



## **A Brief History of UNDROP and Challenges to its Implementation in Indonesia**

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### **Abstract**

*The Indonesian government has issued agrarian reform policies to improve peasants' access to their means of production, particularly land, and reduce land inequality. Agrarian reform is carried out with asset legalization, land redistribution and social forestry. One of the things that may be highlighted is the struggle to encourage the implementation of UNDROP has not been fully supported by social movements in Indonesia in large numbers. The formulation of UNDROP does not occur at one particular moment, but through a process of discussion that takes place for several years before the finalization stage and is brought to the international space. This conference was a moment for UNDROP where it endorsed UNDROP as an international struggle of LVC and produced the Declaration on the Rights of Peasant – Women and Men. When the food crisis occurred, the LVC explained before the United Nations that the adoption of the UN Convention on the Rights of peasants could be the basis for solutions to discrimination against peasants and the food crisis. In the context of policy, the Government of Indonesia still tends to focus on policies that encourage economic growth through the withdrawal of investment and free trade.*

**Keywords:** *UNDROP; Peasants Right; History*

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### **A Brief History Of The UNDROP**

On 17 December 2018 the UN General Assembly adopted the Human Rights of Peasants and People Working in Rural Areas into a UN declaration currently called the *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Rural Area (UNDROP)*. This adoption is the existence of a human rights instrument that specifically recognizes peasants and people working in the countryside as having rights that must be fulfilled, respected and protected. The birth of UNDROP is inseparable from the struggle of social movements, especially La Via Campesina (LVC) which is a structured, representative, and legitimate peasant movement, with a shared identity, which connects the people. Social support on five continents, bridging the movement in northern countries with the south. LVC has been identified as one of the grassroots actors who is the most innovative actor in setting the agenda for UK political policy and social media. (Martínez-Torres & Rosset, 2010).

The formulation of UNDROP did not occur at one particular moment, but through a process of discussion that lasted for several years before finalization and was brought to the international space. This formulation process took place between the period of

1998 to 2001 in Indonesia, which passed several discussions in forums of peasants, civil society and academia. The conference that became the finalization of the formulation took place on April 17 to 20, 2001 when the National Conference on

Agrarian Reform for the Fulfillment and Protection of Human and Peasants Right. The conference organized and attended by several institutions such as government agencies, peasant organizations, civil society and academics, (Organizers: Commission National Rights Asasi Human (KOMNASHAM), FSPI (now SPI)BiNa Village, ESSLPAT, CAPS, CNDS, Network Advocacy peasant, TRK, IPPHTI, FAO/HDI, KPA, INFID, AKATIGA. Participants: FSPI, IPPHTI, STAM, STN, STI Bogor, PPC

Cianjur Institution Pillars Farming, Paguyuban peasant Madura, SAFE. ) successfully formulated an authentic UNDROP derived from from Indonesia which contains 8 (eight) chapters. (Wowono, 2002). After this conference, Indonesia Peasants Union as one of the initiators and organizers and was one of the LVC members bringing UNDROP to the stage. International.

The first time UNDROP was discussed in LVC began in 2002, when SPI brought the UNDROP of Cibubur formulation results to the LVC Southeast Asia and East Asia Regional Meeting in Jakarta which resulted in the Declaration of Fulfillment and Protection of (Saragih, Towards a United Nations Declarations on the Rights of Peasant and other People Working in Rural Areas, 2017) peasants' Rights. After this regional meeting, LVC together with FIAN began making reports on UNDROP violations presented before UNCHR and the Human Rights Council in 2004, 2006 and 2008. (La Via Campesina, 2018). Then, the next moment for the UNDROP struggle was the International Conference on Peasant Rights: Toward International Convention in 2008 which was attended by LVC members and SPI members. This conference was a moment for UNDROP where it endorsed UNDROP as an international struggle of LVC (Saragih, Interview with Henry Saragih, 2019) and produced the Declaration on the Rights of Peasant – Women and Men.

