About this book

*Strengthening Social Policy: Lessons on forging government-civil society policy partnerships* analyses a series of innovative experiences in Southeast Asia and Canada, which succeeded through the joint efforts of government and civil society. The focus is on lessons learned that can help foster social policy partnerships across the world.

This book is based on case studies developed by experts in Indonesia, Malaysia, the Philippines, Thailand and Canada that were presented at an international conference in Kuala Lumpur in June 2004. In this book we also explore what partnership means and look at the challenges and opportunities involved in partnership across the globe.
Strengthening Social Policy

Lessons on forging government-civil society policy partnerships

EDITORS
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Jennifer Chandler
The views expressed in this document are the views of the authors and do not necessarily reflect those of the Institute On Governance, its Board of Directors or the Canadian International Development Agency.

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We explore what good governance means in different contexts. We undertake policy-relevant research, and publish the results in policy briefs and research papers.

We help public organizations of all kinds, including governments, public agencies and corporations, the voluntary sector and communities, to improve their governance.

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Chapter 1
Introduction

Background

Authoritarian approaches to governance in many parts of the world have proven ineffective at meeting today’s governance and development challenges. As a result, civil society organizations are being asked to take on an ever more important role in the governance process. Across the globe partnerships are being used to strengthen the legitimacy of public policy making by engaging citizens in the definition and implementation of policies that concern them. Civil society, and civil society in partnership with business and government, is increasingly seen as the most appropriate actor to deal with a range of problems, particularly those related to social issues. Many of these issues are outside the reach of state bureaucracy and beyond the interests of the private sector. The logic of this approach is that social problems have multiple causes and require the collaborative effort of a range of players.

The relationship between civil society organizations and government on policy issues is a concern throughout much of the world, including Southeast Asia. Sustainable and equitable growth needs to be accompanied not only by democratic decision-making but more effective government-civil society partnerships. Yet governments have much to learn about how to build a civil dialogue and broaden the policy-making process, and how to build constructive policy partnerships with civil society. Civil society organizations, for their part, are recognizing the role they need to play in the policy process and the importance of building more effective relationships with government to create and implement social policy. They are also starting to develop the capacities they need in order to engage successfully.

In Canada there is also increasing recognition of the importance of the government-civil society relationship and the challenges inherent in such a relationship. The Voluntary Sector Initiative (VSI), an undertaking between the Government of Canada and the voluntary sector, is aimed at improving the relationship between government and the sector and strengthening the sector’s capacity. During this five-year initiative, the federal government and the voluntary sector are working together to address issues including funding practices, policy dialogue and volunteerism, and are conducting research on the sector.

The Project

As part of Canada’s Voluntary Sector Initiative, the Government of Canada funded research to explore how government could more effectively engage the voluntary sector in the policy process. One of these research projects, funded by the Canadian International Development Agency (CIDA) and undertaken by the Institute On Governance, focused on building more effective government-civil society social policy partnerships.

The overall goal of the project was to assist government and civil society in Canada and four countries in Southeast Asia to develop more effective government-civil society policy partnerships, with a specific focus on policy related to the social agenda. The participating countries were Canada, Thailand, Malaysia, Indonesia and the Philippines.

These were the specific objectives of the project:
- Build a network linking civil society organizations focused on the social agenda to
key policy officials responsible for social agenda issues in government in Canada and four countries in southeast Asia.

- Learn, from the experience of the five countries represented in the network, how to strengthen the capacity of civil society organizations to impact upon government policy decisions and how to build more effective state-society policy partnerships on matters related to the social agenda.

- Use the knowledge gained to inform both government and civil society organizations in Southeast Asia and Canada on building the capacity of civil society organizations and building more effective policy partnerships on social agenda issues.

Researchers in each of the five participating countries were asked to develop case studies that traced the history and the dynamics of the relationship between government and civil society on one or more particular social policy issues, drawing out how conflicts were dealt with, how trust was built and how the involvement of the non-governmental organizations (NGOs) impacted on policy. The overall aim was to draw out lessons learned from what worked and what did not work very well.

The topics chosen for the case studies reflected the wide range of social policy challenges facing the region and the world – prostitution, trafficking in women, maternity leave, children’s rights, indigenous people’s rights and consumer issues. All of the researchers chose to apply a number of different methodologies in their studies, including focus groups, roundtable discussions, individual interviews and literature surveys. All were able to secure the involvement of both civil society and government representatives in their focus groups or individual interviews.

Upon completion of the case studies, a regional meeting was held in Kuala Lumpur, Malaysia on June 16 and 17, 2004 to share the results and build upon the lessons learned. The meeting was also an opportunity to build networks among civil society and government representatives at the national, regional and international levels.

This Book

The objective of this book is to share the results of the case studies and the broader lessons that have been learned from this project, in terms of partnerships, partnership building and the factors that impact on government-civil society collaboration on social policy. Our hope is that the results of this research will assist others in government and civil society in Canada, Southeast Asia and around the world, as they move toward a more collaborative approach to social policy development.

The book begins with an exploration of the term partnership, along with its opportunities and challenges. Second, a brief summary of some of the socio-political and economic factors that influence government-civil society partnerships in each country is provided. Next, the five case studies are presented. The final chapter then draws out the key common messages from the case studies, and explores some of their implications for effective social policy partnerships.
Chapter 2
Policy Partnerships in an Era of Cosmopolitan Governance

Jennifer Chandler, Institute On Governance

A partnership may be defined simply as a collaborative venture between two or more organizations that pool resources in pursuit of common objectives. As in law – where the term generally implies a sharing of risks and rewards – a policy partnership aims to provide all partners with a better strategy to address a specific project or goal than any partner could muster, operating independently. The partnership “add[s] value to the efforts of individual partners.”1

The increased focus on partnerships as a tool for governance fits into the wider process of movement from the unitary state as the main governance actor toward the idea of “cosmopolitan” governance. According to Held, 2 this change has involved the growth of a web of complex relationships – at regional, national and global levels, and at every level across political institutions, agencies, networks and associations in the economy and in civil society. The concept of “governance,” itself, is no longer focussed on national governments and traditional models of public administration. It is becoming a more wide-ranging and flexible term that can connote various forms of administrative or regulatory capacity. 3

Governance has become a “hot” topic, as evidence mounts on the critical role it plays in determining societal well-being. Research has shown that, if we improve the processes and institutions we use to make important decisions, we will have better results. The Secretary General of the United Nations, Kofi Annan, reflected this growing consensus when he recently stated that “good governance is perhaps the single most important factor in eradicating poverty and promoting development.” 4

Policy partnerships are a growing component of governance, defined as the process whereby societies or organizations make their important decisions, determine whom they involved in the process, and how they render account. As John Graham of the IOG noted in a recent paper, the prevalence of partnerships and new institutional arrangements is raising questions about who should properly be involved in what – a classic example of a “new” governance question. 5

Building more effective social policy partnerships, which is the overall purpose of this CIDA-funded project, is essentially about building good governance. Defining principles of good governance is both controversial and complex, with different variants put forward by different institutions and organizations. The United Nations Development Program (UNDP Governance and Sustainable Human Development 1997) presented a set of principles that, with slight variations, appear in much of the literature.6 These principles are not only about the results of power but also how well power is exercised.

According to this approach, good governance exists where those in positions of power are perceived to have acquired this power legitimately, and there is appropriate voice accorded those whose interests are affected by decisions. 7 Furthermore, the exercise of power results in a sense of overall direction that serves as a guide to action. Performance is a third criterion. Governance should result in performance that is responsive to the interests of citizens or stakeholders. In addition, good governance acquires accountability between those in positions of
power (agents) and those whose interests they are supposed to be serving (principals). Accountability cannot be effective unless there is transparency and openness in the conduct of the organization’s work. And governance should be fair, which implies conformity to the rule of law and principles of equity. 8

Partnerships can also lead to more effective socio-political and socio-economic development by revealing the complex social dynamics that surround such development. Moreover, partnerships can specifically improve the cost effectiveness of social development by bringing on board civil society actors who “take ownership of interventions and are an added resource in their implementation.” 9

The OECD10 and others have stressed that NGOs may be best suited for the tasks of fostering popular participation – which includes articulating the needs of the weak (including the poor); working in remote areas; changing attitudes and practices of local officials; and nurturing the productive capacity of the most vulnerable groups, such as the disabled and landless. For example, studies of decentralization and land reform programs in a range of countries have demonstrated that the active involvement of local organizations helps benefits reach poorer citizens. 11

Partnerships are complex and varied, however, and it is important to look at the players, power dynamics and politics surrounding a particular relationship. Terms like “participation” and “partnership” are seen in much development literature as embodying positive norms and practices, such as the potential to transcend social divides. They are, nevertheless, value-laden terms, each with a wide range of meanings that are often contested. As Harriss notes:

Partnership is a term which has come to be used very loosely, to refer to almost any kind of relationship between individuals and groups … [where] straightforward contracting relationships are quite often described as “partnerships” … or asymmetrical relationships between northern and southern NGOs, in which the language of partnership thinly veils direction based on power differences. 12

Use of the term “partnership” to describe the nature of a policy does not, in and of itself, necessarily indicate any actual change, since the term has often been used one way rhetorically and quite another in practice. In Britain, for example, the notion of partnership has been reworked numerous times during the twentieth century, with its practical definition under Thatcher’s administration bearing little resemblance to New Labour’s 1998 compact with the voluntary sector.

The term “partnership” should not be taken to imply an equal distribution of power, resources, skills and responsibilities. In fact, partnerships may encompass a broad array of arrangements that range from informal associations or networks to formal legal agreements. Partnerships are about power, both individual and collective, and though power is always present it is rarely equal. A successful partnership values and openly acknowledges the different types of power that each individual or organization brings. 13

According to Clark (1995), where the government has a positive social agenda (or even where individual ministries do) and where NGOs are largely effective, there is potential for a strong, collaborative relationship.14 Clark is not referring here to the subcontracting of placid NGOs, but rather a genuine partnership to work on a problem, based on mutual respect, acceptance of autonomy, independence and pluralism of NGO opinions and positions.

Even when these conditions are met, enduring problems include mutual distrust, government fears of NGO erosion of their political power, and NGO mistrust of government motivation. As NGOs develop closer collaboration with governments and enter into partnerships, there can be risks of corruption, reduced independence, and financial dependency. A key question civil society and government actors entering into partnership must face is: what does participation mean? In Ireland, for example, a new model of governance involves broad societal participation in decision making, with the voluntary sector designated as a “pillar,” or full social partner. Yet some in the voluntary sector are questioning whether they ought to remain in social partnership, given operational problems such as a lack of commitment to in-depth consultation and what some in civil society call “real” participation. 15
Questions have also been raised as to whether the pillar should remain in the partnership, given the failure to achieve certain objectives, such as greater social inclusion and reductions in inequality and poverty. Could alternative strategies by civil society – that focus on rights, representative democracy, or conflict – achieve more positive outcomes in relation to income equality and structural change?

This raises the issue of the difficulty civil society faces in striking a balance between effective tactical action “inside” and non-conformist tactics or action on the “outside.” Some argue that, if civil society can increase its capacity to “play the game effectively,” there are valid practical reasons to stay in social partnership, including some capacity potentially to effect alliances across a range of society and affect redistributive policies in budgets. A key factor is the ability to develop a clearer rationale and strategy around participation (what it means, tactics and goals, etc.), combined with alternative strategies including raising public awareness, legal challenges, social analysis, networking, conflict and straightforward campaigning.

Clearly, the effectiveness of NGO-state collaboration depends on variables related to the particular sector, the attitude of relevant central and local officials and the attitude of civil society to collaboration. For example, partnership outcomes depend on how the governments provide funds, contract and training opportunities to NGOs. The training and upgrading of local actors (both local civil servants and NGOs) has an important role to play in helping partnership actors build capacity and become conversant with technical, financial and administrative requirements.

Another key issue in partnerships is how civil society and government deals with the challenges of representation (speaking with one voice when possible) and inclusivity (including a wide range of NGOs and CSOs). The challenge of “inclusivity” has two important components. The first main component of inclusivity involves the need to broaden the policy-making process to include civil society. This is the struggle to make the policy-making process more inclusive by fostering the participation of the community and voluntary sector. Increasingly, the sector is being seen as an active player that not only collaborates in the exercise of government, but also shapes and influences it. Second, “inclusivity” involves ensuring wide representation and participation within the community and voluntary sector, itself. While there is a clear need to address the issue of who should speak on behalf of the sector and how it should be represented, it is also important to develop, within communities, mechanisms and institutions that actively engage a wider cross-section of the population.

Representation and inclusivity can be seen as flip-sides of the same coin – the community and voluntary sector faces the challenge of balancing how to become more inclusive with the need to have more clearly defined representation, being both more widely based and more focused. One of the dangers inherent in trying to create a single representative umbrella for civil society on a particular issue is that an inner circle of activists may become overly dominant, and be insulated from membership control. Although umbrella bodies can act as vital conduits between government and thousands of diverse groups and individuals in civil society, there are major inequalities that exist among voluntary organizations, particularly in terms of established social connections that afford access to policy makers. Participatory techniques have been criticized for producing homogenous “local” viewpoints where none previously existed, and for privileging certain voices within the process while excluding others. Complex social dynamics are not necessarily revealed in partnership processes, and exclusions of the less powerful (e.g., women) and less prestigious members may continue. It may be helpful not to view state-civil society partnership as “bipolar affairs,” given that civil society “has many poles” and communities are highly differentiated. This points to the continuing challenge of finding ways to have diverse groups, particularly “weaker” stakeholders represented in civil society’s interaction with the state.

A fundamental challenge for both civil society and government actors around the globe is to find ways to institutionalize means of participation and partnership as normal practice. This challenge includes bridging social divisions and improving participation through processes and institutions, and, most importantly, having those accepted by stakeholders as legitimate and appropriate.
Notes

4 Kofi Annan, www.unu/p&g/wgs/. Similar themes are found in New Partnership for Africa’s Development (NEPAD), the UN Millennium Declaration and other declarations and plans as part of the World Summit on Sustainable Development (WSSD).
6 Ibid.
10 See the 1988 OECD’s Voluntary Aid for Development: the Role of NGOs, the report from the 2002 roundtable on local experiences of rural development, organized by the Working Party on Territorial Policy in Rural Areas, and also the 2001 OECD Report Local Partnerships for Better Governance available at www.oecd.org
15 For more information about barriers to and elements of a “healthy” NGO-state relationship, see Flo Frank and Anne Smith, The Partnership Handbook (Ottawa: Minister of Public Works and Government Services Canada, 2000), p. 15; Cat. no. MP43-3731/1-2000ED.ISBN: 0-662-2881-S.
17 Ibid., p. 122.
21 In Bindura, Zimbabwe, for example, a varied group of civil society actors, including the weakest stakeholders (such as widows), gathered in a workshop to highlight the actual and potential divisions within the community and the likely impact of these divisions on the immediate project at hand (waste disposal). The workshop also focused on management and accountability issues that need to resolved, since their resolution is a major determinant of the terms of participation of different players. See Hazel Johnson and Gordon Wilson, “Biting the Bullet: Civil Society, Social Learning and the Transformation of Local Governance,” World Development 28, 11 (2000).
Chapter 3
The Context for Partnership in the Participating Countries

The nature of civil society-government partnerships varies depending on a host of factors, including the socio-political and economic contexts of the countries involved. The degree to which civil society is a partner in social policy development depends on, for example, political openness to citizen participation, the policy capacity of the civil society organizations and the issue in question. While these and other factors that influence the success of government-civil society social policy partnerships will be explored in more detail in the follow chapters, in the following section we use excerpts from the case studies to paint a picture of the contexts for partnership in each of the participating countries.

INDONESIA

Joe Fernandez

With more than 17,000 islands and 300 ethnic groups, 32 provinces and almost 400 municipalities or regencies, cultural diversity and national integrity have always been important political topics in Indonesia. Now, after four decades of authoritarianism, Indonesia’s governance is transforming as it transitions to a popularly elected government. Through democratization and decentralization, there are important changes occurring in decision-making, policy formulation and the political participation practices that claim to foster more open public engagement.

