

Hazard or Right?
The Dialectics of Development Practice and the
Internationally Declared Right to Development,
with Special Reference to Indonesia

SCHOOL OF HUMAN RIGHTS RESEARCH SERIES, Volume 31

The titles published in this series are listed at the end of this volume.

Hazard or Right?
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Internationally Declared Right to Development,
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Irene Hadiprayitno



Antwerp – Oxford – Portland

Cover photograph: From the courtesy of Himpunan Pengembangan Jalan Indonesia (HPJI), The Province of Yogyakarta, Jembatan Kebon Agung II

Typesetting: G.J. Wiarda Institute for Legal Research, Boothstraat 6, 3512 BW Utrecht.

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ISBN 978-90-5095-932-2

D/2009/7849/40

NUR 828

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To that mammon
DEVELOPMENT
our high-priests
sacrifice
our customs
our culture
our traditions
and environment
and nobody cares

From *Kuala Juru – death of a village*
Cecil Rajendra

To the memory of my grandmother, M.P. Ginokariyo (ca. 1922-2008)

PREFACE

Any inhabitant of Jakarta knows that rain does not always bring good luck. The threat of flood during the rainy season has been haunting us annually, particularly during the months of January and February. While the poor suffer most from the detrimental effects of floods, everyone living in this city would be able to tell two or more personal stories about the negative effects of such a disaster. As a response, we Indonesians are capable of always finding ways to accept tragedies as destiny and assure ourselves that what happened is not that bad. Somehow we master the art of discovering the wisdom beneath every unfortunate moment. Nevertheless, floods in Jakarta should not be accepted as just a matter of fate, especially since this adversity cannot entirely fit into the profile of natural disasters. It happens partly because the local government prefers to build malls, hypermarkets or trade centres than deal with the increased loss of vegetation in the upper catchments of the rivers that flow into the Jakarta region.

Reflecting upon my drive to engage into some solid research concerning strenuous issues of human rights and development, I could not escape thinking about this annual tragedy, not only because I have experienced it myself, but also as the local media is now covering these avoidable disasters. Indeed, my focus on the right to development in light of development hazards has not been a coincidence. I sincerely hope that this book may enrich the debates on the right to development, while moving the focus of attention to the protection of victims in processes of imposed development.

Completing this book would not have been possible without the help and support of others. It is more than proper, therefore, for me to take this opportunity to express my sincere gratitude to everyone who has made this work possible. Unfortunately, it is evident that there are so many institutions and persons involved in the process that it is impossible to mention them all. This only shows my limitations and does not mean that their help has not been significant.

My love and thankfulness, first of all, properly go to my husband, Jeroen Zandbergen, for his encouragement and patience that have helped me enduring this journey. I also would like to give my foremost appreciation to my family, especially to my parents, Marcus Hadiprayitno and Lidwina Kamidah, for their prayers that have always brightened my days and for teaching me to live to my full potential.

Moreover, my gratitude goes to Professor Bas de Gaay Fortman, my supervisor, without whose involvement this thesis would not have been completed. His guidance was indispensable and his constant encouragement was fundamentally necessary. I am indebted to my other supervisor, Professor Fried van Hoof, who supported my application to conduct my research at the Netherlands Institute of Human Rights (SIM). His comments stimulated me to think critically. Furthermore, I would also like to thank

Professor Philip Quarles van Ufford for his willingness to be involved in the research. His suggestions were invaluable in improving my thesis and our discussions have always been inspiring. To all of them I owe my greatest intellectual debt.

To the members of the reading committee, Professor Rhoda Howard-Hassmann, Professor M.A. Mohamed Salih, Professor Nico Schrijver, Professor Nico Schulte Nordholt and Professor Cees Flinterman, I would like to present my appreciation for their time and comments on the thesis.

Being Indonesian does not always come with advantages, particularly in relation to field research and data collection. In this regard, I am deeply grateful to the population of Sendang Agung Village, Yogyakarta, not only for their hospitality, but also for giving me permission to carry out this study. I also want to thank Renata Arianingtyas and Atnike Nova Sigiro for their help in opening some doors during the process.

