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International Networks and Human Rights in Indonesia

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Discussions of human rights in Indonesia tend to emphasise either their abrogation in regard to particular events and circumstances or the local mechanisms through which an aspect of the international human rights regime is (or is not) implemented. There is a vast and detailed academic and activist literature on the former, providing rich accounts of human rights abuses and local struggles for human rights change. Within the more limited literature on the latter, critics argue that a human rights infrastructure has been developed in response to international pressure with no real intention of addressing ongoing human rights abuses (see, for example, Juwana, 2003; Linton, 2006). More sympathetic accounts assert that, while far from perfect, current human rights mechanisms reflect a genuine and incremental attempt to respond to the demands of citizens, local non-governmental organisations (NGOs) and the international community, and improve Indonesia's human rights record (see, for example, Eldridge, 2002).

What is missing from this literature is any serious attention to the impact that tensions and inconsistencies within the international rights lobby itself has on rights change at the local level. Scholars have long wrestled with questions regarding the extent to which international norms and covenants and bilateral pressure influence local human rights practice and the mechanisms through which such transformations occur (for example, Donnelly, 1986; Hafner-Burton and Tsutsui, 2005; Vreeland, 2008). It is clear, however, as Risse and Sikkink (1999) have argued, that a crucial factor in the diffusion of international human rights norms is the establishment of effective links between transnational activist networks and their local counterparts. Transnational actors can draw international attention to rights-violating behaviour and empower local human rights activists, thus bringing pressure to bear simultaneously from above and below. Such alliances help to explain the existence of a series of distinct, and yet mutable and overlapping, communities within the human rights lobby, which at times coincide with particular segments of national political economy or of society, but at others with a particular view of what form rights change should take. The effectiveness of these different coalitions is clearly constrained by broader trends towards greater or lesser observance of human rights in particular national contexts- in its most dramatic form when regimes change, but also with the ebb and flow of political space within a particular regime. At the same time, however, the human rights field, or 'sector', in which each coalition is situated has its own dynamics stemming from the interaction between the particular international actors concerned with rights change in that sector and sector-specific

constellations of interest and power within a particular national setting. It is therefore necessary in any assessment of human rights change to identify the transnationally constituted drivers of change with regard to different *kinds* of right.

Given the complexity of both international and local political structures and constellations, as well as competition between coalitions of interest, it is no easy task to map the contingent and often shadowy distinctions between different rights fields. It is nonetheless to the intersection between these sectoral dynamics and regimes that we must turn if we are to understand changes in the local political context of human rights, the depth of foreign donor influence and agendas on the terrain of human rights activism, and the degree to which activists drive rights change in particular contexts. Following Risse and Sikkink, I privilege the point of interaction between local and international campaigns for better access to human rights in my analysis of the socialisation of human rights norms and the establishment of human rights institutions, but in a way that contextualises those interactions within the political context of Indonesia. I begin my attempt to do so with an overview of the shifts in the political terrain in the decades immediately before and after the fall of Suharto's authoritarian New Order regime in May 1998, with a view to charting the impact of those shifts on the observance of human rights. I then turn my attention to three particular sectors within human rights advocacy- namely labour rights, women's rights and the right to political self-determination - in order to describe their quite different trajectories, before returning to the broader implications of this analysis for our understanding both of human rights in Indonesia and of human rights change itself.

Turning points

International attempts to improve human rights practice in Indonesia - and local responses to them - have waxed and waned since Suharto's New Order came to power in the mid-sixties. The New Order regime was itself born of a human rights atrocity in the form of the bloody events that followed the aborted Communist coup of 30 September 1965, after which between 500 000 and 1 000 000 Indonesians were massacred.¹ Political and civil rights were systematically repressed by the authoritarian corporatist regime (compare Stepan, 1978), which argued not only that such rights were meaningless in the absence of economic development, but that their exercise was socially irresponsible because it threatened the order and stability necessary for the achievement of economic growth. At the same time, although the living standards of most Indonesians did greatly improve, the gap between rich and poor continued to grow and the economic rights of many individuals were sacrificed to large development projects as farmers and villagers lost their land through forced reclamation to factories, resorts, elite housing developments and even golf courses. Indonesians' access to their cultural and social rights was also limited as the regime imposed a national culture and code of behaviour based on the traditions of Central Java and sought to eliminate a whole range of 'backward' and 'godless' cultural practices, from the diffuse family structures of the Asmat in Papua, to the itinerant lifestyle of nomads involved in swidden agriculture and sea people (*orang laut*), to Confucianism and atheism.

The place of human rights within the political rhetoric and practice of New Order Indonesia must be understood within the international context of its time. President Suharto rose to

power at the height of the Cold War, when Southeast Asia represented a key battleground in the superpowers' struggle for influence. As a result, the US and its allies were prepared to provide aid to Indonesia irrespective of the regime's human rights record. US officials reported approvingly of the killing of Communists in 1965-66 (Simpson, 2008), and the governments of the US and Australia tacitly supported the invasion of East Timor a decade later (Westad, 2005; Cotton, 2004). In the course of its 32-year rule, the regime engaged with impunity in other very visible violations of political and civil rights, such as the crushing of student protesters in 1974 in what became known as the 15 January Calamity (*Malapetaka 15 Januari*, Malari), the 'mysterious killings' (*Penembakan Misterius*, Petrus) of the early to mid-1980s and the brutal suppression of separatist movements in Papua and Aceh.