This is a difficult transition, as Indonesia has long seen the push and pull of authority between the central government and local governments. The push and pull of authority between the central government and local governments has been so intense and long-standing that a state of “yo-yo” politics has ensued, particularly in terms of transfer of authority and administrative devolution. Prior to the general election in 1999, President B.J. Habibie's administration held up the “Law Number 22 year 1999 on Local Government” to show his commitment to change. The previous authoritarian regime had given autonomous power to district administration by decentralizing services and responsibilities, but had actually increased centralism and the intervention of the central government in local affairs. The rigid and patrimonial bureaucracy, which is a core part of Indonesian political culture and legacy, left little room for innovation and autonomy for local government.

President Habibie’s devolution of power to local government was held up as a promise to improve citizens’ political participation and to move public services closer to the people. The law that came into force in 2000 aimed to give “real” autonomy to the (rural) regencies and (urban) municipalities to manage a number of services and duties. As in a federal system, responsibility for the monetary and legal systems, foreign affairs and defence are all retained at the national level, while the authority over forests, mines, roads, harbours and other “areas of strategic national interest” is to be transferred to the provincial level — an administrative arm of the central government. Yet, despite the political power transfer to local government apparatus and members of Parliament at the local level, experience has shown that real public participation actually suffered. After the New Order regime collapsed, the pendulum of power swung toward the Parliament at the sub-national level where “political extortion” practices among politicians are common.

The key question is whether there will be the development of an open and transparent bureaucratic system at the centre, driven by newly empowered and democratically elected regional...
politicians and community leaders. One of the crucial lessons learned is that it will be impossible to achieve regional autonomy if there is no accountable bureaucratic system to deliver equitable policy. Bureaucratic reform is key to the success of decentralization and regional autonomy. Without innovation and self-control inside the bureaucracy, there can be little hope for local governments to become autonomous of the central government and provide the high quality services that local citizens demand. That is why decentralization and democratization in Indonesia provoked highly charged debates and controversy within civil society.

Although the Indonesian political reforms ostensibly offered more room for freedom of expression, people have actually had less real access to participation in the policy-making process. In building partnerships between government and civil society in the making of local policy, it will be critical to learn from these experiences. Partnerships can help to foster good governance practices as well as promote public awareness to involve individual citizens in the political process. This is a positive development that is bringing political and administrative decision-making processes closer to people. As they strengthen their power, local governments and their legislative bodies should open up their spaces for public participation.

In the case of Indonesia, reducing the excessive power of the executive and legislative branches is important in terms of minimizing rent-seeking activities. Hence, it will be important to encourage the participation of civil society actors, including community leaders, academics, individuals and other local non-governmental organization (NGO) activists, many of whom are without governance experience and skills in applied policy analysis. It is critical for these individuals to set up good relationships and to collaborate with their local government officials and politicians in order to refocus the issues in policy formulation and to improve policy monitoring and implementation.

MALAYSIA

Dr. Denison Jayasooria

Malaysia is located in Southeast Asia and is a constitutional monarchy. This multi-religious, multi-lingual and multi-racial society has a population of about 23 million people, including Malays, native peoples, Chinese, Indians and others. The population is increasingly urbanized, with more than 60 percent of the population living in urban areas.

In the four decades since independence was achieved in 1957, Malaysia has seen significant development, through a mix of government intervention and free market activity. The government has managed to reduce the poverty rate and bring the majority of citizens into the mainstream of development, with a current per capita income of RM13,450. Malaysia has a vision to achieve developed nation status by the year 2020. Its success in alleviating poverty and ensuring balanced development has made it a model for other developing nations. Yet there remain gaps between different income categories. The top 20 percent own 50.5 percent of the wealth, the middle 40 percent own 35.5 percent, while the bottom 20 percent own just 14.4 percent of the country’s wealth.

There is, generally, a vibrant political discourse, within certain limits set by laws and regulations aimed at ensuring public order and security. The state is sensitive to alternative sources of power and influence and traditionally seeks to co-opt such movements and thereby control their influence. The government labels as “irresponsible NGOs” those that criticize the government, while it encourages and supports moderate, government-friendly NGOs. Therefore NGOs in Malaysia can be said to operate within an environment that lies somewhere between two extreme political systems. This is because the Malaysian political system is neither truly democratic nor completely authoritarian, as described by Saliha Hassan in her recent study of political NGOs (2002).

The restrictive nature of the framework that civil society operates in can be seen in legislation such as the Societies Act, the Police Act, the Official Secrets Act, the Internal Security Act, the University and University Colleges Act, and the Printing Press and Publications Act. These laws generally relate to mass gatherings, protests, media and publications, student involvement, membership and registration and form a formidable barrier to the development of advocacy-oriented civil society groups. The use or
threat of use of these laws against NGOs has had a major impact on the growth and development of civil society groups.

In recent years, the government has begun to espouse a policy of increased openness, engagement and transparency in its dealings with NGOs and civil society groups. The new climate of rights and responsibilities makes it more difficult for the state to ignore these groups or treat them as they have in the past. NGOs have traditionally related to the state by complementing the services provided. Welfare-oriented NGOs continue to fulfil this role by providing residential, community and other services to the poor and needy. These NGOs usually work closely with the state. Yet, in more recent years, there has been an increase in the number of groups that are marked by greater social and/or political activism. Politically engaged or active groups – with interests as varied as women’s rights, consumerism, religious expression, and human rights – are playing a growing role in determining how policy is formulated and translated into practice. A new Prime Minister came into office in late 2003, one who may adopt a more liberal approach, and civil society groups may well have more opportunities to advance their agenda, both in their own areas of interest and for the public good in the wider context of democracy.

PHILIPPINES

Jennifer Chandler

The Philippines is a democratic republic based on a presidential system of government. The President and Vice President are elected for a six-year term and may serve only one term. Parliament consists of a House of Representatives and a Senate, composed of a mixture of elected and appointed members holding office for a variety of terms between three and six years.

From 1965 to 1986 all political opposition was suppressed under Ferdinand Marcos, who had declared martial law in response to mounting civil unrest. The widow of the assassinated leader of the opposition, Nino Aquino, mounted a campaign of civil disobedience and was inaugurated as President in February 1986. As in other Asian countries, the role of the elite was important, but would not have been achieved without the active participation of civil society organizations. Civil society generated political pressure for reform, leading to the liberalizing of political systems. The strength of civil society and the democratic consciousness that had been firmly ingrained in the Philippine public helped to bring down the dictatorial rule of Ferdinand Marcos. The mobilization of hundreds of thousands of Philippine citizens to reclaim the 1986 election through the National Citizens Movement for Free Elections – set up to monitor the election – forced Marcos out of power. Without the strength of civil society, Marcos’s massive election fraud would arguably not have been documented and publicized, and the mobilization would not have been possible. In addition, the strength of civil society helped maintain democratic rule throughout the term of President Corazon Aquino, who survived several coup attempts. Civil society again flexed its muscles in the successful campaign to oust Joseph Estrada for corruption. 5

Today the Philippines has the largest number of non-governmental organizations (NGOs) per capita in Asia and a vibrant civil society. 6 Despite the contributions of a very large and active civil society, democratic consolidation 7 is still not complete in the Philippines. A key reason is that civil society contributions have been transitory, partly because they have not been enshrined in stable institutions, such as political parties. There are concerns about political stability, particularly given increasing levels of militarization in the last few years and the important role the military played in toppling president Estrada in January 2002.

THAILAND

Dr. Juree Vichit-Vadakan and Dr. Kanokkan Anukansai

Thailand has been shaped by dynamics of change and continuity, and by tensions created by a lack of congruence between the newly democratic structures of the political system and the traditionally conservative attitudes, beliefs and practices of the society. Imported political ideologies and values, as well as administration and management systems, have been put in place
without the adoption of the principles and meanings behind the new practices. To truly understand many current Thai patterns of behaviour, one needs to understand “cultural legacies” from the past, especially where values that determine behaviours have not been interrupted or changed, in spite of Thailand’s evolution into an outwardly “modern” society.

Traditional Thai society was structured as a patron and client system where the King was the supreme patron of the entire society. Other royals, nobles and titled aristocrats were, in theory, clients of the king. In a vertically linked pattern, higher royals and nobles also had their respective clients and patrons. As such, the linkages extended from the highest level of society to the lower levels of society comprising the majority of the commoners. Dominant values under such a system included loyalty, obedience and devotion to the patrons by the clients. Patrons were expected to provide protection, facilitation and special favours to the clients. Personal relationships, not merit-based criteria, formed the core of this system.

Although absolute monarchy was abolished and parliamentary democracy was installed, the “powers that be” from 1932 to 1997 were unable to instil the fundamental principles and values of democracy in the Thai citizenry. Until the 1960s, democracy focussed solely on the electoral process whereby power was transferred from the monarch to representatives of the people. Electoral politics was the political leaders’ preoccupation at the expense of educating the citizenry about the principles and philosophy of democracy.

As a result, there was a series of successful and unsuccessful coups d’état, with the last one taking place in 1991. Thais have generally not clearly understood, much less embraced the principles of democracy: “equality,” “participation,” “rule of law,” “freedom of expression” and “minority rights” may be familiar terms in Thailand, but are generally neither upheld nor tied to enabling practices. Thai people in general still perceive the social world as being stratified, with hierarchies and status differences. Even though wealth is now an important determinant of one’s place in the status/hierarchy order, respect, deference and privileges continue to be accorded to members of society differentially according to the perceived station of each member. This determination is largely based on traditional notions about one’s position, education, money, birth status, family connections, or other claim to fame. This reality affects how the democratic principle of “equality” is defined in the Thai context.

Under the recently created veneer of “modernity” and “westernization,” social behaviour continues to be predicated largely on principles and values that have endured from the past. For example, when Thai people vote for a political candidate, some may be casting a vote to fulfil a debt of gratitude. Others may be following their patrons’ instructions. Respect and reverence for those with higher status and the prevalence of personal favours tend to overshadow principles of common good, public interest or even reason. For example, court judgments and sentencing for legal offences often appear to be meted out differentially according to the status of offenders.

Thai civil society is complex, vibrant and diverse, but there are few rights-based and advocacy-based NGOs that pursue social justice. State centralism and hegemony have dominated Thai society for so long that the role of non-state actors is overshadowed by the state. Moreover, Thai NGOs are autonomous and independent entities structured around core leaders whose leadership and charisma vary. Although NGOs mobilize themselves when special issues require coherence, co-operation and solidarity, by and large they operate independently and not as a unified group. However, NGOs’ vitality, efficiency and unwavering commitment to social causes have been recognized by many members of society. Even some state officials readily attest to NGOs’ contributions to social development in niche areas such as health care for HIV-AIDS patients and their families, and policies for women and children.

Wherever the state has failed to provide and deliver services efficiently and correctly, NGOs have emerged to fill the void. Chief among the many problems of Thailand’s top-down development approach are

- a lack of diversity in programs, projects and activities to address divergent needs;
• a lack of mechanism and flexibility to change and adapt to complex situations and divergent requirements;
• a lack of understanding and sensitivity for local needs; and
• a lack of capacity to target beneficiaries correctly and to deliver services to the right target beneficiaries efficiently and effectively.

Despite their role in working to address these problems in social policy, NGOs remain poorly understood by the public at large, despite the fact that such organizations have existed in Thailand for hundreds of years. This is partly due to historical mistrust and suspicion about NGOs, stemming largely from state propaganda against communism. Other traditional notions include the idea that non-state actors are not expected to engage in struggles against “the powers that be.” There is also a prevailing sense of “unease” and “disquiet” over social protests and disharmony, especially when they involve people with no legal authority, no power, position, or money. A large segment of the Thai public seems to have been tamed by centuries of submission to those with “authority.”

CANADA

Mel Gill

Canada is a confederation of 10 provinces and three northern territories, established in 1867. It is a parliamentary democracy governed by a Parliament comprising an elected House of Commons and a Senate with members appointed by the Prime Minister. The Constitution, the British North America Act, was repatriated from Great Britain in 1982 with the consent of nine provinces and the (then two) territories, with Quebec being the sole non-signatory jurisdiction.

Canada has a multicultural population of some 31.7 million. Canada’s Constitution includes a provision that confers certain rights of self-governance to the 3 percent of its population that is Aboriginal. Forty percent of the country’s citizens reside in Ontario and 22 percent in Quebec, giving these provinces respectively a third and a quarter of the seats in the House of Commons. This makes political control of the seats in these two provinces critical to securing an electoral majority in this body, which dominates the national legislative and policy agenda.

The Constitution gives the federal government exclusive jurisdiction over such matters as defence and foreign relations, while provinces have jurisdiction over such fields as health, education and welfare. Federal cost-sharing gives the national government some leverage in setting broad national standards in these latter areas. In addition, the federal government may make direct payments to individuals, as in the case of the National Child Benefit (payments to individuals under the Canada Pension Plan, Old Age Security and Employment Insurance are others)

The federal and provincial governments have sought extra-constitutional mechanisms through which to demonstrate that the federation can work for all provinces, and allow them to co-operate and collaborate on national policy and program initiatives. This is because two recent constitutional accords failed to receive the necessary ratification by the provinces. The failed constitutional accords did lay some groundwork for the principles under which such collaboration might succeed. The Social Union Framework Agreement was signed in 1996 to facilitate such collaboration. Although Quebec again withheld its formal approval, it did participate in the discussions.

The “social union” initiative is the umbrella under which governments committed to concentrate their efforts to renew and modernize Canadian social policy. It focuses on the pan-Canadian dimension of health and social policy systems, the linkages between the social and economic unions, and the recognition that reform is best achieved in partnership among provinces, territories and the Government of Canada. In working to build a strong social union, the Government of Canada and the provinces and territories have reached a broad consensus that the first priorities should be children in poverty and persons with disabilities.

First Ministers created the Federal-Provincial-Territorial Council on Social Policy Renewal in 1996 and directed it to guide the social union initiative. The Council monitors work on overarching social policy issues and, as well, co-ordinates and supports “sectoral” councils that examine cross-sectoral issues.
The relationship between civil society and the Canadian federal government is long-standing. Recently, in an effort to better include civil society in federal policy-making collaborations, the state and civil society sectors – or “voluntary” sectors – in Canada were involved in a Voluntary Sector Initiative (VSI). It was launched in 2000 following the work of a roundtable and the Broadbent Panel on Accountability and Governance in the Voluntary Sector. Joint Tables were built, composed equally of government officials and sector leaders, and the federal government committed significant federal funding to the project. The Joint Tables focussed on regulatory requirements affecting the sector; encouraging volunteerism; improving the sector’s access to information technology; capacity building and overall co-ordination. Another Joint Table centred on developing a framework agreement to articulate shared vision and principles for state-voluntary sector relations, which later became the 2001 Voluntary Sector Accord.

The 2001 state-sector Accord was a further attempt to build inclusivity into the state-sector relationship by making a public commitment to more open, transparent, consistent and collaborative ways of working together. The Accord is based on principles that recognize both the independence and interdependence of the parties and encourage dialogue, co-operation, collaboration and accountability. The agreement is accompanied by Codes of Good Practice on both policy dialogue and funding that recognize the crucial role of the sector in representing the views of its stakeholders.

The relationship between the Voluntary Sector and the Government of Canada continues to strengthen. The Voluntary Sector got unprecedented attention in the 2004 Speech from the Throne, and new money in the budget to do follow-up work on the Voluntary Sector Initiative. In civil society, leaders are giving heavily of their time and expertise to ensure success.

Notes

1 This panel was commissioned in 1997 by the Voluntary Sector Roundtable, composed of 12 national umbrella organizations, and was financed largely by foundation grants.


4 Described as a parliamentary democracy, Malaysia has elections at the federal and state levels that are conducted regularly. Since 1957, the government has been led by a coalition of parties headed by the dominant Malay political party, UMNO. Its partners in this coalition (the Barisan National or “National Front”) include the two main Chinese and Indian political parties and a handful of smaller parties, including multi-racial ones.


7 Often defined as the ability to hold two free, contested elections after the transition, one of which sees the government candidate lose.
Chapter 4
Preventing Trafficking in Women and Voicing Women’s Political Interests

Case Studies from Indonesia

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ABSTRACT

This paper focuses on civil society engagement in the policy process at the local government level. Dr. Fernandez conducted research that resulted in two case studies that share the same focus on women’s rights issues in a transitional democratic state. Both cases deal with the intersection of local government policies and the activities of non-governmental organizations (NGOs) committed to legal and social advocacy. However, each case highlights a different aspect of partnership in the social policy process.

