, and several investigations into gross human rights violations have been conducted. In November 2000, the Indonesian Parliament passed Law 26/2000, much inspired by the Rome Statute of the International Criminal Court (ICC) and thereby criminalising genocide and crimes against humanity. The law led to the establishment of an Ad Hoc Human Rights Court in Jakarta to deal with violations committed in East Timor following Indonesia’s violent withdrawal from the territory. Moreover, 4 permanent human rights courts were established in Indonesia, in Jakarta, Surabaya, Medan and Makassar. In this context, the Indonesia Programme has carried out capacity-building activities with investigators and prosecutors. The National Commission on Human Rights (Komnas HAM) and the Attorney General’s Office have been important partners. As there was little common understanding between the commission and the prosecutor’s office regarding proof requirements and how to organise the findings from the pro-justitia investigations and make them applicable in court, “the Case Matrix” was introduced within both institutions. This case management system, which has been developed for utilisation in, investigation and prosecution of international crimes, as well as for learning purposes, was translated into Indonesian. Subsequently, several training sessions were held, both jointly between the commission and the Attorney General’s Office and separately.

Victims and Witness protection
Other challenges facing the Indonesian judiciary have included courtroom management and witness protection. Together, we have therefore conducted several activities, including a large conference in Bandung, Indonesia in August 2004/05 addressing the topics of victims and witness protection. Participants included judges, law enforcement officials, prosecutors, NGOs and court registrars. The speakers and the international resource persons included staff from the Victims and Witnesses Section within the registry of the International Criminal Tribunal for the former Yugoslavia (ICTY), as well as Indonesian judges and academics.
The National Judicial Commission: How could human rights be reflected in court decisions?
The Programme’s main activities relating to the administration of justice have seen certain changes since 2007, following developments and changing needs in Indonesia. In the last couple of years our focus has been on capacity building and cooperation with the National Judicial Commission. The National Judicial Commission was established in 2004 with a mandate to nominate Supreme Court Judges and monitor the conduct of judges.

With support from the Indonesia Programme, the Judicial Commission has among other things completed a research project on judicial decisions and decision-making processes in nine regions throughout Indonesia. The research considered whether the decisions were based on appropriate consideration of legal principles; whether the decisions were fair, just and transparent in accordance with procedural law; and whether judges took account of the human rights of the accused/defendant, the victim and society in general when they made their decisions. Our cooperation has also made it possible to offer human rights training to a number of district court judges. This training provided the participating judges with an overview of human rights, judicial transparency and accountability, judicial independence and access to justice, as well as the interlink between corruption and human rights violations.

Future cooperation
Even though the road towards a fully competent and transparent judiciary is long, progress has been made. We acknowledge that this is only a first step, but firmly believe that we have achieved a good and solid start through the hard work of devoted Indonesian and Norwegian scholars and participants. Through our joint partnership and with the support of our network of international expertise, we are optimistic that we can achieve a lot in the years to come.
Dealing with the Past

An interview with Ifdhal Kasim, Chair of the Indonesian National Human Rights Commission (KOMNAS HAM), on transitional justice issues.

Ten years ago a special court was set up in Indonesia in order to try past human rights violations. How would you sum up Indonesia’s experience with this court and what has been the outcome?

The court was set up as a response to international pressure, and fear that the UN would establish an international court to try those who had been involved in East Timor and the scorched earth tactics that were employed there by the withdrawing Indonesian troops. There were also strong demands domestically to hold the previous regime liable for human rights violations that had been committed throughout the New Order era. In the first instance most of the defendants got lighter sentences than the law permitted, and in the next instance everybody, except the civilian defendants, were acquitted. The story repeated itself in the next couple of trials and cases – no one was found guilty. So, the courts did not produce a preventive effect, but they did have a shaming effect. The trials have had an indirect effect on the people though – they have contributed to a broader awareness and a new culture of human rights. Human rights have entered into the mainstream language and discourse. It is no longer forbidden to talk about human rights. It has also led the police and the military to begin establishing a system for carrying out operations in line with human rights and to provide human rights training to their personnel.

Ifdhal Kasim.
What about the capacity in Indonesia to deal with gross human rights violations? Do you see any improvements, and if so what has been the role of organisations like the NCHR in building capacity within this field?