Like the rest of Southeast Asia, Indonesia was deeply affected by the change in policy of the US and its allies towards the non-communist authoritarian regimes with the fall of the Berlin Wall. As the threat of Communism receded, there were no longer such pressing reasons to ignore reports of human rights abuses in the region, and Suharto's government came under increasing pressure to improve its human rights record, especially with regard to civil and political rights. International criticisms of the regime grew stronger after the events of 12 November 1991, when hundreds of protesters were shot during a memorial ceremony in the Santa Cruz cemetery in Dili. A film made of the shootings by Max Stahl, one of a number of journalists in East Timor for a cancelled visit of Portuguese dignitaries, was smuggled out of East Timor, sparking a strong international response to the incident, including the suspension of some aid programs (Cotton, 2004). In the wake of the incident, pressure for improvements in Indonesia's human rights record increased markedly, leading to a range of internationally sponsored measures to redress human rights concerns, including the establishment of Indonesia's National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) in 1993.

In Indonesia itself this intensified international scrutiny, along with growing domestic unrest, prompted the government to declare in 1989 a period of openness (*keterbukaan*) modelled on Gorbachev's *glasnost*. Student protests had occurred at a number of points earlier in the New Order - most notably during the early 1970s and in the months leading up to the 1977 elections and into 1978 (Aspinall, 2005) - before campus activism was effectively marginalised when the military occupied universities and independent student councils were abolished (Budiman, 1981). However, many of those engaged in the resurgence of student activism in the 1990s had their first experience of organised dissent in the Kedung Ombo case in 1991, when thousands of people were displaced to make way for a dam funded by, amongst others, the World Bank (Stanley, 1994). These student activists - many of whom went on to work in human rights NGOs - constituted the vanguard in a wave of middle-class activism around human rights in the 1990s, with campaigns for the rights of workers, women and the urban poor, and on rights abuses associated with access to land and degradation of the environment.

The student and NGO campaigns of the 1990s were situated within a broader oppositional movement, which was increasingly vocal in its demands for democracy. The absolute dominance of the regime's political vehicle, Golkar, was challenged for the first time when, in

1993 against the express wishes of President Suharto, the daughter of Indonesia's first president, Sukarno, and popular candidate, Megawati Soekarnoputri, was chosen as chair of the Indonesian Democratic Party (*Partai Demokrasi Indonesia*, PDI), one of the two parties permitted in addition to Golkar from the early 1970s (Liddle, 1997). Megawati's PDI went on to become the nucleus of a broad opposition movement, which included well-known Muslim figure and democrat Abdurrahman Wahid, independent trade union leader Muchtar Pakpahan and the People's Democratic Party (*Partai Rakyat Demokratik*, PRD), the party established by the leftist student groups that also founded the Indonesian Centre for Labour Struggle (*Puscat Perjuangan Buruh Indonesia*, PPBI) and the student network, Indonesian Students in Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia untuk Demokrasi*, SMID), and which adopted an explicitly Marxist platform.

The first major signal that the expansion of political and civil rights experienced under *keterbukaan* was over was the closure of three news magazines in June 1994, an event that prompted widespread protests and led to the establishment of the Alliance of Independent Journalists (*Aliansi Jurnalis Independen*, AJI) (Heryanto and Stanley, 2002). The remnants of the policy of openness were then resoundingly dispelled with the so-called 27 July Affair of 1996, when the headquarters of Megawati's Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, PDI-P) were stormed, pro-democracy activists arrested and several PRD leaders imprisoned (see *Jakarta Crackdown*, 1997). Less than a year later, however, the New Order came to an end after Indonesia's currency collapsed in the wake of the Asian financial crisis, leading to the resignation of President Suharto in May 1998 and the subsequent disintegration of the regime.

In what came to be known as *Reformasi*, the authoritarian social structures that constituted the hallmark of the New Order were gradually dismantled, the influence of the military significantly reduced and the government-controlled three-party system replaced by a multi-party democracy which, although dominated by existing parties, offered opportunities for new political forces to emerge. During the short presidency of Suharto's successor, Habibie, many legislative changes were designed to redress past human rights violations and provide for the ongoing protection of human rights; most notably, these involved amendments to the 1945 constitution and included the right of non-retroactivity, the strengthening of Komnas HAM and extension of its jurisdiction, the establishment of human rights courts and the creation of Komnas Perempuan in 1998 (Herbert, 2008).² Perhaps most significant among these were the Human Rights Law (Law No. 39/1999), which mandated a human rights court as well as providing explicit safeguards for a wide range of human rights, and the Press Law (Law No.40/ 1999), under which a press council charged with safeguarding press freedom was established.³ A number of international conventions were also signed and ratified, including the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination and the ILO Conventions on forced labour, minimum age of employment, discrimination with respect to employment and freedom of association.