The first case study deals with the political rights of women in the policy-making process in the urbanized community of Surakarta. Three models for civil engagement that have been used in Surakarta are reviewed: a bottom-up mechanism for policy formulation; a marginalized community involvement in planning policy process; and a multi-stakeholder forum. Each of these approaches is analyzed in terms of structures, process and degree of success.

The second case deals with women’s rights violation practices across state borders. This issue, with a specific focus on trafficking in women, has only recently received attention from government and the broader public, due to different understandings of what the issue is and the severity of the problem. The case study explores the challenge of effectively defining the problem, and the various efforts by civil society organizations to engage government in addressing the issue of trafficking in women.

Introduction

The aim of this report is to analyze and identify key factors that enable effective Indonesian government and civil society collaboration in social policy development at the local level. The lessons drawn from the two Indonesian case studies shed light on how other local governments and civil society actors can work together more effectively in the policy-development process.

The case studies share the same focus on women’s rights issues in a transitional democratic state. Both cases deal with the intersection of local government policies and the activities of non-governmental organizations (NGOs) committed to legal and social advocacy. However, each case highlights a different aspect of partnership in the social policy process. The first deals with the political rights of women in the policy-making process in an urbanized community and relatively educated society, while the second case deals with women’s rights violation practices across state borders.

This report is based on data compiled through various methods, including interviews with government officials, local members of Parliament, academics, and civil society organization (CSO)
activists. Information was gathered and shared through various community meetings held on popular issues. Small group meetings were an important instrument used to uncover the diversity of opinion among members of the community. Observation was another tool used to obtain information in various village and interest group meetings in order to recognize the social and political dynamic in each village or district. The authors also compiled more data from documents and minutes used in various community meetings.

The comparative approach was applied to obtain a more comprehensive picture of partnerships in the wide archipelagic state of Indonesia. Sambas community, in West Kalimantan, is predominantly rural, while Surakarta is largely urban. From the CSO perspective, NGOs in Surakarta are more developed and sophisticated than in Sambas, which has only a few NGOs, with limited experience dealing with social conflict and resolution. The issue of trafficking in women has attracted significant international attention, but local NGOs in Sambas have paid little attention to it, with the exception of LBH PIK at Pontianak. This organization has a reputation of struggling to protect women’s rights and advocating against sexual discrimination in West Kalimantan. In Sambas, cross-border trafficking in women has become a rampant problem but little has been done to counter it. Hence this issue became a good entry point for women activists to enter the social policy debate and promote change.

In contrast, Surakarta has relatively sophisticated NGOs, with a diversity of interests. Local NGOs have adopted a practice in the policy-making process called the participatory planning or urban development participatory strategy (MUSBANGKOT). There is also a budget forum of Surakarta community members where NGOs participate from the village level up to the municipal level. There are various forums and alliances among CSOs in Surakarta, and this town has become a centre for NGO activity in Indonesia, a trend that developed following the collapse of the New Order regime. One of the mixed institutions that has become a hub for local government and non-governmental organizations is the Indonesian Partnership on Local Government Initiatives (IPGI). IPGI plays a significant role in terms of sharing information between local government officials and NGOs.

**Governance and Local Politics in Indonesia: An Overview**

Indonesia has had the opportunity to transform governance to meet the challenges of the new millennium. One of its current changes is effecting a transition to a popularly elected government after four decades of authoritarianism. Democratization as well as decentralization have become important social and political processes. With more than 17,000 islands and 300 ethnic groups, 32 provinces and almost 400 municipalities or regencies, cultural diversity and national integrity have always been important political topics in Indonesia. After the collapse of the authoritarian regime, the Indonesian government is heading toward a critical point in its effort to shift from a centralized regime to a more deliberative political system. This process has been reflected in changes in decision making, policy formulation and the political participation practices that claim to foster more open public engagement.

During the New Order regime, “Law Number 5 year 1974 on Local Government” was held up as a tool to give autonomous power to district administration by decentralizing services and duties while maintaining national unity. Implemented by the authoritarian regime, however, the law was actually used to increase centralism and the intervention of the central government in local affairs. The rigid and patrimonial bureaucracy, which is a core part of Indonesian political culture and legacy, left little room for innovation and autonomy for local government.

Prior to the general election in 1999, President B.J. Habibie's administration held up the “Law Number 22 year 1999 on Local Government” to show his commitment to change. The devolution of power to local government was used as a pivotal point in promises to improve citizens’ political participation and to move public services closer to the people. The Law on Local Government
that was fully enforced in 2000 aimed to give “real” autonomy to the (rural) regencies and (urban) municipalities to manage a number of services and duties. As in a federal system, the monetary and legal systems, foreign affairs and defence are all retained at the national level, while the authority over forests, mines, roads, harbours and other “areas of strategic national interest” is to be transferred to the provincial level – an administrative arm of the central government. Yet, despite the political power transfer to local government apparatus and members of Parliament at the local level, experience has shown that real public participation actually suffered. After the New Order regime collapsed, the pendulum of power swung toward the Parliament at the sub-national level where “political extortion” practices among politicians are common and, in important ways, ignore people’s interests.

The push and pull of authority between the central government and local governments has been so intense and long-standing that a state of “yo-yo” politics has ensued, particularly in terms of the transfer of authority and administrative devolution. The key question is whether there will be the development of an open and transparent bureaucratic system at the centre, driven by newly empowered and democratically elected regional politicians and community leaders. One of the crucial lessons learned is that it will be impossible to achieve regional autonomy if there is no accountable bureaucratic system to deliver equitable policy. Bureaucratic reform is key to the success of decentralization and regional autonomy. Without innovation and self-control inside the bureaucracy, there can be little hope for local governments to become autonomous of the central government and provide the high quality services that local citizens demand. That is why decentralization and democratization in Indonesia provoked highly charged debates and controversy within civil society.

Although the Indonesian political reforms ostensibly offered wider room for freedom of expression, the people had less real access to participate in the policy-making process. Learning from those experiences, partnership between government and civil society in the making of local policy is critical. This engagement will foster good governance practices as well as promote public awareness to involve individual citizens in the daily political decision-making process. This is a positive development that is bringing political and administrative decision-making processes closer to people. As they strengthen their power, local governments and their legislative bodies should open up their spaces for public participation.

In the case of Indonesia, reducing the excessive power of the executives and legislative branches is important in terms of minimizing rent-seeking activities. Hence it will be important to encourage the participation of civil society actors, including community leaders, academics, individuals and other local non-governmental organization (NGO) activists, many of whom are without governance experience and skills in applied policy analysis. It is critical for these individuals to set up good relationships and to collaborate with their local government officials and politicians in order to refocus the issues in policy formulation and to improve policy monitoring and implementation.

**Case Study: Voicing Women’s Political Interests in the City of Surakarta**

**Social Background**

The city of Surakarta (Solo) has significant social unrest for a long time. Surakarta saw violent sectarian warfare in 1965 when – in the city alone – ten thousand communist sympathizers were slaughtered by Islamic-based organization supporters. The latest riot was in May 1998, prior to the collapse of the New Order regime in
Indonesia. City officials realized how fragile the social bonds in the city were. These problems with social integration and ensuing conflicts have occurred in a city where residents come from various social orientations and ideologies and live in mixed communities. A certain degree of social harmony is visible in everyday city life as various community enclaves live side-by-side. Fundamental Islamic communities have Javanese Abangan or syncretic communities as their neighbours and the rich merchant communities live together with street vendor communities. Yet latent conflict and unrest can easily explode. Promoting social cohesion and public trust have become absolute necessities for building good governance practices in the city of Surakarta.

The City of Surakarta has a population of more than 600,000 people, living in just 44.04 square kilometres. The urbanized city economy depends on trade and services. There are 36 recognized markets and business centres. This city has become an important hub for the garment industry in central Java, since more than 45 percent of the garments and fabrics trade occurs within the city boundaries. The city was a pioneer in the batik industry and became a centre of excellence for its work in the area. Before the batik industry collapsed in the mid-70s, at least 60 percent of the population of Surakarta depended on this industry, and the city actually acquired its other name, Batik.

From the viewpoint of civil society, the City of Surakarta is becoming a forest of non-government organizations (NGOs) and community-based organizations (CBOs). An unofficial estimate asserts that approximately 400 NGOs and CBOs are situated in this city alone. The orientation of CSOs differs considerably among the various organizations. The associations, unions, religious organizations and NGO forums vary significantly in terms of how radical or conservative they are. One activist said that Surakarta is home to “irregular” and extremist organizations such as the Islamic Defendant Front or Jama'ah Islamiah, organizations that have been banned by the U.N. The civil society groups have various concerns, ranging from budget matters to environmental affairs, from defending the rights of street vendors to implementing Islamic fundamental rights. They may be extremely militant organizations or simply project seekers active in local government offices. It is common that NGOs and CBOs with similar concerns network and seek to establish a coalition or forum, consisting of 20 or 30 organizations. For example, the Coalition for Municipality Budget has involved 20 civil society organizations.

Recently, CSOs in the community of Solo have had a strong influence in forming public opinion. Solo Pos, the local newspaper, has featured almost daily news on NGO activities. However, despite their influence on public opinion and their work on collaboration, NGOs have not received a solid commitment from local government or Parliament to involve them in the policy-making process.

**Participatory Model and Civic Engagement in Policy**

Some local government officials acknowledge that local bureaucrats are still resistant to changes toward more deliberative practices in the decision-making process. Local bureaucrats tend to overlook the collaborative model. The inward-looking focus of local officials involved in policy formulation has been a significant problem for community programs and projects that are supposed to obtain public support. Some bureaucrats have perceived the local CSOs (including NGOs and CBOs) as being incapable or irrelevant parties in public policy affairs. Hence, there has been little commitment fostering dialogue and debate on relevant issues.
such as poverty alleviation, budget spending and infrastructure planning that involve various stakeholders. While public officials have made gestures that they are willing to co-operate with CSOs, the essence of genuine collaboration in a partnership process is lacking. The status quo remains quite different from the model of deliberative democracy. The following are participatory (partnership) models that have recently been applied. They have had differing results and impacts on the policy-making process.

Bottom-up mechanism in policy formulation. Both local government officials and local members of Parliament have perceived CSO incompetence in policy formulation. Most local legislative processes are more likely to restrain the public discourse. Hence, most local NGOs have campaigned for more room for the participation of the marginalized. In response to this demand, the local Parliament (DPRD) established Forum Aspirasi Masyarakat Surakarta (The Aspiration Forum of Surakarta's Residence) in 2000. In the beginning, this was seen as an innovative measure that accommodated NGO demands and allowed active public participation in the policy-making process. This forum became a public forum for discourse among small communities within kelurahan (village) boundaries. Every single local Parliament member could establish a caucus and set a schedule to visit this forum. The agenda focussed largely on community needs and the desire to improve living conditions.

However, this program lasted for only six months. One of the local members of Parliament said that there were conflicting views of the benefits of the program among local legislative body representatives. Most local members of Parliament felt unfavourably about the initiative and did not support the set-up, which allowed people to directly challenge officials and make demands. The “people” were largely dissatisfied with the process in the forum since more and more public demands were merely put forward, only to be formally “accommodated” without follow-up in a single parliamentary decision. Recently, a few local members of Parliament have been participating in this process but in an unofficial format, since no more than six out of 45 local members of Parliament are interested in attending the forum meeting to hear directly from the people. Hence, the people perceived that most local legislators were largely unresponsive to community concerns, although their knowledge about social concerns was low.

A Marginalized Community Involvement in Planning Policy

One of the traditional markets in Surakarta is Pasar Gede. In April 2000, this public property was demolished by fire. In the beginning, city officials wanted to rebuild a new shopping mall on the location of Pasar Gede. However, the existing vendors (micro and small entrepreneurs) absolutely refused to convert the traditional market to a modern one. They were wary of the city's planning since they were concerned about being expelled from the location, given that they could not afford the rent for the modern mall.

The Faculty of Social and Political Sciences, National University of March Eleven (FISIP-UNS) gave them assistance. The University conducted a survey of all former vendors in Pasar Gede. The survey showed that the majority of vendors felt that the market should be rebuilt as it was, including the allocation of kiosks. In order to press their case more effectively, all vendors in the former Pasar Gede established an association called Komunitas Paguyuban Pasar Gede (KOMPAG). This association had two important tasks. First, they aimed to influence the decision-making processes among local members of Parliament and city officials. Second, the association worked to establish a consensus among vendors to avoid any conflict of interest and to prevent new ownerships. The association not only consisted of vendors but also parking agents, beak drivers and porters. The association struggled to advance its case using various means, including lobbying, participating in public hearings in the local Parliament and working with local NGO activists. The association finally found an effective approach: using historical and cultural sentiments (issues) to obtain support from recognized artists, historians, architects and city residents. This strategy successfully changed the views of policy makers and Pasar Gede was eventually rebuilt as it was before the fire. The collaboration among CSOs as well as public figures has seen the association become an effective pressure group.
The official bottom-up planning scheme: This model was introduced by the local officials to respond to the ongoing demands for openness and transparency. This model is actually not new but rather a recycled one based on an old model introduced by Suharto’s administration and applied for more than 25 years. It should be noted, however, that this formal mechanism differs in certain respects from the New Order model. Community-based organizations (CBOs) and some NGOs play a role in organizing grassroots communities. This is somewhat different than how the model worked during the New Order.

The model’s participatory mechanisms are based on executive decrees that set the procedures and participants. Since the process follows the hierarchy of administrative territory, territorial concerns are the focus and priority. In practice, this means that while urban marginalized communities participate from the very beginning, demands from poor urban communities are less articulated. In the forums, most issues centre on infrastructure construction and, sometimes, the promotion of social policy in the city development context. At the Kelurahan (village level), participation among women is relatively high but when it moves to the higher level of local governmental structure (district and municipality) women’s participation drops significantly. It is important to note the role of PKK and other village-level women’s organizations in fostering more participation. At the village forum, women largely remain silent while mostly men manage debate on public affairs. Though this is slowly changing, discrimination...
against women is deeply embedded in the patriarchal culture and cannot simply be revoked by a regulation.

Manipulation of the agenda to the detriment of local citizens is common, since ineffective monitoring mechanisms exist to hold city planners to account. Even the city manager, who has expressed a strong commitment to promote effective procedures for women’s participation, could see no specific alternative solution to improve these mechanisms. Some NGOs involved in the process doubt the commitment of local government, particularly the local members of Parliament, on this point. One problem is that all of those participating in the planning proposal process are also seeking financial benefit and personal advantages. Policies generally tend to ignore people’s demands that, in some cases, may not be in line with government priorities. This process continues, and grassroots participation has decreased significantly due to disenchantment with the process and disappointment with results.

**Multi-stakeholder forum.** The previous models for strengthening collaboration between civil society organizations and local government were largely ineffective because they used a hierarchical approach. The success of *Pasar Gede* is only due to the collaboration established among various stakeholders that have similar cultural and historical attitudes. It is clear that multi-stakeholder forums (MSFs) may be a good arena for political transactions to occur between politicians, government officials and relevant policy stakeholders. Popular public policy issues become an important springboard for setting up a common platform in the MSF. The forum becomes an effective political arena for discussing social problems and comprehensive issues in an informal setting.

MSFs have basic requirements that need to be carefully considered: an organizer’s credibility, common issues to be discussed, commitments to follow up the decision, and participant political interests. Promoting cross-cutting issues such as women’s role in development planning becomes an entry point to attract more public attention, since many NGOs work in the area of empowering women. MSFs should also be organized by reputable institutions that have good relations with CSOs as well as a good link with high-ranking officers and politicians. Indonesian Partnership on Local Governance Initiatives (IPGI) may become a good starter organization since IPGI has good relationships with the high-ranking officers, given

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**Diagram:**

- The Mayor issues an administrative decree to set up the participatory process and eligibility of participants.
- The territorial-based forums are established to discuss community problems and are facilitated by assigned officials.
- Resident consultative forums formulate the problems, capacity and plans in each village.
- The city takes into account the proposals and allocates the budget.
- Monitoring
- Implementation
that its membership includes academics, researchers, entrepreneurs, NGO activists, local members of Parliament and governmental officials. In setting common issues, the MSF should ensure issues are not only politically viable but also provocative enough to attract media exposure. For example, discussion about women's participation is always interesting, since a lot of women lack access to policy debates. There should also be a focus on having the high-ranking officials involved commit to political follow-up based on an MSF decision or consensus. In most cases, commitment is the key factor that can serve to improve the quality of partnership processes and their influence in policy making. Therefore it is very important to make initial contacts with high-level officials in the local government agencies or Parliament.