Through the court cases mentioned, lawyers, prosecutors, judges, as well as legal scholars began to understand the type of criminal cases that were addressed. Crimes against humanity and genocide: these were things that were not known within the legal profession. Supported by international organisations, people became familiar with concepts such as command responsibility; they learned about proof requirements and were presented with experiences from Yugoslavia and Rwanda. Then the Indonesia Programme at the Norwegian Centre for Human Rights picked up the ball and began providing training in investigation and brought in international experts. The programme was very much engaged in communicating an understanding of international law to judges and prosecutors, as well as members of the human rights commission. The Norwegian government was also very supportive. The teleconference equipment and the link between Dili and Jakarta, through which witnesses could make their testimonies, were supported by Norway.

The idea of establishing a truth commission was never implemented. Where does the issue of impunity stand within the human rights discourse in Indonesia today?

Impunity is still an issue of great concern. It has been one of the issues that the reform process has not been able to address properly. With the current political configuration, people who have been involved in different cases in the past have now set up their own political parties. This impedes the system from really addressing the issue of impunity. To create an understanding about the dangers of impunity is a concern for many human rights defenders in Indonesia. One should be careful in choosing one’s politicians. One should be able to distinguish between those who have been responsible for human rights violations and those who have not. It is difficult to create a system based on the rule of law when there are strong men who do not respect the principle of equality before the law. It is not always easy to get people to support human rights issues, either. Human rights violators are seen as different from corruptors. Corruptors have become public enemies. People tend to be more permissive when it comes to human rights.
In the aftermath of the fall of the Suharto regime in 1998 and the violent withdrawal from East Timor in 1999, the Indonesian Armed Forces (TNI) were in much need of reform. New legislation that came into place in and after 2004 drew attention to the need for the TNI to respect democracy, human rights, domestic legislation, international law and the welfare of the people. This is where the Indonesia Programme’s engagement started. After an initial period of relationship building and monitoring of the initial steps towards reform, cooperation with the Indonesian Armed Forces (TNI) materialised as a joint activity in 2006. Since then, a positive climate of cooperation has developed.

Activities with the Armed Forces

The Indonesia Programme has provided more than 500 officers from army units such as the Strategic Reserve Command (KOSTRAD), the Special Forces (KOPASSUS), and territorial commands in Maluku, Aceh and West Papua with training in human rights and the Law of Armed Conflict (LOAC). The Programme has also supported revision of the human rights and LOAC curricula and teaching methods used by the educational units under the Army’s Command for Education, Training and Doctrine (KODIKLAT).
Our wide range of capacity-building activities is organised in cooperation with our Indonesian partner, FRR Law Office. TNI also contributes substantially to our joint activities by providing instructors and infrastructure. Moreover, the Norwegian Armed Forces offer much appreciated support by providing military instructors for training sessions and courses.

In the TNI Act that was adopted in 2004 it is laid down that as professionals, TNI soldiers should obey political decisions, abide by human rights, national law, and international law that have been ratified by Indonesia. Consequently, human rights awareness and compliance should be a part of the Indonesian soldier’s arsenal.
Indonesia as a country has the highest number of Muslims in the world, but also many other religious faiths are practiced there. The national slogan of ‘unity in diversity’ shows that pluralism is an important part of the national ideology, and the right to freedom of religion or belief is guaranteed by the constitution. Recent developments, however, show that there are many challenges related to guaranteeing and fulfilling this right in practice. For this reason, the issue of freedom of religion or belief (FORB) emerged as a new topic in the Human Rights Dialogue meeting in 2006, and has become a focus area in the Indonesia Programme portfolio.

Capacity building at university level

Human rights law and Islamic law constitute two normative regimes that have had strong influence on Indonesia’s legislation. There has been an expressed need to develop academic knowledge of the relationship between these two disciplines at the university level. In cooperation with the Centre for Islamic Studies at the Islamic University of Indonesia (PSI UII) and the State Islamic University Syarif Hidayatullah, the Indonesia Programme has conducted activities that focus on this relationship, targeting students as well as lecturers.

Additionally, the human right to freedom of religion or belief has been fully integrated into the general cooperation on human rights among Indonesian universities, taking the form of activities such as training for university lecturers and textbook publications. The Programme has contributed towards several publications that focus on this right within the Indonesian context. Within this field of work, the Indonesia Programme cooperates closely with the Oslo Coalition on Freedom of Religion or Belief. This coalition also runs projects in Indonesia and participates in the Indonesian – Norwegian Human Rights Dialogue.