In many areas, shifts in Indonesia's legal framework introduced during Habibie's presidency were accompanied by an unprecedented level of substantive change in rights infrastructure

and governance. In addition to abolishing the draconian Department of Information and releasing a number of political prisoners, Habibie's government revoked an anti-subversion law that had been in place since 1963, which had been frequently invoked during the New Order period. Trade unions rapidly multiplied as ILO Convention No. 87 on Freedom of Association and the Protection of the Right to Organize was enshrined not only in law but in policy. The implementation of a policy of widespread economic and political decentralisation in 1999, while problematic in other ways, marked another major milestone in improving Indonesians' access to their political, cultural and social rights, as local cultures were acknowledged and validated (see Aspinall and Fealy, 2003). Habibie also announced the termination of Aceh's status as a Military Operation Zone (*Daerah Operasi Militer*, DOM) and granted the East Timorese the right of self-determination. While the result of the East Timorese referendum was met with bloody repression by the Indonesian military and the DOM was later reintroduced in Aceh by President Megawati Soekarnoputri, Habibie's decisions on both these matters set in train a chain of events that eventually led to East Timor's independence and the cessation of the long and bloody separatist conflict in Aceh. Further advances in Indonesia's human rights framework were achieved during the presidency of Abdurrahman Wahid, when a Department of Human Rights was established, and significant steps were taken towards the abolition of systemic discrimination against Indonesia's Chinese minority. In addition, democratisation meant that topics that were far too sensitive to pursue inside Indonesia during the Suharto years - for example, the killings of 1965-66 and the treatment of political prisoners - have made their way onto the domestic human rights agenda (Cribb and Ford, 2010).

This is not to suggest that human rights abuses no longer occur in Indonesia. In the post-Suharto period, the ongoing influence of New Order power-brokers within the political elite (see Robison and Hadiz, 2004) continue to represent a significant barrier to human rights change. In addition, as many commentators have noted, there remain numerous bureaucratic and other structural barriers to substantive improvements with regard to human rights. Despite massive international investment in technical support and capacity-building, human rights mechanisms are still very fragile because of corruption, structural weaknesses in the new human rights institutions, a lack of government infrastructure at the grassroots and the vagaries of the political system. As a result, legal-structural advances have not always translated fully at the grassroots. For instance, Amnesty International (2007) reports that, although the government banned doctors and nurses from performing female circumcision, this has not been enforced. In another example, Purdey (2002) has argued that the Joint Fact Finding Team established to investigate the anti-Chinese riots that occurred in the May 1998 violence failed to find the perpetrators of the violence, or to protect the victims from ongoing harm.

A final factor that scholars identify as having a potential impact on civil and political rights in Indonesia is the advent of the War on Terror. Not long after the events of 11 September 2001, the USA declared Southeast Asia a 'Second Front' in the War against Terror, leading to an intensified engagement in the region (Gershman, 2002). According to some observers, the need to keep the Indonesian government on side has led to a tempering of international pressure regarding human rights. For example, Burgess (2004, p. 139) has argued that

international demands for fair trials of those accused of human rights violations in East Timor have been moderated in an attempt to keep Indonesian authorities on side. While this may well be so, at the same time opportunities for joint anti-terrorist actions have been used by foreign governments to provide capacity-building for the Indonesian police and military, which may promote the professionalisation of these bodies in the medium to long term. Furthermore, pressure from the increasingly vocal domestic Islamic lobby has ensured that if indeed there has been a deleterious effect on civil and political rights more generally, its direct influence has been confined to particular sectors and has exerted a relatively minor influence on the growing space for human rights activism.

Despite these and other ongoing challenges, public space for discussion of human rights and the organisational infrastructure through which to expose and challenge human rights violations - both official and activist - has nevertheless expanded rapidly since the fall of Suharto. It is also evident, however, that within this broad milieu, the promotion of the rights agenda within particular rights fields exhibits quite specific sectoral dynamics.

A sectoral view of rights change

Even during the New Order there were areas where the regime was more or less disposed to accede to international pressure where human rights were concerned. In the labour sphere, for example, the regime continued to pay lip service to international principles of trade unionism and tripartism even when its repression of independent labour activism was at its height (Ford, 2009). Pressure for better access to labour rights increased dramatically when the opening up of the Indonesian economy to foreign investment outside the oil and gas sectors from the mid-1980s led to a rapid growth of labour-intensive manufacturing for export, particularly in garments and footwear. This expansion in light manufacturing brought with it intense international scrutiny of labour rights abuses in Indonesian factories along with funding for labour NGOs and the threat of trade-based sanctions if labour standards were not met (Hadiz, 1997). The 1990s, in particular, saw an intensification of grassroots labour activism, as well as middle-class advocacy and organising work on behalf of Indonesia's rapidly expanding industrial workforce. And although the regime continued to persecute the alternative unions, which constituted a direct challenge to its one-union policy, steady pressure from abroad and growing domestic activism succeeded in forcing it to acknowledge and tolerate middle-class labour NGOs and the informal workers' groups they sponsored (Ford, 2009).