The first moment UNDROP was introduced in the international decision-making arena was when the world was experiencing food crisis that occurred in the period 2007-2008 when the price of basic food in the world experienced a very high price increase. When the food crisis occurred, the LVC explained before the United Nations that the adoption of the UN Convention on the Peasants Right could be the basis for solutions to discrimination against peasants and the food crisis. Their arguments were well received by various parties and it is clearly understood that the protection of peasants' rights should be an integral part of the work of the Advisory Committee of the UN Human Rights Council. (Golay, Towards a Convention on The Rights of Peasant, 2009). In a study on discrimination in the context of the right to food presented to the Human Rights Council in March 2010, the Advisory Committee concluded that peasants and communities working in rural areas are the main victims of human rights violations and discrimination, including those with the right to food. It describes the draft La Via Campesina declaration as one of the 'most important developments in the protection against discrimination in the context of food rights and concludes that it is time for the UN to conduct a preliminary study of the significance and importance of possible new instruments on the rights of peasants and communities'. Living in rural areas, including from traditional fishing, hunting and herding activities. (Geneva Academy, 2015)

Putting forward these recommendations, in March 2010 the Human Rights Council asked the Advisory Committee to conduct a preliminary study on ways and

means to further advance the rights of people working in rural areas, including women, particularly smallholder peasants involved in the production of food and/or other agricultural products, including from tilling land, traditionally fishing and hunting. (Geneva Academy, 2015). In March 2012, the Committee presented the Final Study on

the advancement of the human rights of peasants and working communities in rural areas. The Committee recommended that the Human Rights Council establish a new mandate for specific procedures to strengthen the promotion and protection of the human rights of peasants and communities working in rural areas and to implement international instruments (Geneva Academy, 2015). After that, based on the results of the UN Human Rights Council, the process of making new instruments related to peasants' human rights was continued in a formal process by forming the Open-Ended Intergovernmental Working Group (OEIWG). (La Via Campesina, 2018) This working group lasted from 2013 until the adoption of UNDROP in 2018.

## **OVERVIEW OF THE SITUATION OF PEASANTS IN INDONESIA**

As an agrarian country, the number of peasants in Indonesia was around 33 million people in 2018. If we categorized in agricultural business households, there are about 27 million households. When viewed further, the agricultural business household is dominated by gurem agricultural business households, namely households that only control less than 0.5 hectares of land which amount to about 15 million households. (Central Bureau of Statistics, 2018). Meanwhile, the number of poor people in Indonesia reached 27 million people or 10.14% of the total population of Indonesia of which 15 million people are in rural areas. (Central Bureau of Statistics, 2021). Based on land tenure indicators and poverty data, it can be concluded in general that the situation faced by peasants in Indonesia is quite difficult.

In the context of policy, the Government of Indonesia still tends to focus on policies that encourage economic growth through the withdrawal of investment and free trade. For example, the issuance of Law No. 11 of 2020 on Work Copyright (UUCK) which is considered by the peasants movement as one of the regulations that will further complicate the lives of peasants in Indonesia. This form of threat can be seen from the removal of some provisions that have prioritized Indonesian peasants as the main producer of food in Indonesia and protection against food imports that harm peasants (Indonesian Farmers Union, 2020). In addition, the law is considered to result in land grabs, violence, and criminalization of peasants, the legalization of seed imports and GMOs. Furthermore, in this rule-making process the peasant movement is not fully involved (Indonesian Farmers Union, 2021). Other examples are ratification or negotiation of free trade agreements such as the Indonesia-EFTA Comprehensive Economic Partnership Agreement (IE-CEPA) which has the potential to encourage violations of peasants' rights to seeds and increase fish imports in Indonesia as well as the Regional Comprehensive Economic Partnership (RCEP) which will free up tariffs, products such as sugar, meat and processed foods. (Indonesian Farmers Union, 2021). Nevertheless, the Government of Indonesia has issued agrarian reform policies to improve peasants' access to their means of production, especially land, and reduce land acquisition inequality.

Agrarian reform is carried out with asset legalization, land redistribution and social forestry. In the form of agrarian reform targeted to be implemented an area of 9 million hectares with the legalization of assets of 4.5 million hectares and land redistribution of 4.5 million hectares, including Right to Use Of Business, abandoned

land and other State land area of 400,000 hectares and land derived from the release of forest areas of 4.1 million hectares. (Law and Public Relations Bureau of the Ministry of ATR /BPN, 2018) . In the implementation of this policy, the peasant's movement was also involved through the establishment of Team Percepatan Penyelesaian Konflik Agraria and Penguatan Kebijakan Reforma Agraria The combination of Government

officials with CSO activists at the national level is an Adhoc team with tasks including drafting and implementing a joint action plan to accelerate the resolution of agrarian conflicts and strengthen agrarian reform policies (Office of the President's Staff, 2021). However, the government's efforts are considered not to be going well due to the very limited authority, ego sectoral of each ministry that is in the team is still very strong and not understanding between the central government to the government at the local level. (Indonesian Farmers Union, 2021) Agrarian conflict is a thorny problem in Indonesia considering that still many unresolved conflicts and the emergence of new conflicts. In 2021, 207 cases of agrarian conflict have occurred throughout the year. (Agrarian Renewal Consortium, 2022).