Attitudes towards Human Rights

The report entitled “Attitudes to Human Rights and Freedom of Religion or Belief in Indonesia – Voices of Islamic Religious Leaders in East Java” was published in October 2010. The report is based on interviews with religious figures conducted around East Java. The informants include leaders and representatives from a range of Muslim organisations, and focuses on how Javanese Muslims understand and respond to the notion of freedom of religion or belief. The main author is Dr. Syamsul Arifin, Director of the Centre for Islamic and Philosophical Studies at the Muhammadiyah University of Malang. Other main contributors have been associate professor Tore Lindholm (NCHR), Nelly van Doorn-Harder (Wake Forest University) and Nicola Colbran.
Bachelor Course “Human Rights, Islamic Law and Domestic Law”

In 2006, the Indonesia Programme began discussions with the State Islamic University in Jakarta (UIN) regarding development of a new subject. It was the former rector of UIN, the notable Islamic scholar Prof. Ayzumardi Azra, who initiated the discussions. The subject was to be called “HAM, Syariah dan Hukum” (Human Rights, Islamic Law and Domestic Law) and taught to students of the Islamic Law Faculty.

Religious tolerance and freedom of religion or belief represent significant challenges for human rights in Indonesia, and the Indonesia Programme at NCHR was therefore happy to be able to support the preparation process and the first semester of the Bachelor Course “Human Rights, Islamic Law and Domestic Law”. From September to December 2007, 40 students of the Islamic Law Faculty attended the course. This was the very first time a course of this type had been offered at any Indonesian university and it represented a significant step forwards in the development of legal education in Indonesia.
Indonesia has made great progress in several human rights aspects in the last decade. The International Covenant on Economic, Social and Cultural rights (ICESCR) was ratified in 2006, and the Indonesian State is thus required to take immediate action for the progressive realisation of ESC-rights. The following year, the Indonesia Programme initiated its first activities specifically focusing on strengthening the rights guaranteed under this covenant.

Hard work: Surface mining in East Nusa Tenggara.
Indicators for monitoring ESC rights

Working together with the Indonesian National Commission on Human Rights and the Ministry of Law and Human Rights, a set of training courses and workshops related to the monitoring of ESC rights has been conducted, resulting in increased capacity to conduct monitoring, as well as the development of specific indicators for monitoring ESC rights in Indonesia.

At a more local level, the Indonesia Programme has cooperated with the Institute for Economic, Social and Cultural Rights, conducting capacity-building activities in the province of East Nusa Tenggara. This has included training for local parliamentarians, focusing on how to utilise the regional budget for the fulfilment of economic, social and cultural rights. Economic, Social and Cultural Rights have also been well integrated into the project activities that aim to build human rights competence at university level (see page 9-10).

Demonstrating: Workers demonstrate outside KOMNAS HAM’s office, June 2011.
Poverty and Its Paradoxes

Poverty remains a major concern in Indonesia. The Institute for Economic and Social Rights (Ecosoc) – one of the Indonesia Programme’s main partners – is a NGO championing economic, social and cultural rights for the poor. They have valuable insight into the human rights challenges that the poor are facing in Indonesia today.

– No one sides with the poor. They are seen as an obstacle to city development. They have no financial means to support their struggle and no bargaining power. Poverty itself is commoditised and politicised. All politicians are pro-poor, but the resources allocated for their benefit never reach them. There are “rice for the poor” campaigns and all kinds of material aid. Billions are allocated for poverty relief, but there is absolutely no accountability in all this. What the poor need is capacity to claim their rights. says Sri Palupi, head of the Institute for Economic and Social Rights.

In the power of big corporations
The Indonesia Programme has conducted a series of training seminars on economic, social and cultural (ESC) rights, governmental budgeting for the realisation of these rights and advocacy techniques, in cooperation with the Ecosoc Institute. Sri Palupi continues to talk passionately about her major concerns of today:

– The development we see now is anti-constitutional. In the constitution it is said that the natural resources of the country should be developed to increase the welfare of the people. This is not happening.