Successive New Order governments were even more willing to take the steps necessary to be seen as a good international citizen with regard to less politicised kinds of rights, such as access to certain categories of economic rights (associated with development) and the rights of women. Scholars have strongly criticised the regime for maintaining its commitment to what Julia Suryakusuma (1996) famously described as 'state ibuism' - an approach that framed women's primary purpose to be that of wife and mother. However, campaigns for women's rights were in fact relatively uncontroversial under the secular, developmentalist New Order state, and international conventions like the Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia signed in 1980 and ratified in 1984, were useful as a means of exerting pressure on successive governments to improve the

situation for women during the Suharto years. As Katjasungkana (2008) argues, the ratification of international conventions then and since has not necessarily led to actual implementation of the principles they embody because of the pluralistic nature of the law, institutional barriers and a lack of legal resources to support law reform. This important caveat notwithstanding, women's rights were considerably easier to promote than many other kinds of right under the New Order.

In certain circumstances, though, the regime was responsive to international pressure even in very sensitive areas, such as instances of political repression. For example, as Cardenas (2001) has noted, the creation of Komnas HAM in 1993 was very much designed to temper international criticisms of Indonesia's human rights record in the aftermath of the Dili Massacre of November 1991.⁴ Although the option of a commission had been discussed several months before the massacre, its establishment was announced at a UN-sponsored workshop in June 1993 just a week before the World Conference on Human Rights and in the wake of threats of sanction by major aid donors. However, responses to calls for self-determination in separatist regions varied not simply because of differences in the intensity of human rights violations but also because international attention - and international evaluations of the status of different separatist movements - varied over time and in response to particular events. Thus, campaigns against human rights violations in East Timor strengthened significantly after documented evidence of the Dili Massacre reached the international community, not least because the campaign was taken up by both leftist groups and the Catholic Church (Tanter et al., 2001), resulting in some changes at the national level and in East Timor itself. By contrast, with human rights abuses occurring in Aceh during the drawn-out conflict between the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) and central government, the region received little attention globally before it was opened up following the 2004 Indian Ocean tsunami, since which time Aceh has been a key international focus for both humanitarian aid and explicitly rights-based programs (Aspinall, 2008).

Within the overarching framework of democratisation, these and other rights sectors have continued to move along different trajectories, as the fall of the New Order neither brought a completely different pattern of human rights advocacy nor uniformly affected campaigns on different kinds of right. Importantly, some areas of serious human rights abuse have remained quarantined because of their political sensitivity. It is clear, for example, that in the post-Suharto period successive Indonesian governments have been far more reluctant to recognise rights claims in regions like Aceh and Papua, and also of some groups - for example, the isolated tribes (*suku terasing*) - than of Indonesians generally. The United States Department of State (2008) identifies a lack of political will as a contributing factor to the lack of accountability for past human rights violations on the part of successive post-Suharto governments, while Human Rights Watch (2002) argues that those responsible for human rights violations in East Timor have not been prosecuted partly because the Indonesian military continues to have a strong influence over the judiciary.⁵ Susanti (2001, p. 5) argues similarly that political lobbying was responsible for the non-retroactivity clause in the constitutional amendments regarding human rights abuses. Other examples include failed attempts to curb the money-making activities of the military. Although Law No. 34/2004

banned the military from engaging in commercial activities and required the government to take over all military businesses by 2009, as of 2007 no action had been taken to implement it (Human Rights Watch, 2007).

A quite different pattern is discernible in relation to labour rights. In the 1990s labour had been a frontline issue for the Indonesian pro-democracy movement as a whole, as well as attracting sustained support. After the fall of Suharto, it lost much of its prominence, giving way to campaigns on other issues, such as corruption. There was also a dramatic shift in the nature of international campaigning on labour issues. During the New Order, where it engaged at all, the international labour movement - with the exception of a small number of Trade Union Solidarity Support Organisations, most notably the American Center for International Labor Solidarity (ACILS)- was largely tied into working with the All-Indonesia Workers Federation (*Federasi Serikat Pekerja Seluruh Indonesia*, FSPSI), the only trade union organisation permitted under the regime's one-union policy. However, substantial amounts of funding and other support flowed from government organisations - such as the Netherlands Organization for International Development Cooperation (*Nederlandse Organisatie voor Internationale Bijstand*, NOVIB) as well as private organisations like the Ford Foundation - into labour organising via Indonesia's labour NGOs, alternative unions and parts of the student movement.

The dynamics of campaigns for labour rights altered markedly after the Habibie government recognised workers' freedom to organise. The international trade union movement began to engage intensively in Indonesia, investing heavily in the rebuilding of its large, industrially based trade unions (Caraway, 2004), while many of the international organisations that had previously supported the independent labour movement shifted their funding to other sectors. These shifts have had a dramatic effect on campaigns for labour rights. On the one hand, independent unions now have access to the tripartite mechanisms of the state and are better placed to lobby for members' rights at the local level. On the other hand, however, trade unions tend to focus primarily on a narrow band of work place related rights as they pertain to industrial workers rather than on the broad spectrum of labour and other rights that pertain to the working class, thus somewhat reducing the scope of labour rights campaigns.