### **UNDROP IMPLEMENTATION CHALLENGES IN INDONESIA**

Based on the situation that has been explained, the implementation of UNDROP becomes urgent in Indonesia. However, the implementation efforts still do not seem adequate. According to the author, this occurs due to challenges that may be seen from 3 aspects, namely human rights mechanisms, state partisanship, and consolidation of social movements. Human rights mechanisms have a very important role in the efforts to protect, protect and respect UNDROP. According to Christophe Golay, Accountability for rights violations enshrined in UNDROP must be enhanced by the establishment of new human rights monitoring mechanisms, or strengthening existing national, regional and international levels. The Human Rights Council should create new special procedures in the rights of peasants and others working in the countryside, and special mechanisms should be established to monitor UNDROP at the regional and national (Golay, The Role of Human Rights Mechanism in Monitoring United Nations Declaration on the Rights of Peasants, 2020) levels.

Reflecting from UNDRIP (United Nations Declaration on the Rights of Indigenous People), at the international level there have been established 2 human rights mechanisms, namely the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on indigenous peoples' rights. The UN mechanism has raised awareness about UNDRIP and has called on countries and international and regional organizations to take concrete steps towards its implementation. Both have also pushed regional and national courts to protect the rights of indigenous peoples. (Golay, The Role of Human Rights Mechanism in Monitoring United Nations Declaration on the Rights of Peasants, 2020) This institution has not yet been established for UNDROP. To this day, social movements that have been encouraging the adoption of UNDROP are still trying to encourage human rights mechanisms at the international level. Then at the regional level, namely AICHR (ASEAN Intergovernmental Commission on Human Rights) of which Indonesia is a member, also still has not been able to establish UNDROP. Then at the national level, KOMNASHAM (National Commission on Human Rights of the Republic of Indonesia) has not focused its work in UNDROP specifically but focused on cases of human rights violations arising from agrarian conflicts. (National Human Rights Commission of the Republic of Indonesia, 2019).

Then, the challenge of the second aspect is the alignment of the country. As a declaration, the implementation of UNDROP requires the establishment of binding policies at the national level as well as the implementation of comprehensive policies. States' obligations to human rights are clearly stipulated in the UN charter whereby they must ensure consistency of their national policies towards existing human rights norms, regardless of their position whether they agree with them or not. (Golay, *The Implementation of the United Nations Declaration on the Rights of Peasants and Other*

*People Working in Rural Areas*, 2019). But in reality many countries have not complied, including Indonesia. For example, in the context of policy setting, as explained in the previous section that the Government of Indonesia is currently focusing on policies to increase investment and trade to encourage economic growth that are contrary to undrop values. Then in the context of implementation where Indonesia already has various regulations that meet and protect the rights of peasants but are not implemented properly or not implemented at all. Examples such as the Basic Agrarian Law, Protection and Empowerment of peasants, Food etc. The policy is very minimally implemented by the government, as well as the implementation of agrarian reform policies that have been described in the previous section.

The final challenge is the consolidation of social movements in Indonesia. It cannot be denied that the pressure of social movements is crucial in giving birth to policies in a country. The freshest example of such a statement is that of peasants in India. During the one year of organizing the protest they managed to cancel policies that they considered detrimental to peasants (BBC NEWS Indonesia, 2021). Consolidation of social movements such as needed in encouraging the implementation of UNDROP in Indonesia. In fact, some social movements have continued to make efforts to encourage the implementation of UNDROP. As done by the Indonesian Peasants Union which has conducted public awareness campaigns, education, lobbying and various other efforts. However, to this day there is still no policy at the national level that contains UNDROP as a whole or a policy that refers to UNDROP. One of the things that may be highlighted is the struggle to encourage the implementation of UNDROP has not been fully supported by social movements in Indonesia in large numbers. Or it can be said that not all social movements consisting of stakeholders in UNDROP participate in encouraging UNDROP to be implemented.

## **CONCLUSION**

After 3 years of UNDROP, an on going effort is needed to encourage its implementation in Indonesia. Efforts carried out based on the cooperation of various actors are the same as when UNDROP was still not adopted. Actors such as human rights mechanisms, states and social movements are not separate but interconnected and influencing.

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