In order to reshape and focus the issues, it is important to discuss the interest and agendas of participants in every single meeting of the MSF. Different stakeholder backgrounds mean different levels of experience in the polity and different political interests; these should be carefully taken into account. MSFs are open arenas for any level of stakeholder involvement, but they can become less productive if the level of knowledge or education among participants differs significantly. MSFs do not always result in a majority consensus among participants, and may involve only an agreement between two or more parties who participate in a given MSF meeting. The chief importance of MSFs lies in the collaborative and interrelated activities that take place among participants and the room this process opens up for dialogue and debate on particular public policy issues.

Case Study: Preventing Trafficking in Women in the Sambas Regency

Social Background

Sambas is a regency in West Borneo that shares a border with Serawak, Malaysia. The residents of Sambas can easily cross the border by bus or on foot. In fact, the distance from Serawak’s border is shorter than to Pontianak, the capital city of West Borneo. Sambas regency is about 220 km northwest of Pontianak and it takes four hours to get there, driving by car on rough roads. The distance also influences people’s mobility and cultural orientation. For example, Malaysian broadcasting television is actually clearer than its Indonesian counterpart. The most important phenomenon is that the mind-set of local people is heavily influenced by this cross-border lifestyle.

In 1999, Dayak ethnic communities clashed with Madura communities and this led to bloody fighting. Thousands of people were killed, slaughtered in large-scale ethnic conflict. The remarkable capacity for protracted conflict in Sambas regency resulted in the destruction of the towns of Sanggau and Ledo. For years, it has remained a grave problem and efforts at reconciliation between the two ethnic groups continue. Promoting social cohesion is an important factor in creating peaceful living conditions in the Sambas area.

Cross-border workers from Sambas have been going to Malaysia since the 1960s. Initially, the workers looked for jobs in line with their skills and education. Between 1970 and the 1980s, however, the competition among political parties in Serawak opened the door for cross-border workers to stay. In many cases, workers were offered Malaysian citizenship in exchange for supporting a certain political party.

With more than 450,000 people living in Sambas, the economy of this regency depends heavily on agriculture. Job opportunities outside the agriculture sector are few. The local people look across the border for job opportunities in order to increase their income and gain experience. For example, many work as migrant labourers in Malaysia, and this contributes significantly to their family’s welfare. Large, new homes and appliances are indicators of the workers’ successes.

Economic necessity underlies the mobility of workers who work across the border. Economic pressures force them to leave their homeland in the first place. Illegal agencies often take advantage of this problem in order to employ young people, especially women, for their benefit. Many young women are promised a good job in Malaysia, but in most cases it never actually materializes. Some of these women become victims of trafficking in women. Others work as maids but never receive an
appropriate salary, and many are mistreated. Some young women are forced to work as prostitutes in brothel houses. Most of them find it very difficult to escape because tight security and well-organized syndicates protect the house. Another type of trafficking of women is the mail order bride. Young women are forced to marry men from other countries, mostly Taiwan. In some cases, they end up having to work at brothel houses as well. Trafficking in women has a number of serious consequences, including the victimization of large numbers of young women.

There are only a few NGOs concerned with this problem and most of them are located in Pontianak. There are about 10 NGOs or CBOs operating in the Sambas regency and most of them work at strengthening the community's economy and dealing with conflict resolution. The capacity of most NGOs for involvement in making policy is weak. Most NGO activists have only limited experience engaging with local Parliament or government members in formulating public policy. Some of those who have experience are only concerned with supervising the delivery of the social safety net program.

**Preventing Trafficking in Women and Local Public Policy**

Preventing trafficking in women is a tough job. A strong commitment is required to deal with this rampant problem. Gaining collaboration among civil society organizations, local government, legislatures, and individuals who are concerned about this issue is an important stepping stone to progress. The most crucial aspect is establishing a common ground for understanding and perception on trafficking in women. Many people have not yet realized the severity of the problem because they do not understand this issue comprehensively. Misperceptions encourage differing responses to the issue. The definition of women trafficking is contested, particularly between CSOs and local government.

Various local members of Parliament expressed deep concern about this issue. On several occasions, they had already met the victims and recognized the urgent need to take action, particularly preventative action, to tackle this problem. They also cited the problem of women crossing the border illegally with fake documents and being employed by unregistered agencies. But they also agreed that there were some cases where workers were achieving “success” in terms of bringing income back to their village in the form of remittances to their families.

Some local members of Parliament acknowledged that legal regulations should be clarified in this area. Cognizant of how complicated this problem is, many feel the need to develop more expertise in order to handle these issues. The NGOs that have expertise in legal drafting have taken up this initiative. However, political commitment is lacking in local Parliament and this may become a stumbling block for issuing the local regulation needed to prevent trafficking in women. For example, local members of Parliament remain unwilling to use their right to draft local regulation, even though they have the capacity to hire experts in the issue of trafficking.

In contrast, CSOs, particularly LBH APIK, have a long-standing and strong commitment in this area. This women's rights NGO has spearheaded a special effort to prevent and tackle trafficking in women. LBH APIK also helps by offering services, including advocacy, to the victims. Recently, the institution conducted training for community leaders from all villages in the Sambas regency. Due to limited resources, LBH APIK can only train a few representatives from each sub-district. The aim of the training is to share and establish a common understanding about the rampant problem of trafficking in women. The strong consensus reached among village leaders and social institutions has been used as a legal base for tackling the problem. On one occasion, during a FGD meeting, the village and community leader agreed to establish a better record and document all cases of trafficking in women in their own area as well as establish a village rule to handle and prevent trafficking. Unfortunately, this agreement and these efforts have been met with little or no response from local government officials. The lack of commitment from local executive branches is a stumbling block for effective action to prevent trafficking. Currently, village rules are the only instrument to handle this problem. These village rules need a legal umbrella to allow enforcement at the regency and provincial levels.
In line with LBH APIK activities in legal advocacy, several public dialogues have been conducted among relevant institutions, including the Immigration Office, the local government, the local Parliament, Manpower Office, Police, and other local institutions. This public dialogue can be an effective instrument for establishing a common platform among stakeholders and for increasing public awareness of trafficking in women. However, there is little or no agreement on the need to work together to tackle the problem of trafficking, and the institutions involved are blaming one another for failures and lack of progress. At one focus group discussion, officials from Dinas Tenaga Kerja (office of Manpower) said that NGO initiatives in drafting legal regulations to prevent trafficking in women in Sambas should be stopped since the organizations, particularly LBH APIK, were incompetent and had no right to engage in drafting. These officials argued that the drafted regulations failed to take into account the legal proposal that had already been prepared by the Manpower officials to regulate cross-border workers. The officials’ reluctance to work together with CSOs is a very common phenomenon. A rent-seeking attitude among bureaucrats may promote this reluctance, since legal draft activities are generally linked with money as part of a “legal draft project.”

In an effort to advance the issue and foster more commitment to solving the problem among various elements of society, the NGO Equatorial Women’s Group launched a social program to provide earlier education to young people on trafficking issues. In an effort to advance the issue and foster more commitment to solving the problem among various elements of society, the NGO Equatorial Women’s Group launched a social program to provide earlier education to young people on trafficking issues. The training has also driven more teachers to share information on trafficking with other schools and training centres.

There is community frustration over what they perceive as serious local government mishandling of this crisis. Despite being major stakeholders in the development of policy in this area, local officials appear to have little or no sense of urgency to tackle the rampant problem. Essentially, they conclude that the problem requires no immediate action. The argument used by local government to justify this stance is that regulation can only be effective if it is underpinned by a strong sense of agreement and urgency among elements of society and other local institutions. Indeed the most difficult obstacle in the way of knitting together both CSOs and local government is the problem of agreeing upon a common definition of trafficking in women, and reaching a consensus on the most serious consequences. Before policy can be formulated, it is important to first set the public agenda regarding trafficking in women.

The reluctance of local Sambas officials to craft and implement policy to prevent trafficking in women, despite CSO pressures, is rooted in ways of thinking, including the following:

- Most local government officials perceive that trafficking in women is not a major issue, due to lack of support within the local population. Consequently, they do not feel a sense of urgency to tackle the problem.
- Local officials perceive that most cases that relate to trafficking in women are part of the civil law framework (for instance, breaking an employment contract). They only agree to handle it if there is a clear criminal case. The problem is that, although only the Manpower office sees a role for itself, given the fact that these cases relate to
employment contracts, these cases also involve
diplomatic relations and immigration.

- Local officials argue that the success stories of
cross-border workers are more useful for their
purposes, as compared with the cases of
trafficking in women. This is the reason why the
government focuses more on success stories than
on cases of victimization and trauma.

- Local officials also argue that controlling the
employment agencies in the Sambas regency is
more important than setting out legal trafficking
regulations.

It is clear that local policy on trafficking in women
is a long way from formulation and implementation.
Disputes continue on the definition and the impact
of such cross-border activities. The local
government response to the problem is very weak,
and no effective action has been taken. LBH APIK
and the Equatorial Women’s Group can become
leading actors to drive local officials to have more
concern for the problem. The common concern
among village leaders and sub-district
representatives and concerted action among these
groups may eventually force local officials to set a
policy agenda to deal with cases of trafficking in
women. Converting a public agenda into a policy
agenda is not an easy task, but once a common
understanding among stakeholders has been
established, it will be easier to open up effective
dialogue and set an action plan for the future.
Therefore, the next step is to arrange for an open
dialogue with the full commitment of the local
government in terms of drafting local regulation to
prevent trafficking in women. One important
requirement in this process is to provide policy
expertise to help reformulate the public agenda into
a local policy process.

Again, personal relations and connections and the
commitment of public figures can play important roles
by serving as a catalyst to accelerate the establishment
of policy partnerships, particularly in the issue of
trafficking in women.

Collaboration in Social Policy: Lessons Learned

The Surakarta and Sambas cases demonstrate the
challenges of collaborative policy-making in
Indonesia. Distaste and suspicion between local
officials and CSO activists remain. These conditions
need to be adjusted in order to improve the
commitment to collaborate in the policy-making
process. The question is how to build genuine
partnership initiatives with minimum intervention
from the outside. If handled well, partnership
initiatives and collaboration schemes will re-energize
the relationship between local government and
CSOs – a relationship that has suffered significantly
since the time of the former authoritarian regime.
This issue has resonance for communities
throughout the entire country and has major
implications for the many marginalized and
disadvantaged communities that have emerged in
the processes of economic recovery, political
reform, and decentralization.

Today we see a flourishing of NGOs and an
eagerness to build CSOs, including movements,
associations, foundations, non-government
organizations, and community-based
organizations. During the
New Order era under
President Suharto, only a few
CSOs could organize
themselves legally, including
religious-based organizations
(such as Nahdlatul Ulama and
Muhammadiah) 9 and
professional associations.
Other forms of CSOs that
were prohibited include
federations of workers and
farmers. There was only one workers’ federation,
called SBSI, 10 and one farmers’ association, known
as HTNI, 11 that were officially recognized by the
government. All other CSOs were prohibited and all
NGOs that had no official recognition by the
government would be banned and seen as
“troublemakers.” From this perspective, it is easy to
understand why people enthusiastically sought to
form associations and NGOs after the collapse of
the New Order regime.
However, the eagerness to establish various CSOs has not been followed up by either intellectual or financial capacity-building. Most of the post-New Order NGOs have been formed in the spirit of protest, focus on grievances, and are often donor-driven. Donor institutions have pushed for civic engagement in local politics and the policy-formulation process, even as some CSOs have failed to fulfill this expectation, due to their limited knowledge about public policy process. It is clear that most donors have driven NGOs to be involved in the “citizen participation in local governance” program.12

Promoting the involvement of civil society in public policy can offer the government alternative policy choices. More importantly, collaboration is how deliberative decisions can support the legitimacy of any decision made by any branch or governmental institution.13 Openness and transparency can be driven by more rational decision-making in governmental organizations, based on the inclusion of civil society in these processes. These movements, however, require a willingness to co-operate on the part of the government. It may be true that the lack of massive civic involvement in governance issues in Indonesia is due to the tenacity of the public administration and bureaucracy in seeing themselves as serving the regime, not citizens.14

Some lessons and actions can be adapted from these Indonesian cases:

1. Promote rules and cross-ethnic or group contract, rather than winner-take-all politics. Developing local democracy in highly diverse and conflicted societies requires movement away from majority-based democratic forms. The condition should be use of rules that require cross-interest accord on common platforms and the use of political incentives that inspire collaboration-building. In Indonesia, where tensions are acute and violence is likely, forms of consensus-promoting democracy are more appropriate. CSOs that have pluralistic and inclusive characteristics may help to create social policy that is in line with the non-discriminatory spirit of deliberative decision making in democratic society.15

2. Strengthen the capacity of CSOs – particularly in advocacy and lobbying – to increase their influence to establish operative partnerships with local government. Training CSO activists can be threatening to new local government officials, who often lack the skills and training to perform their own jobs. Lobbying remains the most important skill for CSO training because it helps them to understand and tackle key issues: policy agenda, policy languages, political viability, and other policy techniques that are integral to empowering civil society. Policy debates are key forums to help articulate grassroots needs and promote community interests among project-oriented government officials who are constrained from cooperating. Building strategic partnerships between public officials and CSOs will also improve the quality of community welfare and democracy-building more than simply adding resources or providing straightforward infrastructure development to the region alone. Introducing incentives for participatory public management would also help to increase trust among Indonesian communities following unprecedented political reform, which could help to build a peaceful and democratic government. However the need for training on lobbying and policy analysis is essential not only for CSOs but also for the local government apparatus. In fact, joint training among those who are involved in particular policy issues can
shape “a spirit of togetherness” between CSO activists and local government officials.

3. **Co-option.** Urban participatory policy structures can deteriorate into local government bureaucracies that are largely unresponsive to community needs and desires. An evaluation of Surakarta municipal initiatives noted a widespread public perception that they were elitist. This is despite the fact that the processes appear to be inclusive and “bottom-up.” The success of the Pasar Gede community in influencing Surakarta’s urban policy created incentives for “out-groups” to try to ride freely on their popularity. In some extreme cases, grassroots NGO activists were easily co-opted by rich officials or political interest groups seeking to gain popular support. To avoid the problem of “free riders,” it is important to institutionalize linkages between the decision makers and grassroots communities.

4. **“Equity” policy-making is a necessary component of political development.** Equity policy-making, which involves redistributing resources to the politically disadvantaged “out-groups,” such as low-income women, appears to be a necessary component of local policy making in Sambas. A solution aimed at conflict prevention, management, and rights protection is needed to address the root causes of problems in the area. It should seek to accommodate the protection of certain groups’ needs and contribute policy principles to national-level negotiations dealing with human rights claims, basic protection and power relationships.

5. **The goal of policy should be accommodation, not assimilation** that requires individuals to abandon their civil rights. Local policy makers should take stock of ethnicity and gender-sensitive issues, not dismiss them or seek to eradicate them. Policy makers should accommodate the unique needs of each group. Policy strategies should be aimed at having groups co-exist, having different objectives and needs, and should help define the terms of equal opportunity and social protection that relate to territorial concerns, public service availability, and the protection of human rights. Participants, including both CSOs and government officials, should be wary of inadvertently promoting bad policy that leads to more social conflict than reconciliation among groups. Local policy makers should foster communication with CSOs who can provide them with pertinent information and feedback, particularly as more and more NGOs work on specific issues.

6. **Carefully manage local citizen participation in contested cities.** Urban policy makers must find ways to balance marginalized community interests and articulate community demands, particularly in communities vulnerable to conflict. Policy should seek to improve and enrich the self-confidence and identity of deprived communities without solidifying and entrenching the separation between professional and less-educated groups of people. “Rent-seeking” individuals or groups often lobby key members of governmental bodies to further their own interests. These individuals and groups are often more articulate and their voices are more easily heard. In the process, relevant groups, including marginal and poor communities, may be left outside the policy agenda.