Finally, *Reformasi* has had a much less dramatic effect on campaigns for women's rights than either political rights or labour as the historical circumstances in this particular sector mean that there has not been as distinct a transformation. As noted earlier, gender issues were seen to be relatively politically neutral during the New Order period, when they also dovetailed with parts of the regime's agenda for economic development. and thus the women's rights agenda was relatively easy to promote. In the post-Suharto period. women 's rights continue to constitute an important part of the state's attempt to demonstrate its human rights credentials, as evidenced by the establishment of the National Commission on Violence Against Women (*Komisi Nasional Anti-Kekerasan terhadap Perempuan*, Komnas Perempuan), the rebranding in 1999 of the State Ministry for the Role of Women as the State Ministry for Women's Empowerment (*Kementerian Negara Pemberdayaan Perempuan*), and a series of gender mainstreaming initiatives as part of a whole-of-government approach.⁶

In addition, the intensification of international engagement in other sectors has had an impact on the promotion of women's rights, as gender issues are now commonly integrated into a wide range of rights-based programs. At the same time, however, democratisation has given space to conservative political forces that have had a negative impact on the promotion of internationally recognised norms of gender equality (Budianta. 2006). Most notable among these are some Islamic groups who have lobbied for legal reform that restricts women's mobility and other aspects of their behaviour. Equally, however, in some regions ethnic movements fuelled by decentralisation have moved to encourage women to return to more traditional roles.

Unpacking sectoral divergence

How, then, can the quite different trajectories of these three relatively closely aligned rights fields be explained? At times, there have been direct synergies between different parts of the human rights movement. For example, during the 1990s the interests of feminist activists converged with the interests of labour activists, particularly after the murder of the worker-activist Marsinah, a factory worker from the East Javanese town of Sidoarjo, who was brutalised by the military before her death and over the issue of female overseas contract labour (Ford. 2002; 2003). Similarly, feminist activists were particularly vocal in campaigns for the rights of Chinese women who suffered during the racially motivated violence of 1998 and for female victims of ethnic and political violence across the archipelago in the years that followed (Budianta, 2003). However, the rapid decoupling of cross-sectoral coalitions, as occurred with the alliance between the women's movement and the labour movement in the post-Suharto period, suggests that such convergences are not structural, but rather contingent and incidental.

Shifting alliances within a local human rights movement are sometimes influenced by the particular personalities involved. Under the New Order, much of the Indonesian human rights movement was brought together by an overarching concern with the need to achieve fundamental political change. an overarching concern that no longer exists. Always divided and very personalised, the activist community is now perhaps less focused than it has been at any time in recent history as a result of the broadening of scope for political expression, which has pushed activists in different directions. This has been coupled with a fracturing of the Left as power has become more accessible. Meanwhile, the remnants of the pro-democracy movement have settled into middle age, as the generations of activists who struggled against the regime in the 1980s and 1990s enter their forties and fifties and are replaced by younger generations who do not have the same sense of political urgency. It is perhaps as a result of these factors that, as Eldridge (2005) suggests, while expressing broad support for universal human rights in their campaigns, a significant proportion of the many more NGOs established since 1998 focus primarily on social and economic activities rather than on human rights advocacy.

However, divergence in the trajectories of different rights fields occurs at least in part because of the varied and changing agendas of the international rights movement itself. Risse and Sikkink (1999) argue that local advocacy for the international human rights agenda is made possible at least in part by support from the international rights community - an

observation that is certainly true in Indonesia's case. A diverse range of international non-governmental actors were highly influential in promoting the establishment of and supporting Indonesian human right groups during the New Order. These included not only international NGOs, but also churches, sector-specific interest groups such as the anti-sweatshop movement, and even individuals like Max Lane, the Australian patron of the PRD. Their interventions took myriad forms, from campaign support and capacity-building to the direct financing of NGOs and other civil society groups. Under the New Order, government controls on direct foreign intervention in matters of human rights, although not always successful, meant that funding of local organisations was the most prominent means of engagement within Indonesia. Foremost among these were the legal aid bureaux affiliated to the Indonesian Legal Aid Foundation (*Yayasan Lembaga Bantuan Hukum Indonesia*, YLBHI) - a key critic of human rights abuses and publisher of annual human rights reports from the early 1980s- which ran campaigns on a wide range of first and second generation rights issues as well as organising vulnerable groups as part of its structural legal aid program (see Aspinall, 2005).