All of my old and new friends in Indonesia and The Netherlands, Indah Susanti, Chiseche Mibenge, Tamara Lahovski, Rizki Pandu Permana and Risma Ikawaty and too many to mention by name, who directly or indirectly made these past six years a fruitful and cheerful experience, I thank them very much. My foremost appreciation goes to my paranymphs, Birsen Erdogan and Bernadette Budhawara, for their support during the defence that took place on 13th February 2009.

I know for sure that the journey would have been tougher without the support of all members of the SIM family, especially the PhD candidates, for creating a pleasant and dynamic working environment. To this institution I owe my intellectual growth. The interdisciplinary approach of my study has benefitted from the welcoming atmosphere of SIM. I want to thank our director, Professor Jenny Goldschmidt for providing the possibility to finalise my research at SIM, and also to Marcella Kiel for her assistance throughout the research. I would like to thank Ian Curry-Sumner and Titia Kloos for editing and arranging the layout for this thesis.

Finally, I want to express my gratitude to the UNESCO Fellowship Programme, for their financial support so that this study could be completed and a commercial edition thesis could be realised.

Utrecht, 23 March 2009

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LIST OF ABBREVIATIONS

ADB	Asian Development Bank
APBD	Anggaran Pendapatan dan Belanja Daerah (Regional Budget Year)
APBN	Anggaran Pendapatan dan Belanja Nasional (National Budget Year)
Apindo	Asosiasi Pengusaha Indonesia (Indonesian Business Association)
Bappenas	Badan Perencanaan Pembangunan Nasional (National Development Planning Board)
Bappeda	Badan Perencanaan Pembangunan Daerah (Regional Development Planning Board)
BPD	Badan Perwakilan Desa (Village Representative Board)
BPS	Biro Pusat Statistik (Central Agency for Statistics)
Bulog	Badan Urusan Logistik (Logistic Agency)
CPI	Corruption Perception Index
CSO	Civil Society Organisations
DAC	Development Assistant Committee
DFID	Department For International Development
DPR	Dewan Perwakilan Rakyat (People's Representative Council – the National Legislature)
DPRD	Dewan Perwakilan Rakyat Daerah (Regional People's Representative Council)
ECOSOC	Economic and Social Council
ELSAM	Lembaga Studi dan Advokasi Masyarakat
EU	European Union
GDP	Gross Domestic Product
HPI	Human Poverty Index
IACHR	Inter-American Court of Human Rights
Ibid	Ibidem
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
IDA	International Development Assistance
IDEA	Institute of Development and Economic Analysis
IDR	Indonesian Rupiah
INFID	International Forum on Indonesian Development
ILO	International Labour Organisation
IMF	International Monetary Fund
IRN	International River Network

List of Abbreviations

KPPOD	Komite Pemantauan Otonomi Daerah (Monitoring Committee of Local Autonomy)
KPR	Kredit Pemilikan Rumah (Home Loan National Program)
Komnas Ham	Komisi Nasional Hak Asasi Manusia (National Commission for Human Rights)
KONTRAS	Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (Commission for Disappeared Persons and Victims of Violence)
KUD	Koperasi Unit Desa (Credit for Farmers)
LSM	Lembaga Swadaya Masyarakat
MDG	Millennium Development Goals
MPR	Majelis Permusyawaratan Rakyat (People’s Consultative Assembly)
Musrembang	Musyawaharah Perencanaan Pembangunan (Deliberation of Development Planning)
NAM	Non-Aligned Movement
OECD	Organisation for Economic Co-operation and Development
OEWG	Open-Ended Working Group on the Right to Development
OHCHR	Office of High Commissioner for Human Rights
p.	page
pp.	pages
para.	paragraph
PRAMs	Participatory Rights Assessment Methodologies
Pertamina	Perusahaan Tambang dan Minyak Negara (State Oil Company)
Propenas	Program Pembangunan Lima Tahun (Five-year Development Programme)
Puskesmas	Pusat Kesehatan Masyarakat (Sub-District Health Centres)
Repelita	Rencana Pembangunan Lima Tahun (Five-year Development Plan)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
USAID	United States Agency for International Development
WB	World Bank
WHO	World Health Organisation
YLBHI	Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)