Sri Palupi blames the big multinational corporations and their power over the state:

– Human rights have traditionally been linked to the state. Now, however, the real power holder is not the state anymore. The corporations seek to have their needs solved and the state is at their service. Workers’ rights are of course weak, and in the cities the legislation provides the companies with extraordinary powers. During the last five years there has been a 300 per cent rise in the space occupied by shopping malls in Indonesian cities. At the same time, the space for street vendors has diminished. Urban space available for poor people is vanishing. There used to be pockets of agricultural land inside the cities, but this has now gone.
Capacity building

The situation on the countryside is not any brighter, according to Palupi. There the people are faced with logging, mining and plantation concessions. Areas with few natural resources are much less prone to human rights violations than resource-rich areas.

– Corporations often use people from outside the area to work for them. This turns them into enemies of the local people. We have seen this in Kalimantan and in Papua. The companies are there with the purpose of extracting wealth, not to contribute to improving the life of the local people, says Palupi.

Palupi believes that the international community can have an impact on the human rights situation in the country, but on a limited scale:

– In the poverty-stricken areas, such as Nusa Tenggara Timur, there are several international organisations involved in poverty eradication projects, but there is just as much poverty. They do not seem to target the root causes of the problem. Their efforts are not consolidated and there is even competition between the different

*Sri Palupi, Head of the Institute for Economic and Social Rights.*
organisations. In some places there seem to be more aid workers than government officials.

Palupi ends the conversation by yet again stressing the importance of capacity building:

– What the poor need is capacity to claim their rights. I do not think there can be any good governance without strengthening civil society. There need to be control mechanisms and monitoring.

**Our activities:**
In 2008 and 2009 the Institute for Ecosoc Rights and the Indonesia Programme conducted a series of training seminars on economic, social and cultural (ESC) rights, governmental budgeting for the realization of these rights and advocacy techniques. These trainings targeted indigenous communities, leaders, and NGOs from a number of districts in East Nusa Tenggara.

*Woman from the West Papua province: Smallholders gain their income from cash crops by selling their produce at the local market.*
Indonesia Programme Staff:

**Knut D. Asplund** holds a Cand.polit. degree in social anthropology from the University of Oslo, specialising in Indonesian culture, society and politics, with a special emphasis on violent conflicts and their solutions, perceptions of human rights and indigenous traditions of knowledge. Mr. Asplund has been Head of the Indonesia Programme since its foundation in 2002, and leads the Programme’s work on security sector reforms and training for military (TNI) personnel in the law of armed conflict.

**Kjetil Fiskaa Alvsåker** holds a Cand. Jur. degree from the University of Bergen, where he specialised in human rights. He has also studied political science. Mr. Alvsåker has been living in Jakarta since August 2009, and has been the legal adviser for the Indonesia Programme since March 2010. He works with the Programme’s activities related to the university sector and governmental institutions. Mr. Alvsåker has previously worked in the Norwegian Ministry of Labour and in the Norwegian Directorate of Immigration.

**Aksel Tømte** has worked as project coordinator for the Indonesia Programme at the Norwegian Centre for Human Rights at the University of Oslo since 2008. He currently follows up the programme of activities within the areas of freedom of religion or belief and economic, social and cultural rights. Mr. Tømte has previously lived more than 4 years in Indonesia, while he worked for the Norwegian Embassy in Jakarta and the NGO Peace Brigades International.
Previous staff members:

Christian Ranheim holds a Law degree from the University of Oslo, specialising in international human rights law. Mr Ranheim has worked at the NCHR since 2003, initially as a legal adviser with the Indonesia Programme and later as the programme director of the ICC Legal Tools Programme.

Nicola Colbran holds a honours degrees in Asian Studies (Indonesian) and Law from the Australian National University in Canberra and a Master degree in Public International Law from Leiden University, (the Netherlands) and worked as a legal advisor in the Indonesia Programme from 2006 to 2010. In this capacity, she coordinated and conducted human rights training courses in cooperation with Indonesian partners, and wrote expansively on human rights and Indonesia. Colbran is currently the Director of AusAID’s Australia Indonesia Partnership for Justice.

Liv Hernæs Kvanvig holds a MA degree in international relations and Asian politics from the University of Queensland as well as a BA in development studies and social anthropology from the School of Oriental and African Studies, University of London. She worked as programme coordinator for the Indonesia Programme in two periods between 2003 and 2008.

Christina Kloster holds a BA in Southeast Asian Studies from the School of Oriental and African Studies, University of London and Cand. Polit. degree in social anthropology from the University of Oslo, and worked as programme coordinator for the Indonesia Programme from 2005 to 2007.