Today, as in the New Order period, more often than not changes in the focus of local human rights groups, and consequently in sectoral presence and alliances, reflect the agendas of those organisations' international allies, and in particular their donors. For example, the once-powerful YLBHI is now greatly diminished, not only a result of internal fissures, but also the loss of much of its generous international funding. Importantly, the focus of international NGOs - and subsequently their Indonesian counterparts- is being increasingly constrained by the priorities of national aid agencies, which have always provided much of their funding, but are now imposing tighter guidelines on its use (Confidential Interviews, Singapore, November 2009). This is nowhere more obvious than in the tussle between AIDS prevention and anti-trafficking NGOs over programs involving sex workers after the US declared a ban on funding to any programs seen to be supporting prostitution (see Lyons and Ford, 2010), but it is also evident in many other sectors - for example, the growing emphasis in international programs on governance at the expense of programs promoting individual civil and political rights (Confidential Interviews, Jakarta, August 2009).

As Herbert (2008, p. 479) has argued, local civil society organisations have played a 'pivotal role' not only in advocacy for, but also the development of, the Indonesian human rights framework.⁷ All indications suggest that they will continue to do so with support from their international allies. At the same time, however, the United Nations institutions and bilateral aid donors now play an even more important role in promoting rights reform than they did during the New Order, having achieved far greater access to opportunities to engage in a substantive way with the bureaucracy and even the military than they had in the past. In the labour sphere, for instance, the International Labour Organisation (ILO) has played a key role in the drafting of legislation that many in the labour movement felt was anti-worker (Boulton, 2006). By contrast, the ILO regularly clashes with other international agencies over anti-trafficking policy - in particular with the International Organization for Migration (IOM), which the ILO feels takes too narrow an approach to trafficking (Confidential Interviews, Geneva, April 2009). As these examples suggest, transformations in the local and international rights agenda are thus increasingly influenced by the changing and sector-

specific priorities of the United Nations agencies themselves, as well as in the priorities of the Indonesian government's key bilateral partners, all of which tend to be inherently more conservative than other international proponents of human rights change.

It is apparent, too, that Indonesia's status as a democratic country - however flawed that democracy may be - has made it difficult to maintain the same level of scrutiny of its human rights record. As Ron et al. (2005) have argued, even long-standing international NGOs with clearly defined areas of interest and independent funding sources like Amnesty International design their campaigns not just around the severity of human rights abuses but also around strategic opportunities to influence the international agenda. It is evident that with the exception of serious trouble spots, most notably Papua, the international emphasis on political and civil rights in Indonesia has significantly decreased as the attention of the international human rights movement shifts to less democratic nations. As under the New Order, there are significant differences in outcomes between different rights fields where a strong international lobby continues to exist. Depending on the extent to which international concerns are taken up locally and on the political costs that acquiescence to international pressure for rights change impose upon the government of the day. This has been clearly demonstrated, for example, in the case of campaigns for the punishment of those involved in the military-sponsored violence in East Timor after the Referendum of 30 August 1999 (Linton, 2004).

In short, neither regime change nor increased access for the international rights community to Indonesia has resulted in the equal promotion of different human rights. According to much of the literature, this can be explained by problems faced in the transition to democracy, most importantly the ongoing influence of entrenched interest groups, combined with technical difficulties in the establishment and operation of particular human rights mechanisms at the national and sub-national levels. These factors are clearly both influential. However, as suggested here, sectoral unevenness in the trajectories of human rights change reflects not only local conditions but also the structures and contradictions of the international human rights lobby itself - a fact that has implications not only for our understanding of human rights change in Indonesia, but also for broader analyses of the power of transnational actors to effect human rights change and the efficacy of the international mechanisms through which change is promoted.

References

- Amnesty International (2007), *Amnesty International Report 2007 – Indonesia*, <http://www.unhcr.org/refworld/type,ANNUALREPORT,AMNESTY,IDN,46558ece19,0.html>, accessed 9 September 2009.
- Aspinall, Edward (2005), *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia*, Stanford: Stanford University Press.
- Aspinall, Edward (2008), *Peace without Justice? The Helsinki Peace Process in Aceh*, Geneva: Centre for Humanitarian Dialogue.
- Aspinall, Edward and Greg Fealy (2003), *Local Power and Politics: Decentralisation and Democratisation*, Singapore: ISEAS.