7. **Stimulating participation and balance.** It may be difficult to involve capable and willing CSOs in prospective projects because they will be initially skeptical about the outcomes. Launching a forum for debate is often very difficult because parties often insist on conditions prior to the forum’s formation. Community leaders or NGO activists may be uncertain of the forum’s purposes, advantages, and prospects, and thus wary of being drawn into collaboration with rival political forces, thereby undercutting their own legitimacy. The range of participation may be limited; business communities, women, and political party leaders may be unwilling or unable to participate. The limited capacity of CSOs to promote viable policy agenda, particularly in line with a political party platform, is the most significant problem in Indonesia. The instrument for bridging the interests among different groups is a multi-stakeholder forum that include any groups that are concerned with a particular issue, such as trafficking in women.
8. **Improve conditions by helping groups lacking political skills.** Social tensions arise when the most vulnerable groups are not sufficiently taken into account. The key to improving social welfare in Sambas is the re-establishment of a community level of living that includes rights protection for cross-border women workers. This approach assumes that cases of trafficking in women are more manageable when basic conditions such as security, education, and legal assistance exist. The local policy that offers support to certain groups fails to help the community as a whole. Instead, it fragments the society further.

**Notes**

1 Sambas is the north end of West Kalimantan and shares a border with Serawak, Malaysia
2 Surakarta is sometimes called Solo and is a municipality in Central Java. Surakarta shares traditions with the Javanese kingdom but is a “melting pot” urban area in terms of ideologies and lifestyles.
3 Musbangkot stands for *Musyawarah Pembangunan Kota*, which means “the city development meeting.”
4 IPGI was established in 2000 by nine Indonesians who had an opportunity to do a comparative study of several innovative local governments in the Philippines. The visit was sponsored by the Ford Foundation, Jakarta Office.
5 Political extortion is the practice of obtaining something, often money, through force or threats. It is a form of corruption whereby government officials use state power to benefit themselves at the expense of the public. An example would be demanding bribes or “kick backs” from individuals for the performance of normal job functions such as granting a building permits or performing inspections.
6 A yo-yo is a wheel-shaped, wooden hand toy with a string by which it is reeled up and down.
7 Rent-seeking means obtaining profit by influencing government officials to use the power of the state to create artificial shortages. Examples of rent-seeking include (1) obtaining an exclusive government franchise to produce a good or services, (2) obtaining protection from international competition in the form of a tariff or quota, (3) obtaining an exemption from antitrust legislation, and (4) obtaining an artificially high guaranteed (supported) price for a good or service. (Note: rent-seeking entails both legal and illegal means of influencing government officials. Legal means include bona fide political contributions and other forms of legitimate political support. Illegal means include bribes and extortion.) Rent-seeking opportunities are most pronounced in economies where the state plays a key role in directing and regulating the economy.
8 PKK stands for *Pemberdayaan Kesejahteraan Keluarga*, which means “empowering family welfare.” This organization was established 30 years ago as a women’s organization at the grassroots level and later was embedded in formal village administration.
9 Nahdlatul Ulama and Muhammadyah are two major Islamic-based social organizations that claim to have more than 100 million members and sympathizers.
10 SBSI stands for *Serikat Buruh Seluruh Indonesia* (“Indonesian workers’ federation”).
11 HTNI stands for *Himpunan Tani dan Nelayan Seluruh Indonesia* (“Indonesian Farmer and Fishermen Association”).
12 For further discussion, see Hans Antlov and Djuni Thamrin, “Civic Engagement in Local Governance: the Indonesian case,” (mimeograph) 2003.
Chapter 5
Strengthening Partnerships Between Civil Society and Government

Case Studies from Malaysia
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ABSTRACT
These case studies focus on national-level civil society involvement in policy making and implementation. Dr. Jayasooria of the Yayasan Strategik Sosial (YSS) and his team of researchers concentrated on topics related to children’s rights, women’s rights and consumer rights. The first case study, on the Domestic Violence Act, was written by Ivy Josiah, from the Women’s Aid Organization (WAO). It explores the many years of work of a loose coalition of women’s groups that contributed to the passage of a law on domestic violence that classified domestic violence as a criminal behaviour while ensuring applicability to all Malaysians. The second case study, on the National Policy on Women, was co-written by Shanthi Dairiam of the International Women’s Right Action Watch – Asia Pacific and Mrs R. Gurusamy of the National Council of Women (NCWO). The National Policy on Women (NPW) is a statement of good intent that articulates the needs and interests of women, and stipulates that these concerns should be included in mainstream policy development and programs, with women participating as full and equal partners at local and national levels. The case study explores the challenges that women’s groups faced in achieving this policy, the methods they used to engage the government, and the difficulty of effective policy implementation.

The third case study, on Children’s Issues, was contributed by Sandiyao Sebestian, from the Malaysian Child Resource Institute. This case study examines a number of efforts to address the needs of children in Malaysia. Some of the many initiatives include efforts to effectively engage children in the policy process, such as the “Say Yes for Children” campaign and the creation of the Child Act of 2001, a broadly based piece of legislation that protects the interests of children. The last case study, which is on consumer rights, was written by Josie Fernandez of the Federation of Malaysian Consumers Association (FOMCA). Following the privatization of sewerage services and an unfair hike in charges to consumers, FOMCA led a campaign with a coalition of other civil society organizations. With the support of the media, the coalition sought to change the billing system through engagement with the government, particularly in the areas of policy development and consumer education. FOMCA’s success in this campaign was due to its long-standing relationship with government, strong organizational ability, extensive networks and effective use of the media. The case study explored these and other factors in an effort to draw out lessons for use in other government-civil society partnerships.
Introduction

The objectives of the Malaysian component of this study are three-fold:
1) To examine and identify the key factors that enable (or inhibit) substantive and effective government-civil society “partnerships” in social policy development in the context of issues related to women, children and consumers.
2) To prepare recommendations for government and civil society on how they can more effectively work together in the policy-development process.
3) To examine case studies and disseminate the lessons learned, with a view toward influencing policy developments within Malaysia and elsewhere.

The research methodology was refined through consultations with government and civil society representatives. Case studies were written, based on papers and submissions and roundtable discussions. Three roundtable discussions took place in August 2003, centered on issues related to women, children and consumers.

The studies and discussions drew upon the contribution of individuals who have 10–20 years of experience dealing with issues related to policies. The studies examine some key policies and the roles of government and civil society in the development of those policies; facilitating and inhibiting factors; and lessons learned from the experience for the development of future policies.

This Malaysian study paper is a compilation of various case studies that were presented by different individuals and civil society organizations. The case study on the Domestic Violence Act (pp.16–19) was written by Ivy Josiah from the Women’s Aid Organization (WAO). The National Policy on Women section (pp.19–21) was co-written by Shanthi Dairiam of the International Women’s Right Action Watch – Asia Pacific and Mrs R. Gurusamy of the National Council of Women (NCWO). The section on Children (pp. 22–25) was contributed by Sandiyao Sebastian, from the Malaysian Child Resource Institute, and the last case study, on consumer rights (pp. 25–30), was written by Josie Fernandez of the Federation of Malaysian Consumers Association (FOMCA).

I would like to take the opportunity also to acknowledge the following government agencies for their support and input: the Ministry for Women, Family and Community Development and the Ministry of Domestic Trade and Consumer Affairs.

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Malaysian Context

Malaysia is located in Southeast Asia and is a constitutional monarchy. This multi-religious, multi-lingual and multi-racial society has a population of some 23 million people. The population includes Malays, native peoples, Chinese, Indians and others.

In the four decades since independence was achieved in 1957, Malaysia has developed tremendously, through a mix of government intervention and free market activity. The government has managed to reduce the poverty rate and bring the majority of citizens into the mainstream of development. Malaysia has a vision to achieve developed nation status by the year 2020. Its success in alleviating poverty and ensuring balanced development has made it a model for other developing nations.

There are, however, income gaps between different income categories. The top 20 percent own 50.5 percent of the wealth, the middle 40 percent own 35.5 percent, while the bottom 20 percent own just 14.4 percent of the country’s wealth. The per capita income is RM13,450.

Malaysian society is becoming increasingly urbanized, with more than 60 percent of the population living in urban areas. There are also growing signs that the country’s rapid development and urbanization has led to growing problems that have been termed “social ills.” Crime, violence, drug abuse, sex crimes, delinquency, urban poverty and the marginalization of certain groups have become issues of major concern to the government, citizens and non-governmental organizations (NGOs).
Institute On Governance

Described as a parliamentary democracy, Malaysia has elections at the federal and state levels that are conducted regularly. Since 1957, the government has been led by a coalition of parties headed by the dominant Malay political party, UMNO. Its partners in this coalition (the Barisan National or “National Front”) include the two main Chinese and Indian political parties and a handful of smaller parties, including multi-racial ones. Opposition parties have been able to form state governments on some occasions. There is generally a vibrant political discourse, within certain specified limits set by laws and regulations aimed at ensuring public order and security. This bounded political debate has been spurred on by the fact that the traditional pro-establishment media has been countered in recent years by the growth of alternative media via the Internet and other publications.

Civil society in Malaysia, described by Meredith Weiss (2003) as “the space occupied by NGOs and other sorts of at least semi-autonomous citizens’ groups,” has emerged most clearly in the last three decades. In the pre-independence days, there were societies and groups that were engaged primarily in welfare and community affairs. These were followed by trade unions, education associations, political groups and religious societies.

But since the 1970s there have emerged groups that were focussed on other interests and issues like the environment, women’s rights, civil liberties and consumerism. The activities and emphases of groups like the Consumer Association of Penang and Aliran have led to wider and deeper debate of what a democracy means, public accountability and transparency. The scope of political involvement, which had previously been dominated by the state and established political parties, has been extended and now includes NGOs, prominent individuals and others. In the last two decades, established and newer NGOs have ensured a livelier NGO scene.

Why have civil society groups developed relatively quickly in Malaysia? This is due to a combination of factors, including the rise of a large, educated middle class who are increasingly aware of their rights; the spread of both mainstream and alternative media; exposure to global trends and events; and better networking and co-operation among local NGOs and activists and their international counterparts. Some NGOs have been able to make particularly good progress and achieve greater relative impact due to their professionalism and effectiveness in accessing and using resources, as well as support and encouragement from the state.

NGOs here can be said to operate within an environment that lies somewhere between two extreme political systems. This is because “the Malaysian political system is neither truly democratic nor completely authoritarian,” as described by Saliha Hassan (2002) in her recent study of political NGOs.

Some experts have divided Malaysian NGOs into two broad categories: 1) welfare or community service NGOs, and 2) development or advocacy-oriented groups. Others have classified NGOs using five sector-based categories – environmental, consumer, human rights, development, and women’s issues. Most advocacy-oriented organizations are small and urban, often based in Kuala Lumpur or Penang. Some of these groups are more mass-based, however, such as the consumer associations.

Saliha Hassan (2002) has suggested three basic ways these NGOs relate to the state. First, welfare and recreational NGOs complement the state by providing welfare and social services. Another group of NGOs challenge the state by criticizing or questioning its policies, practices or proposals. A third role is for NGOs to engage the state by negotiating, raising concerns and offering alternatives.

In Malaysia, NGOs and groups that are not outwardly anti-government or are considered moderate find themselves being given greater access to the policy-making process. Their representatives are even appointed to various government boards and bodies. This is because civil society continues to
operate in a largely restricted environment, with various legislative and regulatory measures in place to ensure that civil society does not pose a threat to the state. The state is sensitive to alternative sources of power and influence and traditionally seeks to co-opt such movements and to thereby control their influence.

The restrictive framework that civil society operates in can be seen in legislation such as the Societies Act, Police Act, Official Secrets Act, Internal Security Act, University and University Colleges Act, and the Printing Press and Publications Act. These laws generally relate to mass gatherings, protests, media and publications, student involvement, membership and registration, and form a formidable barrier to the development of advocacy-oriented civil society groups. The use or threat of use of these laws against NGOs has had a major impact on the growth and development of civil society groups.

According to Meredith Weiss (2003b), the development of a vibrant and effective civil society in Malaysia has been curtailed by a variety of factors. These include “an unsympathetic regime, relatively low popular commitment to voluntarism and political activism, persistent racial and religious cleavages, and enduring stifling regulations.”

In her work, Saliha Hassan (2002) describes several ways the government has responded to politically engaged NGOs – that is, groups that criticize the state and advocate for greater democracy, human rights and raise other “sensitive” issues. One response is to label as “irresponsible NGOs” those that criticize the government. Others are to co-opt leaders of such NGOs or to encourage and support moderate, government-friendly NGOs. Another response is to set up parallel agencies in government ministries to counter the influence of political NGOs and to undercut their appeal.

The number of advocacy-oriented groups in Malaysia is dwarfed by the large number of societies formed under the purview of the Registrar of Societies (ROS). In 1996, there were some 28,000 of these societies, although only about 100 were thought to be advocacy-oriented groups. Due to the delay in the registration process for these groups, certain advocacy-oriented NGOs have opted to register as businesses or companies instead.

There has been tremendous growth in the number of NGOs involved in a wide range of issues, interests, agendas and causes. NGOs have traditionally related to the state by complementing the services provided. Welfare-oriented NGOs continue to fulfil this role by providing residential and community and other services to the poor and needy. These NGOs usually work closely with the state.

Other, more progressive NGOs may focus on wider issues such as democratic values and development. Some seek to further their aims in non-confrontational ways, using negotiation and representation, while a smaller number may choose a more confrontational approach. Many newer NGOs have been established to play advocacy and development roles that are distinct from those of direct service-providers. There are also NGOs that are firmly networked and established as federations, alliances and umbrella bodies.

Groups that campaign and lobby on issues that matter to marginalized groups, such as children and indigenous peoples’ issues, consumerism, disability, urban poverty, juvenile delinquency and human rights, face common struggles and can learn from each other in order to engage more effectively and achieve their goals.

In recent years, the government has begun to espouse a policy of increased openness, engagement and transparency in its dealings with NGOs and civil society groups. This is particularly true with groups that are not political in nature. Indeed, those groups that have taken a more strident, oppositional or confrontational approach have been sidelined. They have largely failed in their endeavours to make changes to policies and practices in their areas of concern.

The state, the civil service and public agencies have also begun to adjust to the government’s new ways to engage with NGOs and civil society. The new climate of rights and responsibilities makes it more difficult for the state to ignore these groups or treat them as they have in the past.
In more recent years, there has been an increase in the number of groups that are marked by greater social and/or political activism. Politically engaged or active groups – with interests as varied as women’s rights, consumerism, religious expression, and human rights – are playing a growing role in determining how policy is formulated and translated into practice. A new Prime Minister came into office in late 2003, one who may adopt a more liberal approach, and civil society groups may well have more opportunities to advance their agenda, both in their own areas of interest and for the public good in the wider context of democracy.

Factors that Foster Government-Civil Society Partnership

1. International Environment

International trends can be important catalysts in the development of progressive change. Agencies of the United Nations and other international conventions, declarations and movements can play a significant role in bringing about changes at national and local levels. Many of the changes NGOs have advocated in Malaysian society have had their genesis in the international arena, although it may take years for change to actually be legislated, institutionalized and implemented. The U.N. Convention on the Rights of the Child is an example of an international convention that has had major impact on work done on behalf of children in Malaysia.

Changes in the international arena have enabled local activists to better articulate their concerns. For example, the U.N. Guidelines for Consumer Protection in 1985 and the growing impact globalization has had on consumers have paved the way for new social movements and civil society organizations to emerge.

It is incumbent on NGOs to study and understand the wider policy environment, particularly in the international arena. For example, when international standards and norms are set, NGOs can campaign on these issues and effect tremendous changes for the good of their societies.

Other external factors that have helped various NGOs in their growth and campaigning include moral support, financial assistance, research grants and the like. It should be noted, however, that some NGOs have also stagnated and become too dependent on such aid.

2. Growth of the Middle Class

Within Malaysia, the growing middle class, greater awareness and higher education standards have helped to create a more knowledgeable public, and ensured support for the concept of civil society. In recent years, the idea of civil society has taken hold and the government has displayed greater sensitivity toward the work of some NGOs, in that it is more willing to respond to NGO initiatives and proposals.