- Ballard, Chris (2001), 'Human Rights and the Mining Sector in Indonesia: A Baseline Study', in *Mining, Minerals and Sustainable Development*, Canberra: International Institute for Environment and Development and World Business Council for Sustainable Development.
- Boulton, Alan (2006), 'The Conflict over Proposals to Change Indonesia's Labour Laws', paper presented to the *Indonesia Study Group*, Australian National University, 7 June.
- Budianta, Melanie (2003), 'The Blessed Tragedy: The Making of Women's Activism during the *Reformasi* Years', in Ariel Heryanto and S.K. Mandal (eds), *Challenging Authoritarianism in Southeast Asia: Comparing Indonesia and Malaysia*, New York and London, Routledge Curzon, pp. 145-177.
- Budianta, Melanie (2006), 'Decentralizing Engagements: Women and the Democratizing Process in Indonesia', *Signs*, 31 (4), 915-923.
- Budiman, Arief (1981), 'Student as Intelligentsia: The Indonesian Experience', in S. N. Ray and G. de la Lama (eds), *The Role of the Intelligentsia in Contemporary Asian Societies*, Mexico City: El Colegio de Mexico, pp. 221-234.
- Burgess, Chris (2004), '(Re)constructing identities: international marriage migrants as potential agents of social change in globalising Japan', *Asian Studies Review*, 28, 223-42.
- Caraway, Teri. (2004), 'Protective Repression, International Pressure, and Institutional Design: Explaining Labour Reform in Indonesia', *Studies in Comparative International Development*, 39 (3), 28-49.
- Cardenas, Sonia (2001), 'Adaptive States: The Proliferation of National Human Rights Institutions', Carr Center for Human Rights Policy Working Paper T-01-04, Cambridge, MA: Carr Center for Human Rights.
- Cotton, James (2004), *East Timor, Australia and the Regional Order*, Abingdon: Routledge Curzon.
- Cribb (2002), 'Unresolved Problems in the Indonesian Killings of 1965-1966', *Asian Survey*, 42 (4), 550-563.
- Cribb, Robert and Michele Ford (eds) (2010) *The Killings of 1965-66. Inside Indonesia* 99 [online]. Available at www.insideindonesia.org (Accessed 1 February 2010).
- Donnelly, Jack (1986), 'International Human Rights: A Regime Analysis', *International Organization*, 40 (3), 599-642.
- Eldridge, Philip (2002), 'Human Rights in Post-Suharto Indonesia', *The Brown Journal of World Affairs*, IX (1), 127-39.
- Eldridge, Philip (2005), 'Nongovernmental Organizations and Democratic Transition in Indonesia', in Robert Weller (ed.) *Civil Life, Globalization and Political Change in Asia: Organizing between Family and State*, New York: Routledge, pp. 148-70.
- Ford, Michele (2002) 'Responses to Changing Labour Relations: The Case of Women's NGOs in Indonesia', in Dong-Sook Gills and Nicola Piper (eds.), *Women and Work in Globalising Asia*, London and New York: Routledge, pp. 90-111.
- Ford, Michele (2003), 'Beyond the Femina Fantasy: The Working-Class Woman in Indonesian Discourses of Women's Work', *Review of Indonesian and Malaysian Affairs*, 37 (2), 83-113.

- Ford, Michele (2009), *Workers and Intellectuals: NGOs, Trade Unions and the Indonesian Labour Movement*, Singapore: NUS Press/Hawaii/KITLV.
- Gershman (2002), 'Is Southeast Asia the Second Front?', *Foreign Affairs*, 81 (4), 60-74.
- Hadiz, Vedi (1997), *Workers and the State in New Order Indonesia*, London and New York: Routledge.
- Hafner-Burton, Emilie and Kiyoteru Tsutsui (2005), 'Human Rights in a Globalizing World: The Paradox of Empty Promises', *American Journal of Sociology*, 110 (5), 1373-1411.
- Herbert, Jeff (2008), 'The Legal Framework of Human Rights in Indonesia', in Tim Lindsey (ed) *Indonesia: Law and Society*, Annandale: Federation Press, pp. 256-82.
- Heryanto, Ariel and Stanley Yoseph Adi (2002), 'Industrialized Media in Democratizing Indonesia', in Russell Heng (ed.) *Media Fortunes, Changing Times: ASEAN States in Transition*, Singapore: ISEAS, pp. 47-82.
- Human Rights Watch (2002), *Justice Denied for East Timor: Indonesia's Sham Prosecutions, the Need to Strengthen the Trial Process in East Timor, and the Imperative of U.N. Action*, <http://www.hrw.org/en/reports/2002/12/20/justice-denied-east-timor>, accessed 2 April 2009.
- Human Rights Watch (2007), *Indonesia: Reform of Military Business. A Human Rights Watch Background Briefing*, <http://www.hrw.org/en/reports/2007/02/16/indonesia-reform-military-business>, accessed 2 April 2009.
- Jakarta Crackdown* (1997), Jakarta: Alliance of Independent Journalists/Asian Forum for Human Rights and Development/Institute for the Studies on Free Flow of Information.
- Juwana, Hikmahanto (2003), 'Assessing Indonesia's Human Rights Practice in the Post-Soeharto Era: 1999–2003', *Singapore Journal of International and Comparative Law*, 7, 644–77.
- Katjasungkana, Nursyahbani (2008), 'Gender and Law Reform in Indonesia: Overcoming Entrenched Barriers', in Tim Lindsey (ed.) *Indonesia: Law and Society*, Annandale: Federation Press, pp. 483-98.
- Liddle, R. William (1997), 'Indonesia in 1996: Pressures from Above and Below', *Asian Survey*, 37 (2), 167-74.
- Linton, Suzannah (2004), 'Unravelling the First Three Trials at Indonesia's Ad Hoc Court for Human Rights Violations in East Timor', *Leiden Journal of International Law*, 17: 303-361.
- Linton, Suzannah (2006), 'Accounting for the Atrocities in Indonesia', *Singapore Yearbook of International Law and Contributors*, 10 pp.1–33.
- Lubis, Todung Mulya (1993), *In Search of Human Rights: Legal-Political Dilemmas of Indonesia's New Order, 1966-1990*, Jakarta: PT Gramedia Pustaka Utama in cooperation with SPES Foundation.
- Lyons, Lenore and Michele Ford (2010), 'Where are your Victims?' How Sexual Health Advocacy came to be Counter-Trafficking in Indonesia's Riau Islands. *International Feminist Journal of Politics* 12 (2).
- Mohamad, Maznah (2002), 'Towards a Human Rights Regime in Southeast Asia: Charting a Course of State Commitment', *Contemporary Southeast Asia*, 24 (2), 230 - 251.

- Purdey, Jemma (2002), 'Problematizing the Place of Victims in Reformasi Indonesia: A Contested Truth about the May 1998 Victims', *Asian Survey* XLII (4), 605 - 622.
- Purdey, Jemma (2008), 'Legal Responses to Violence in Post-Soeharto Indonesia', in Tim Lindsey (ed.) *Indonesia: Law and Society*, Annandale: Federation Press, pp. 515-531.
- Risse, Thomas and Kathryn Sikkink (1999), 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction', in Thomas Risse, Stephen Ropp and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press, pp. 1-38.
- Robison, Richard and Vedi Hadiz (2004), *Reorganizing Power in Indonesia: The Politics of Oligarchy in an Age of Markets*, London and New York: Routledge.
- Ron, James, Howard Ramos and Kathleen Rodgers (2005), 'Transnational Information Politics: NGO Human Rights Reporting, 1986-2000', *International Studies Quarterly*, 49, 557-587.
- Sari, Agus (2002), 'Conflicts Over Development Strategies - Environmental and Human Rights Impacts of Trade Liberalization: A Case Study in Batam Island, Indonesia', in Zarsky, Lyuba (ed.), *Human Rights and the Environment: Conflicts and Norms in a Globalizing World*, London, Sterling: Earthscan, pp. 123-146.
- Simpson, Bradley (2008), *Economists with Guns: Authoritarian Development and U.S.-Indonesia Relations, 1960-1968*, Stanford: Stanford University Press.
- Stanley Yoseph Adi (1994), *Seputar Kedung Ombo*, Jakarta: Lembaga Studi Advokasi Masyarakat.
- Stepan, A. (1978), *The State and Society: Peru in Comparative Perspective*, Princeton: Princeton University Press.
- Suryakusuma, Julia (1996), The State and Sexuality in New Order Indonesia, in Sears, Laurie (ed.), *Fantasizing the Feminine in Indonesia*, Durham, Duke University Press.
- Susanti, Bivitri (2001), 'Constitution and human rights provisions in Indonesia: an unfinished task in the transitional process', paper presented at *Constitution and Human Rights in a Global Age: an Asia-Pacific History*, the Australian National University, Canberra, 13 December, available at: http://rspas.anu.edu.au/pah/human_rights/papers/2001/Susanti.pdf (accessed 9 August 2009).
- Tanter, Richard et al (eds.), *Bitter Flowers, Sweet Flowers: East Timor, Indonesia and the World Community*, Lanham, Rowman & Littlefield.
- True, Jacqui and Michael Minstrom (2001), 'Transnational Networks and Policy Diffusion: The Case of Gender Mainstreaming,' *International Studies Quarterly*, 45, 27-57.
- United States Department of State (2008), *Indonesia: 2007*, <http://www.state.gov/g/drl/rls/hrrpt/2007/100521.htm>, accessed 23 March 2009.
- Vreeland, James (2008), 'Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention against Torture', *International Organization*, 62 (1), 65-101.
- Westad, Odd (2005), *The Global Cold War: Third World Intervention and the Making of Our Times*, Cambridge: Cambridge University Press.

Notes

¹ The circumstances surrounding the coup and the mass killings that followed are still a matter of fierce scholarly and public debate. For a summary of the explanations offered for the coup, see Cribb (2002).

² Later *Reformasi* governments passed laws dealing with the rights of migrant workers and against human trafficking, reflecting the changing priorities of the international community.

³ For more extensive overviews of the major human rights changes since *Reformasi*, see Eldridge (2002), Herbert (2008) and Juwana (2003). For an account of human rights in the New Order written at the height of *keterbukaan*, see Lubis (1993). For sector-specific accounts, see Ballard (2001), Sari (2002) and Purdey (2008).

⁴ Cardenas (2001) provides a detailed account of the politics surrounding the establishment of Komnas HAM.

⁵ The desire of influential political figures within Timor Leste, and especially Ramos Horta and Xanana Gusmao, to establish a working relationship with Indonesia also helps to explain the international community's reluctance to push harder to bring the military and military-sponsored militias to justice for serious crimes committed in 1999 and during the Indonesian occupation.

⁶ As True and Mintrom (2001) demonstrate, the spread of gender mainstreaming programs is by no means unique to Indonesia.

⁷ But see Juwana (2003) for a less rosy picture of NGOs, particularly those that have been established in recent years to further the interests of corrupt officials.