Exposure to the progressive change taking place in more developed societies has also meant a greater demand for positive changes and more balanced development at home in Malaysia. The average Malaysian is now better able to articulate his or her concerns, aspirations, complaints and demands. As a group, Malaysians are also less reluctant to show their displeasure or make their voices heard. In an atmosphere of greater accountability and transparency, the government and its agencies are increasingly responsive to civil society initiatives.

3. Media Support

The support of the local media and growing public awareness for civil society initiatives, on matters such as child abuse, consumer problems and issues affecting women, have helped to advance certain causes. The media plays a key role in determining whether an NGO campaign succeeds or fails.

As the media evolves and changes, it is incumbent upon NGOs to monitor these changes closely and respond accordingly. Having had a “friendly” media in the past is no guarantee of having positive media coverage in the future. As the line between media independence and business interests becomes blurred, NGOs have to tread warily in the territory in which the media, state, business and society operate together.

4. Greater Capacity

It is clear that larger, stronger capacity and resources help NGOs further their agenda. This helps to explain why some NGOs have managed to foster higher levels of local community involvement in
their programs, especially consumer clubs in schools. The Federation of Malaysia Consumer Associations (FOMCA), for example, managed to build up a movement for social justice and was able to create awareness and conduct campaigns on various issues. FOMCA was able to disseminate information to the public, engage the government with facts and data and propose remedies. More successful NGOs are often better equipped and networked to elicit community support and involvement. Such groups, however, are still in the minority.

When groups formed strong coalitions and networks, they achieved better results in a shorter time period. These coalitions or networks are formed when NGO leaders keep in close contact with the wider civil society and there is co-operation through exchange of information on common issues affecting the community, which creates solidarity. For example, the FOMCA campaign on the issue of payment for sewerage services garnered huge public support, in the form of one million signatures, as it was an issue that affected a broad range of people, and led to government intervention. There was data gathering and analysis; documentation and publication; as well as campaign strategizing, and they were calling on leaders from a cross-section of NGOs to support the initiatives.

Also, the formation of the Joint Action Group (JAG) by women's groups on the problem of domestic violence created a united front and collective voice that gave it credibility and helped advance the passage of the Domestic Violence legislation. Both these examples of FOMCA and JAG involved issues that were of national scale and would have required joint meetings and briefings from different groups, which resulted in strong networks of NGOs.

The commitment and capabilities of NGO personnel and their resourcefulness in advocacy, lobbying and liaison work are critical factors in the effectiveness of an NGO. Key NGO personnel are often seen by government as important resource persons, consultants and/or experts. In their interaction with government, such individuals are often able to provide valuable input and training, as well as assistance in policy formulation and implementation.

The tenacity, commitment, dedication and resilience of NGO leaders are also crucial. In the case of the National Policy on Women, the leaders engaged the government on the need for change, and this helped to make the policy shift a reality. In this case, the NGOs had dedicated volunteers at local and state levels who conducted workshops. Memoranda and materials were forwarded to the government and authorities, backed up with in-depth investigation, study, discussion and research. The National Council of Women's Organizations also lobbied senior government ministers on the need for policy changes.

5. State Support

One factor that has helped to foster good working partnerships between the state and civil society is the cultivation of personal relationships between state and NGO representatives. During the process of interaction, friendships tend to develop and this makes for closer co-operation and collaboration. For example, an informal chat among friends from the state and civil society can sometimes more easily lead to action than long, formal consultations or discussions.

Giving NGOs a seat around the table, and a platform for interaction, is also important. NGOs tend to be more effective when they are represented in various councils, committees, boards and agencies set up by the state to discuss, propose and implement policies.

Government support and assistance for the growth of certain civil society initiatives, such as school consumer clubs, can help determine how fast change can take place. NGOs that are able to
engage the state in a positive and constructive manner are better able to move the state toward particular objectives and goals. Often, it is the personal relationship between representatives of the state and NGOs that allows an initiative to succeed. The policy-formulation process and the involvement of NGOs can be bolstered if top decision makers have the political will and commitment. For example, the National Unity and Social Development Minister had the political will and commitment to see the Domestic Violence bill passed and she was a strong advocate for these changes within Cabinet and government.

Having allies and sympathetic people in the government bureaucracy, particularly at senior levels, can help strengthen government-civil society partnerships in the policy-making process. For example, the women’s groups had such a person in the form of the Attorney General’s Chamber representative leading up to the passage of the Domestic Violence bill. In another case, the government set up institutional mechanisms in response to consumer activism and acted to reconcile conflicting interests between business and consumer groups. Consumer policies were eventually even integrated into national development plans. The role of progressive government agencies and particular ministers and top civil servants aided the civil society-government partnership in policy formulation and implementation.

**Factors that Inhibit Government-Civil Society Partnership**

**A) State Sector**

1. **Neglect**

Despite the fact that the notion of civil society has been around for a while and the reality that NGOs have been present and active in Malaysia for several decades, the state and its agencies have not always been keen to work with NGOs. Such relationships have often been superficial rather than in-depth and meaningful. Both the government and civil society have often failed to come together effectively to build a framework to focus on core issues and integrate these into mainstream development plans.

There is a perception that the state is more interested in integrating NGO concerns with its own agenda so that it can control and influence such ideas. This means that it does not display significant interest in the issues and agenda of certain NGOs, particularly the more aggressive advocacy-oriented NGOs, unless it sees how it can derive benefit from it.

A major problem arises when the government or civil servants pay lip service to NGO initiatives as a means simply to appease NGO demands and steer public opinion in their own direction. In fact, the government may go so far as to adopt NGO policy initiatives. The problem is that actual implementation of those same policies generally does not take place.

Also, the ineffectiveness of some government agencies or bureaucrats can hinder the development of genuine partnerships with civil society. The frequent change of officers in charge of policy development and implementation can be a major hindrance.

2. **Lack of Sensitivity**

The absence of government officers who are sufficiently sensitized to issues, such as gender and women’s concerns, also weakens policy formulation and implementation. There is sometimes a genuine lack of competent civil servants involved in policy implementation. In other cases, the problem is that understaffed government agencies rely on overworked staff to effectively implement policies.

3. **Unequal Partnerships**

Some groups fear having their agenda co-opted by the government for its own purposes. Consumer groups continue to debate this point and question the type of partnership or engagement they actually have, or want to have, with the government. The issue hinges on how to avoid being manipulated for others’ ends and how to be a genuine partner in a relationship.

4. **Lack of Transparency**

A culture of secrecy and an ensuing lack of transparency still exist in many segments of the government bureaucracy. Several NGOs have complained about their inability to overcome this barrier and to have access to information and statistics. This lack of access hinders an NGO’s...
ability to study policy and make appropriate recommendations.

B) NGO Sector

5. Lack of Capacity
A recurring problem facing NGOs is the lack of internal capacity – shortages of key resources, including funding and staff. As largely volunteer-based and non-profit groups, these organizations must continually invest time and resources into fundraising programs.

The perennial lack of resources for overhead and infrastructure costs, research and in-depth study also hinder an NGO’s ability to respond to issues and monitor the impact of various policies. Several NGOs reported a limited ability to monitor developments on issues, including the implementation and follow-up processes that are vital to the success of any initiative.

The lack of capacity plaguing some NGOs also means that they are not able to respond to new issues and more complex challenges. Internal weaknesses leave NGOs vulnerable to having their initiatives and ideas hijacked or taken over by other groups. This can occur, for example, when an issue garners public support and other groups come in to try to manipulate that support for their own ends.

6. Complex Hurdles
Relating to government and state agencies is a complex and time-consuming task for NGOs. This “relating” must be with individuals at various levels and includes lobbying ministers and top civil servants, as well as engaging with grassroots staff who implement and carry out policies and programs. Such activities are often complicated by personal relationships that are at the core of such interaction.

On a corporate level, NGOs, as entities, have to deal with powerful central agencies, including the Economic Planning Unit, Treasury, Public Services Department and Attorney General’s Chambers. The capacity of many NGOs to do so, however, is hampered and limited by the lack of personnel sufficiently equipped to handle the task, and by lack of understanding of the intricacies and complexities of such engagement.

7. Implementation Roadblocks
Even when an NGO succeeds in getting a policy formulated, the government bureaucracy and individual officers can hinder its implementation. There is a real problem of “policy evaporation” within the government bureaucracy. Only NGOs that can keep a close eye on developments may be able to ensure that policies are actually implemented according to plan. NGOs need to reflect on why they may succeed in getting policies formulated but ultimately not fully implemented. While the policies initiated by civil society may be in place, there is a lack of mechanisms to monitor developments and ensure implementation.

8. Internal Weakness
There is also the issue of how representative civil society groups are. Some groups have internal weaknesses in this area, and are dominated by one or more strong individuals. The danger is that an NGO is used to further the aims and agenda of one or a few individuals, which compromises an NGO’s effectiveness. This is why some NGOs do not develop in a healthy manner and, instead, remain stagnant or even lose all relevance. Funding also imposes restrictions on NGOs that can limit how representative they are. Few groups can claim to be truly independent of sponsors or funders, simply because they are not capable of being self-financed. Others are beholden to domineering founders or prominent supporters. Another major hurdle is the ability of NGOs to be racially and linguistically inclusive so that they can attract better and wider support from the public.

NGOs also need to put into practice what they ask the state to do. For example, they need to be transparent and accountable in their actions and funding; uphold democratic principles in their elections and operations; and cultivate a consultative spirit with the state, other NGOs, members and critics. The question of succession and regular leadership transitions was raised in the research for this study. It is clear that NGOs need work to ensure that they do not perpetuate a culture of dominance by one or two leaders.

9. Narrow Focus
When NGOs focus on a single issue, there is a danger that they will have too narrow an agenda and lose grasp of the wider picture and the varied
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agenda of government, political groups, the private sector and other civil society groups. NGOs need to have both a micro and macro view of current issues and challenges.

Another problem, one that is magnified by a narrow and single-issue focus, is that many of the issues NGOs pursue are not part of the mainstream discourse and are not integrated into mainstream development plans. Many of these issues remain marginal, and this limits the ability of NGOs to get their message across and engage in meaningful partnerships with the state. For example, while women’s groups have had some success in getting policies approved and legislation enacted, the actual implementation of these policies and enforcement of relevant laws still lags behind. This is largely due to the lack of will to integrate these concerns into mainstream development plans.

10. Long-range View

NGOs need a long-term view of the challenges they face. Involvement in a major issue needs stamina and perseverance. Many NGOs lose focus or become disheartened when it takes years for policy changes to take place. By that time, some have even given up and are not able to follow up the issues to their implementation. Another danger facing NGOs is that there is often a lack of capacity to follow up the implementation of a policy. In this case, the policy has become the end in itself.

11. Opposition by Traditional, Conservative Voices

Trying to effect change through legislative reform or the passage of new legislation is a slow and complex process that many NGOs are not sufficiently equipped to undertake. Moreover, there is a natural resistance to change on controversial issues, particularly where change may upset more conservative groups. In particular, women’s groups complain of resistance to approval of laws and policies affecting women.

NGOs have to contend with the presence of other groups and interests that are resistant to change and progress, including, for example, conservative groups who oppose many policy changes affecting women and families, as well as marriage reform. Civil society needs to acknowledge that the policy arena is fraught with difficulty, with many competing interests present.

Advocacy requires shrewd and sensitive negotiation with other interest groups that have conflicting religious, cultural and economic values. Civil society groups need to develop this aspect of their work and build up networks and linkages to help them more effectively handle their advocacy responsibilities. Such sensitivities are prevalent in a multi-cultural and multi-religious country like Malaysia, especially on issues related to religion and culture, where there can be a lack of dialogue as well as over-sensitivity. Some vested interests claim exclusivity over issues like religion or laws related to women and the family, and some of these conservative groups try to deny others the right to comment on or debate a given issue. NGOs need to tread warily when debating and raising what are deemed to be sensitive issues. Often, such issues have to be debated away from the spotlight or media focus in order to make progress and for consensus to be achieved. Once an issue becomes too politicized or controversial, there is a danger of it being sidelined or delayed.

12. Lack of Expertise

There is a need to develop research-based, impartial information to bolster the capacity of an NGO, particularly on an issue like polygamy. The problem is that there is often limited expertise to conduct such research and it is difficult to raise the money to fund such initiatives.

13. Scholar-Activist Gap

There is often a gap among academics and activists working on the same issues. Academics often lack the grassroots experience to better understand an issue, while many activists do not have access to research to help them in their work. There is a need for greater sharing of research and dissemination of information so that there can be better planning and policy formulation. Closer collaboration on research can help NGOs to have better public awareness campaigns and more assistance in their lobbying efforts.

Lessons and Challenges

A Growing Partnership

Civil society will increasingly play a balancing and progressive role in the fast-developing nation of Malaysia. It is anticipated that civil society and
NGOs will have a greater say in how development occurs. Growing to be a more fair, equitable and progressive society are goals embraced by most people and segments of society, including the government, political and non-political groups, communities and individuals. The question is how civil society can play its role in the most effective way.

A central question NGOs need to address is the nature of the relationship between government and civil society. Can there be a partnership among equals when the partners are not equal in terms of knowledge, resources and expertise? Are NGOs aware of the dangers of partnership and the possibilities of co-option, window-dressing and manipulation? Is the process based on a meaningful partnership? Is an ad hoc approach the best way for the state and civil society to address issues and concerns? Clearly, neither the state nor NGOs are monolithic, and each issue may demand a different and creative approach to reach a consensus on how to progress. There is a need to be aware of these issues and to clarify the partnership and engagement process. And the government has a responsibility to do its part to clarify this engagement process.

Using the rhetoric of good governance is one thing, but the government also has a responsibility to put those principles into action. Part of this involves enhancing collaboration with civil society in the name of the common good. The government needs to demonstrate its sincerity by placing emphasis on developing good relations with NGOs. One way to accomplish this is to ensure better representation of NGOs on various government advisory committees, boards and agencies. This will enable civil society to give better feedback to the government.

**Policy Formulation**

How does the interaction between civil society and the state help shape policy formulation? Drawing from the case studies and other materials, this process can be illustrated in the form of a triangle or pyramid of steps, some of which overlap. At the base is the emergence of a key issue or problem – one which grassroots groups or NGOs articulate and then publicize. In some cases, NGOs may introduce the issue initially and this can attract publicity to the particular problem. If the public debate and discussion of the issue becomes intensified, it may then be taken up by a public figure like a minister or senior government officer. This person may serve as the key or catalyst for ensuring that the issue is addressed by the state.

In some of the case studies discussed in this paper, a minister or the entire Cabinet took up the issue once it was raised and ensured that appropriate legislative changes followed. This happens especially in policies that are of high public importance, as it is in the politicians’ best interest to champion it, since they are public representatives. Although this process can be lengthy, in some cases taking up to a decade, policy changes eventually occur. The case studies revealed that new policies were eventually drafted and adopted for implementation by various state agencies. This is a much-simplified version of how a new policy on an issue can be formulated.

In other cases, however, policy formulation occurs as a routine process by the civil service, wherein changes are introduced on an incremental basis over a longer period of time.

It is important to keep in mind that the policy-formulation stage, despite being critical, is just one step in the entire process from the emergence of a problem to the action taken to deal with it. The ultimate objective of an NGO, and civil society as a whole, is the transformation of a society into a better, more just, equal, humane and democratic place. The problem is that many NGOs lose sight of the implementation objective. The process of getting policy formulated can be a tiring and exhausting one, requiring patience, resources and endurance. Most NGOs in Malaysia do not have the resources or endurance to see the entire process through.

**Policy Implementation**

Some NGOs use the term “policy evaporation” to describe the bureaucratic hurdles in the state apparatus that obstruct the policy-implementation process. The civil service can be a formidable opponent to change envisaged by NGOs or even government ministers or Cabinet. Civil society must take into account that it is civil servants who either implement or do not implement policies that have already been formulated. This can lead to problems, particularly when a conservative, male-
dominated government agency or ministry is faced with the implementation of a progressive issue, such as women’s rights, marriage reform, human rights, freedom of expression or even better service delivery to the public.

The state has the resources of funds, personnel, data and research to make informed decisions in policy formulation and implementation. It needs to put into place a clear framework and operational guidelines when engaging civil society on issues and policies. This will make it easier for civil servants, who are the main implementers of policy, to work with NGOs and society in general. In the past, the absence of such a framework contributed to long delays in policy formulation and implementation.

On the other hand, civil society and NGOs need to have a clearer understanding of government bureaucracy and machinery, the process of enacting legislation, policy formulation and the monitoring of the implementation process. Understanding the framework of engagement with the state is crucial in determining the success of a policy proposal and timely interaction in the policy formulation and implementation stages.

**Capacity Building**

This paper has already commented on the need to improve the capacity of NGOs and to build strong and flexible institutions to respond to a changing environment. There are only a small number of NGOs that are well established and sufficiently equipped to play an effective role in the engagement process. Most other NGOs will need to devote resources to build their credibility and capability in a number of key areas. For example, there is an urgent need for NGOs to have better documentation and skills in research and processes. They also need to invest in time to reflect in order to learn lessons from past achievements and failures, and apply them in the future.

In an increasingly networked and globalized activity, it is imperative that NGOs establish alliances and working relationships with other NGOs as well as other segments of society such as political parties, community groups, associations and international agencies. Learning from and networking with others means less repetition of mistakes, more effective lobbying and advocacy, and a multiplication of one’s own capabilities. NGOs have little alternative but to work and partner with like-minded groups, the state, public agencies or other interest groups. This is crucial for success and progress to be made in the arena of policy making and implementation. Civil society groups, for a start, should come together more often to study, reflect and plan their strategies of engagement with the state.

**Strategic Thinking**

Successful NGO campaigns on public policy issues have demonstrated that well-planned strategies tend to reap greater dividends. A clear long-term strategy is required that includes the identification of goals and aims, a consistent and sustained advocacy, and monitoring of results. NGOs need a better grasp of the intricacies involved in influencing public opinion and engaging the government. The task of lobbying needs to be professionalized and can no longer be the responsibility of ill-equipped part-time volunteers. Given the complex environment civil society operates in, NGOs need to use a combination of strategies to effect policy changes, including direct, confrontational approaches as well as networking, dialogue and close co-operation with the state and other interests. The challenge is that building and implementing strategies of this nature requires sufficient investment of resources.

**NGO Resource Centre**

It may be the appropriate time for the state and NGOs to come together and establish a national NGO Resource Centre to stop the fragmentation of scarce resources by housing them all under one roof. The centre could serve scholars, activists and others in their research and study.

**Fundamental Change**

Another issue that needs to be addressed is what constitutes the long-term goal of civil society initiatives. Do NGOs effect fundamental changes or simply bring about small, limited changes that are more cosmetic in nature? One way to look at this is that, while changes may be small and incremental, as long as they are continuous and meaningful, the process will have a worthy end result.
**Rise of Apathy**

Some NGOs have cited the trend of declining activism, a lack of new recruits and volunteers, and a greater number of competing interests as major challenges to the civil society movement. As materialism, consumerism, and apathy increase among some segments of society, NGOs need to think of innovative means to recruit workers and raise funds. Public awareness campaigns, educational programs, and building up grassroots networks are some of the ways to boost public support. It is imperative that NGOs educate the public on certain issues and concerns, because no one else seems to be willing to do the job. This is particularly important on matters affecting marginalized groups and those left out of mainstream development.

**Power of Transnational Corporations**

Civil society also faces another challenge – that posed by the increasing strength of transnational corporations, the private sector, and other interests that may be opposed to the agenda of civil society groups. These groups and interests tend to have greater resources and political power than NGOs, who must respond, nevertheless, to the challenge.

**Case Study on the Domestic Violence Act**

In 1994, following years of hard work, campaigning, and lobbying, Malaysia became the first nation in the Asia-Pacific region to pass a law on domestic violence. The seeds for this legislation had been planted more than a decade earlier by a loose coalition of women’s groups.

But delays occurred in the implementation stage, and by 1996 the Domestic Violence Act (DVA) had yet to be implemented. This setback put in motion a remarkable event in the history of women’s groups in Malaysia.

On March 8, 1996, the Joint Action Group Against Violence Against Women (JAG) staged a peaceful demonstration during International Women’s Day. On that day, they handed over a memorandum to the National Unity and Social Development Minister that demanded the immediate implementation of the DVA. Many of those gathered to publicly demand that the state take action on the DVA were participating in their first demonstration. The widespread news coverage and publicity ignited debate on an issue that had been sidelined.

The event – a large gathering of women demonstrating and demanding action – appeared to have the desired effect. The issue remained a topic of discussion and debate for weeks. Later that month, JAG went a step further and made a public statement that the minister had the power to set the date of implementation of the DVA. On April 10, 1996, the minister announced that the DVA would become effective on June 1, 1996. The lengthy and complex process of getting the DVA passed and implemented had taken 11 years of lobbying, campaigning, and negotiating.

The issue makes an interesting study of the complexity of state-NGO relations in Malaysia and also provides valuable lessons on how civil society groups can engage the state during policy-formulation and implementation stages. The DVA issue also provides some insights into the difficulty NGOs and similar groups encounter in terms of obstacles, hindrances, and challenges when trying to bring about change on issues that may not be priority issues for the state.

**The Story of the DVA**

Prior to the passage of the DVA in June 1996, victims of domestic violence were hampered in their search for protection, remedy, and justice. Some of the challenges in the system were weak existing legislation, lack of interest by enforcement agencies like the police, and the lack of general awareness about the prevalence of the problem in society. For example, legislators were reluctant to treat domestic violence as a criminal offence. In her paper titled “Malaysian Women’s Campaign for the Domestic Violence Act,” Ivy Josiah, Executive Director of the Women’s Aid Organization (WAO), states that, “although criminal proceedings and injunctions were available under the Penal Code and existing legislation, domestic violence was regarded as a private family matter, and police and the courts were generally unwilling to take action against batterers.” This meant that domestic violence victims encountered a laborious and expensive process in seeking protection. For example, those
seeking injunction protection were required to be represented by a lawyer. The problem was that many victims could not afford the services of legal counsel. In practice, even if an injunction were granted, it didn’t afford effective protection to the victim.

Nearly two decades ago – in 1985 – several women’s groups came together to plant the seeds for the Domestic Violence bill, although implementation would take another 11 years. These women formed the Joint Action Group Against Violence Against Women (JAG), which was composed of individuals, WAO, Association of Women’s Lawyers (AWL), Malaysian Trade Unions Congress Women’s Section, University Women’s Association (University Malaya) and the Selangor and Federal Territory Consumers’ Associations.

In March of that year, JAG organized a workshop and exhibition to draw attention to the problem. The workshop declared domestic violence to be an important societal concern, and concluded with the women’s groups calling for the enactment of a Domestic Violence Act. JAG then drafted a “Proposed Act on Domestic Violence.” The original proposed legislation was quite different to what was eventually passed in Parliament. It was originally meant to grant both civil and criminal remedies for domestic violence victims, irrespective of religious or cultural considerations. Civil remedies were to include issues of maintenance, custody and divorce, while criminal measures were to expedite protection order procedures and empower police to arrest the offender and/or have him removed from the home. However, this proposed quasi-civil legislation was not acceptable under Malaysian law as there was no legal precedent. There were also concerns that a conflict of jurisdiction would arise regarding Muslims.

A month later, in June 1985, the National Council of Women’s Organizations (NCWO) submitted a memorandum calling for reforms to laws which discriminated against women. The memo to the Minister of Justice also included a call for the enactment of a Domestic Violence Act. Four years later, the AWL initiated a meeting between women’s groups and the police and a Joint Committee to examine the Proposed Act on Domestic Violence was established. The members included AWL, AWAM, WAO, NCWO, Bar Council, Department of Social Welfare, representatives from the Ministry of Health, Pusat Islam, the Women’s Affairs Department of the Ministry of National Unity and Social Development (HAWA), and the police. The Joint Committee prepared a document entitled “Domestic Violence Act, 1990.” Involvement in other issues meant that the NGOs could not press for the enactment of the Act in 1990 and 1991.

In 1991, a new women’s group, Sisters in Islam (SIS) published a booklet titled “Are Muslim men allowed to beat their wives?” Joining JAG’s lobbying efforts, SIS initiated meetings with Pusat Islam to convince the religious authorities to agree that an Act for both Muslim and non-Muslim women was needed.

In 1992, the Minister of National Unity and Social Development, Datuk Napsiah Omar, appeared to be more sympathetic to women’s issues. Several women’s NGOs submitted the document to her and to the office of the Attorney General. A unit within Datuk Napsiah’s ministry, the Women’s Affairs Department (HAWA), facilitated meetings between the NGOs and the Attorney General’s Chambers during 1993 and 1994.

Despite this progress, there were further delays due to problems in building a criminal and civil domestic violence law that applied to both Muslims and non-Muslims. Under the Malaysian Federal
Constitution, Muslims are governed by Syariah law in all family-related matters. Thus efforts to include civil remedies in the DVA met with objections that, for Muslims, domestic violence proceedings fall under Syariah jurisdiction. Islamic authorities also claimed that Syariah law provided adequate remedies and protection to Muslim victims of domestic violence. The basic argument was that a domestic violence bill applicable to Muslims was unnecessary. SIS and women’s NGOs refuted that, claiming that there were limitations to the Islamic Family Law.

During the lengthy negotiations, Datuk Alex Lee, then deputy to Datuk Napsiah, suggested the bill be made criminal in nature and be tabled in early 1994. Attaching domestic violence to the Criminal Procedure and Penal Code enabled domestic violence to be classified as criminal behaviour, while ensuring applicability of the Act to all Malaysians.

The women’s groups stepped up their lobbying efforts by having workshops and public education campaigns and the media played a vital role. A leading English-language newspaper, The New Straits Times, began its “Behind Closed Doors” column and the media kept the issue alive and gave a lot of coverage to NGO activism over the issue. The NCWO played a role in supporting and encouraging Datuk Napsiah to table the legislation in Parliament. The initial responses were dismal, as MPs made jokes about wife-battering. But the minister persevered; she tabled the bill at the eleventh hour and it was passed into law by Parliament in 1994.

In February 1996, AWAM initiated a meeting between Sisters in Islam, AWL, and WAO to bring them together again as JAG and to plan the handing over of a memorandum calling for the immediate implementation of the DVA. In March, on International Women’s Day, JAG organized a large gathering of women outside the opening ceremony of a seminar at the University of Malaya. The event was being officiated by the Minister of National Unity and Social Development. The women held a peaceful demonstration and delivered the memorandum to the minister.

**Lessons Learned**

What are some lessons that can be learned from the long and complex process of getting the DVA enacted and implemented? A strong feature of the process was the unity of the women’s groups that came together in 1985 to debate and discuss the issue and then decided to work toward enacting new legislation. The grouping that emerged cut across the usual dividing lines of race, status and socio-economic background. The use of a mechanism like JAG gave the various groups effectiveness as a collective voice. It gave the lobby efforts and campaigning credibility. There were disagreements and differences in opinion of the approach and resulting outcome, but there was generally more unity than disunity. The collective voice of JAG enabled the DVA to come into being. Without it, the status quo might have remained.

The other key enabling factor came in the form of Minister Datuk Napsiah, who was the lead advocate for the bill within the government. Within the ministry, HAWA played a facilitating role between the NGOs and the drafters of the bill in the Attorney General’s Chambers. The minister’s political will and commitment to getting the bill drafted and passed, despite the obstacles and opposing voices, played a major role in the entire process. The minister did not give in to pressure to back down and risked unpopularity, particularly among her male colleagues.

Another friend of the cause was the female officer who represented the Attorney General’s Chambers during the drafting of the bill. She was sympathetic to the case put forward by the NGOs. She had the difficult task of negotiating on behalf of an office
that was resistant to some proposals related to marital rape and eviction of the perpetrator.

The NGOs had a lobbying strategy and used every opportunity to press their case. During the 11-year campaign, International Women’s Day became a focal point, with events, workshops, lectures, concerts and a film festival that were aimed at furthering the enactment of the bill. Two years later, on the eve of the Beijing World Conference on Women, when the Act had still not been implemented, the NGOs drew up a 13-point agenda to remind the government to fulfill its commitments.

The media played a very important role during various stages of the lobbying campaign. It gave wide coverage to the efforts of the NGOs, featured articles on domestic violence and highlighted the need for a law to protect women from such problems. When women’s groups staged their peaceful demonstration calling for the Act to be implemented, The New Straits Times ran a lead article titled “Move It Minister” that challenged the minister to make the DVA a reality.

Despite the helpful role of the media, the NGOs faced tremendous opposition and limitations in their campaign. The piece of legislation that was eventually passed was not as far-reaching as had been originally intended, partly because civil society organizations agreed to concessions in order to make the Act a reality. Unfortunately, the NGOs did not fully realize the implications of the compromises until it was too late. They also encountered problems related to continuity in the membership of the negotiating teams. The years of campaigning and lobbying also took its toll and the NGO teams were “war weary” – influencing the decision to endorse the Act in a less-than-perfect state.

Case Study on the National Policy on Women

The need for a National Policy on Women (NPW) is based on the premise that women’s guarantees to equal rights and responsibilities as well as equal opportunities and participation should be assured. The policy articulates the needs and interests of women and stipulates that these concerns should be included in mainstream development policy and programs, with women participating as full and equal partners at local and national levels. Unlike the DVA, which is a specific Act of Parliament, the NPW is a statement of good intent that has yet to be mainstreamed or operationalized within the country’s development plans and strategies. However, as will be discussed below, there are some similarities between the two cases in terms of challenges, opportunities and lessons learned.

The National Council of Women’s Organizations (NCWO), a coalition of women’s groups, played a lead advocacy role in the formulation and adoption of the policy by the state. The NCWO had taken into consideration several international and national resolutions when formulating this policy. It drew on the recommendation by the Commonwealth Ministers for Women’s Affairs that each government should develop a national policy on women and development, integrated into the National Development Policy.

The NPW was approved by the Malaysian Cabinet in December 1989 and came four years after a recommendation was made for such a policy by a female minister, Datuk Seri Paduka Rafidah Aziz after she attended the United Nations Conference on the End of the Decade for Women.

It has been nearly 15 years since the Cabinet approved the NPW (a process that took four years) but it has yet to even appear in the implementation strategies of the government. Not enough effort has gone into making the policy a reality in terms of goals, targets and aims within the developmental plans of the nation. Today it is stagnant and remains merely a statement of principles. For example, during the drafting of the Sixth Malaysian Plan in 1990, the NCWO was requested to provide input for a chapter on women. Yet the Economic Planning Unit chose not to use this input and instead wrote its own chapter on women. While a chapter on women is included in each of the government’s key Five-Year Development Plans, it has not been included in the sectoral plans. For the most part, the interests of women have not been consciously integrated into more specific intervention strategies in the plans. It should be noted, however, that women’s groups have had some degree of success in getting a few NPW recommendations formulated into policy and put into practice. One example is the upgrading of
HAWA, the Women’s Affairs Department in the Prime Minister’s Department, into the Ministry of Women and Family Development.

The bottom line is that while women’s groups have been successful in getting a policy on women passed and adopted by the government, the implementation and integration of this policy in practical terms has been very disappointing. The main obstacle to the mainstreaming of the plan is arguably the lack of clarity and capacity within the government and the NCWO to integrate women’s concerns and interests into overall development policies and plans. For example, in 1993 there was a project commissioned by HAWA to operationalize the NPW into a set of concrete plans, with the aim of setting priorities and a time frame for actions. However, this project was discontinued. In 1995, when the Fifth World Conference on Women was held, the government came up with a National Plan of Action for Women. As usual, this plan was not integrated into the national development plans. An inter-ministerial committee was set up to implement the plan but delays and other problems have adversely affected the work of this committee.

Compared to most other legislation, laws relating to women seem to take much longer to enact. For example, the reform of marriage law for non-Muslim women took seven years to be passed in Parliament and another six years to be finally implemented. Why? There may be a natural resistance to laws that are progressive and empower women, particularly among the men that still dominate legislation’s drafting and enactment stages. The male-dominated bureaucracy lacks the will and commitment to change when it comes to matters affecting women. There are complaints of a lack of gender perspective or sensitivity among those in positions of authority and power. Some women’s groups claim that they have not been given the chance to be consulted on proposed legislation or changes. Some suggestions to make consultation easier include giving the Ministry of Women and Family Development a mechanism to look at changes to laws affecting women, and play the role of a “clearing house.” Another suggestion is that the ministry should serve as a catalyst on gender issues to the government.

Even if good policies are approved, such policies often get subverted or dissipated as they make their way down the bureaucratic ladder. This has been termed “policy evaporation” and can occur by intentional action or sheer neglect. Legislative and legal reform face more obstacles and require greater negotiation with a host of government agencies and other interest groups, which is a far more complex process than the Cabinet approval required for most policy changes. The problem is that while the Cabinet may be more open and progressive regarding policies on women, state agencies and the civil service bureaucracy in charge of implementation largely remain less open to change, progress and transparency.

Another source of the problems policies face in the implementation stage lies within civil society. The women’s movement failed to adequately follow through with its initial success in getting the policy passed by the government. It did not organize itself to influence the various bureaucracies to ensure successful integration and implementation. Practical and concrete ideas did not follow the approval of a policy and there was no long-term planning for implementation. The policy seemed to have become the end in itself.

Women’s groups need to realise that the state is not monolithic and that when relating to the government about policies and practices affecting women, a variety of flexible and complex strategies is required. Different tactics are required when dealing with the Cabinet and powerful public agencies like the Economic Planning Unit, Treasury, Public Services Department and Attorney General’s Chambers. They also have to compete with the opinions and influence of other groups and NGOs that may have a different outlook and agenda. According to a civil society leader, women’s groups...
have not strategized enough and have used an ad hoc rather than a proactive approach. She suggested that a combination of strategies is required when working with the government on policy making and implementation. A balance needs to be struck between adopting a more confrontational approach and engaging in a partnership arrangement with the state. A partnership between NGOs and state, including elements of critical engagement, debate and dialogue is neither static nor monolithic.

Some women’s groups have raised the issue of equality in the relationships between the state and NGOs. They claim that while civil society is eager to have a partnership, this is not reciprocated by the state, despite the rhetoric of the Minister of Women and Family Development who is arguably keen to develop such a partnership.

Women’s groups need to build up their own capacity and also focus on research-oriented advocacy. They need greater funding, and better networking with academia for collaboration. Most NGOs are not sufficiently equipped with resources, like funds and personnel, and are not able to monitor what happens at each step of policy formulation and implementation.

The government has formed Technical Working Groups (TWGs) that work on various issues, but this system has several weaknesses. A Malaysian Trades Union Congress (MTUC) representative says that the Women@work TWG meets only twice a year and members have few opportunities to raise issues with the Ministry of Women and Family Development. There are some concerns about the lack of follow-up on women’s issues like childcare, retirement and sexual harassment within this TWG set-up.

In the area of funding, the ministry has an annual RM20 million available for women’s groups, but the lack of capacity building in NGOs means that many do not get access to this funding. There are grants for women-related projects and programs, but NGOs claim that there is insufficient information about the grants, how they are spent, and so on. Once more, there is a lack of communication between the state agencies and NGOs about funding and how to achieve it.

**Case Study on Children**

In many Asian societies, children do not have the freedom to voice their opinions or assert their rights. They are, as the saying goes, to be seen and not heard. For example, during mealtimes in many families, the conversation is to be dominated by adults, and the children are not entitled to speak freely. This traditional system is being countered by an interesting and discernible trend in Malaysia where adults and many child-focussed NGOs have increasingly adopted an inclusive approach toward children. Slowly, children are beginning to make their voices heard in the realm of making and implementing policies that concern their future, as called for in the Convention on the Rights of the Child (CRC). The CRC is an attempt to ensure the meaningful – not token – participation of children in the process. The challenge is to empower children and facilitate their participation.

Numerous projects aimed at educating and involving children and the community in such participation have taken place. For example, there was close partnership between the state and NGOs in the “Say Yes For Children” campaign and also at the United Nations General Assembly Special Session on Children (UNGASSoC) in New York in May 2002. The New York assembly was a landmark effort where more than 400 children from 150 nations gathered to voice their concerns and record their aspirations for the future. Twelve Malaysian children, one facilitator and two NGO leaders participated in this session. Numerous training programmes and campaigns on CRC and child participation are now in place in Malaysia.

Malaysian government commitment to the development of children can hardly be questioned. In recent decades, great strides have been made to ensure that children have adequate access to good health care, education and other socio-economic benefits. Recently, the government has been working with the private sector and NGOs to help children cope with the challenges of urbanization, globalization, changing lifestyles and social ills.

There is a government acknowledgement of the need to ensure that children have balanced and healthy development, in light of the serious challenges and problems posed. This goal has been
translated into policy action in, for example, the enforcement of the Child Act 2001 in August 2002. The Child Act 2001 is the amalgamation of three previous pieces of legislation and gives more focus and breadth to legislation protecting the interests of children. The enforcement of this Act hinged on the participation of the ministries of Education and Health and the Department of Social Welfare.

During the last decade, the number of child-focussed NGOs offering a wide range of services for children has grown, particularly in the areas of abuse, disability, social disadvantages and specialized needs. They complement the role of state and quasi-government agencies in caring for and serving children. These NGOs have been also been consulted about creating proactive policies for children. The Consultative Council for Children, under the Ministry of National Unity and Social Development, is an advisory council that monitors and advises the government on issues related to children, and it has several NGO representatives as members.

The World Fit for Children and the Convention on the Rights of the Child campaign initiated the birth of the National NGO Forum in 2001. The NGO Forum is a coalition of NGOs directly or indirectly involved with children. Currently there are more than 60 organizations in the forum that form strategic alliances and smart partnerships. They work in tandem, aspiring to enrich the lives of our children, and toward making the world a better place to live in. At the core of the forum is a spirit of inclusiveness. Its structures and systems are aimed at marshalling the broad mix of capacities and resources, expertise, experience and commitment that are needed to address increasingly complex children’s issues – resources that no single sector can provide.

The Malaysian NGO Forum committee has been very active in responding to the World Fit for Children and the CRC. It has held three NGO forums in partnership with the Ministry of National Unity and Social Development and UNICEF. The third NGO Forum, in July 2002, discussed the strategies that would be required for an effective partnership between government and NGOs in the implementation of CRC and the National Plan of Action for Children. Over the last few years, the government – in partnership with NGOs and other groups – has actively addressed issues related to the CRC. As part of the process, there have been awareness-training sessions, “train the trainer” workshops and child participation. The Malaysian Child Resource Institute (MCRI) and the NGO Forum have played the role of lead agencies, and worked closely with the Department of Social Welfare.

An incident within the prison system was the catalyst for some important changes and drew attention to the way children are treated within the legal and court systems. There was uproar when it was accidentally discovered that many children were kept in prison together with their mothers who were serving their sentences. It is incredible that such a situation was allowed to persist for years before some concerned groups such as the Association of Women Lawyers (AWL) took up the issue, generated public support and lobbied the government to change the rules. These children are now being placed in homes instead of being raised in prison with their mothers. These changes are only the first steps in the complex process of changing the way the justice system treats children and juveniles.

Another example of government-civil society partnership relates to calls for a child-friendly court system. The legal and court system is a slow-moving one where progressive changes often takes a long time to implement. While there are special closed courts for juveniles, there has been little consideration given to children who appear in open court as victims or witnesses during, for example, a child abuse case. Concerns were raised that this system created additional suffering for children who had already been traumatized by their ordeal. As a result of the lobbying efforts of groups like AWL, a new child witness program is in place. Now, interviews are conducted on video in a neutral place,
rather than in a police station. The police officers conducting the interviews with the child witnesses are specifically trained and do not wear uniforms during the interviews. This works to ensure privacy and that interviewers do not intimidate the children. Trained personnel also accompany the children during the interviews.

Several NGOs involved in activities related to children and the law have been active in lobbying for a child-sensitive approach in the legal and court systems, and have worked particularly closely with the Attorney General’s Chambers and the Justice Ministry. The partnership between the government and NGOs in these areas has been very positive. There are now programs to ensure child-friendly courts, child witness support, CRC awareness, and training of trainers. Furthermore, it is encouraged that children are to be included and consulted on all matters related to their interests. Child participation is still in the early stages, but NGOs are in at the forefront of efforts to strengthen these positive changes. According to the AWL, however, one challenge they face is the lack of interaction and co-operation among researchers and activists. There is also a perception that the collaborative relationship between NGOs and the state is presently ad hoc. There is, therefore, a need for greater consultation, training and openness.

The Plan of Action for Children is another example of close collaboration between the state and NGOs. It is a global initiative and is being undertaken by NGOs and the government in Malaysia. The year 2000 marked the End of Decade Review of the first Plan. This process included evaluation, using indicators from UNICEF, and consultation with children and NGOs. For the first time, children participated as equal partners and also presented papers and gave recommendations on matters including childcare and child development; education and literacy; children in difficult circumstances; children with disabilities; parenting and family functions; and children and the environment. The Second Plan of Action (from year 2000), contains programs that specifically include children. Several participants at the roundtable discussion held for this research felt that there is currently a civil society-government partnership in terms of a working relationship, meetings, consultation and feedback, particularly in the area of children with disabilities.

The government also recognizes the important role NGOs play in supplementing and supporting the state’s efforts in meeting the needs of children. There are indications the government increasingly sees some NGO personnel as resource people. For example, the YMCA’s key resource person in the work among hearing-impaired persons is used as a consultant to the state in training and related issues. She works closely with state agencies like the Welfare Services Department and Education Ministry. In the longer term, similar partnerships are likely to emerge as a model for other NGOs. It is more cost-effective for the government to work in this way, and such an approach can help provide better services to those who need them. It is also an effective means of garnering support for the government and its policies. Through its partnership with NGOs, the state can reach out to those it might not have much contact with otherwise.

The experience of some NGOs is that agencies that serve the disadvantaged directly, such as the Department of Social Welfare, are more progressive and tend to consult more with NGOs on policy and implementation matters. Those agencies involved in turning policy into legislation, however, tend to move at a much slower and more conservative pace. This is the case with the Attorney General’s Chambers, which drafts legislation; and reviews legislation and feedback into the process, which can be a lengthy and laborious process.

This means that the government has different types of partnerships and collaborative arrangements with NGOs. In some areas there is co-operation at the policy-formulation stage, while in others it has been extended to the implementation stage. The question is: How can both parties create a platform for the development of real partnerships? Many observers presently characterize the government-NGO partnership as occurring at a “mild level,” and cite the need to make it stronger, and more equal.

While one requisite for partnership is recognition by the government of the contributions of NGOs (and indications are that this is happening), NGOs themselves need to have good practice models and upgrade their professionalism and research and development skills. Credibility and integrity are characteristics that NGOs need in order to make a long-term impact, and both take time to gain and
build. Current challenges in the development of partnerships between civil society and the government include the lack of collaboration among NGOs themselves, lack of resources among NGOs, lack of transparency in state agencies, lack of follow-up with plans, and poor implementation of policies.

What have been some enabling factors that have helped NGOs play a significant role in policy formulation and implementation? Key international initiatives from agencies like the U.N. and UNICEF, and other conventions and declarations, have made a major impact on the responses of governments and state agencies. These international trends have helped NGOs emerge with clearer agendas and programs, and have given them more clout in highlighting issues and making policy proposals. Media reports about the plight of needy children and greater public awareness about child-related issues have also helped to create a more child-friendly policy environment.

A survey by the National NGO Forum of 25 NGOs involved in children’s work indicates that there are numerous programs for children. But the quality of the programs varies, according to many factors like commitment, funding and capacity. To be effective, NGOs have to network and form strategic partnerships. Capacity building within NGOs is an essential ingredient in their growth and development. NGOs have to continue their efforts to advocate and lobby the state to ensure that the interests of certain marginalized groups are promoted, protected and eventually become part of the mainstream national agenda. This lobby effort is relatively easier than in other issue areas because the interests of children are easier to promote and are more likely to receive public support and government approval. NGOs have to ensure that the government abides by international conventions and norms relating to rights, welfare and concerns of children. It has to monitor public policies to ensure adherence to its obligations and that there is sufficient allocation of resources to the target group. In the area of public education, NGOs have to promote the idea of a child-friendly society. The development of children should be made an indicator of Malaysian society’s progress.

After a policy has been adopted, NGOs should work toward ensuring implementation of these goals. One of its tasks is to strengthen the capacity of state agencies and other NGOs to implement policies. It has to ensure that the breakdown does not occur within the system. Otherwise the loftiest goals will look good on paper, without having an impact on the lives of children, their families and the community.

At the closing of the U.N. General Assembly’s Special Session on Children in May 2002, world leaders agree on an additional agenda and set of goals that were specifically concerned with ensuring the rights of every child – to change the world for and with children. Indeed, children will continually need to be empowered to voice their opinions, make their own choices and decisions. There is a need for state agencies and grassroots NGOs to place importance on developing sustainable solutions by fully involving children and their communities.

Case Study on Consumer Rights

Collecting a million signatures in a nation with a population of some 20 million people is an outstanding achievement for an NGO. This was just what the Federation of Malaysian Consumers Associations (FOMCA) managed to do in a well organized campaign about exorbitant sewerage charges.

The coming together of several factors enabled FOMCA to wage and sustain a successful campaign. FOMCA was on hand to react to the public outcry over Indah Water Konsortium’s (IWK) sewerage charges in 1996. Consumers were billed for current sewerage charges as well as arrears when IWK took over the privatized services. In response, FOMCA launched a signature campaign to collect a million signatures to demonstrate the public outcry and dissatisfaction. Beyond the double-billing, consumers were upset that the bills were written in codes that were hard to decipher. IWK’s billing system and the lack of open communication regarding its services came under scrutiny when consumers in Malaysia understood that they were being billed for services that they were yet to be provided. It became clear that the public was ready to support FOMCA’s campaign on IWK.

With complaints coming in from all over the country, and the extensive media coverage on the privatization of sewerage services, the timing could
not be better for an NGO to embark on a campaign. Once FOMCA took the lead, other NGOs and the media lent their support, as did local residents associations. Petitions were circulated widely and signatures collected. IWK officials were forced to enter the public debate. With such widespread support for the campaign registering dissatisfaction with the sewerage charges, the government had to intervene in the issue. Its stance was that the policy of privatization was good in principle but that, in practical terms, its effects should not cause undue burdens on the public. In the end, NGOs and the public clearly scored a major victory against a large privatized agency. The billing system was scrapped and replaced by a more acceptable system.

The FOMCA case provides an interesting look at an NGO that has managed to be at the forefront of many consumer-related policies, issues, initiatives and campaigns over a long period of time. FOMCA has largely been able to do so without having been co-opted into having a pro-state position.

FOMCA came into being in 1973 when eight independent consumer associations formed a national umbrella body. Its aim was to better serve consumers, in a more systematic manner. The member associations also wanted to extend their influence to the national level. Today, FOMCA is the umbrella body for 10 registered consumer associations.

The government is motivated to work with FOMCA because it is the prime force leading the growing consumer movement. It has actively engaged FOMCA in policy development, regulatory reviews and consumer education. Moreover, FOMCA representatives have been appointed to several advisory panels on consumer-related issues.

Although not all of the dialogue results in successful change, FOMCA does appear to have relatively good access to channels of communication with state agencies to use in addressing policy issues and problems. In a roundtable discussion held in August 2003, it was argued that there were several case studies involving FOMCA that demonstrated that its engagement with the state had resulted in positive impacts on consumers in particular and society in general.

According to some FOMCA officials, the group has played a key role in working with the government on formulating and implementing various consumer-related policies. It has been able to do this without compromising its willingness or ability to disagree and confront the state. Differences of opinion have been incorporated into the process. FOMCA claims to have managed to engage in dialogue with the state without coming too close to it.

When FOMCA is compared to other NGOs, it can be said that FOMCA has been able to play a particularly important role in consumer issues over a long period. This is largely due to its organizational ability, networking and use of the media. Over the years, FOMCA has generally been able to strengthen the consumer movement and has contributed to consumer welfare and protection. For example, FOMCA claims credit for leading the evolution of the national consumer policy. Prior to its involvement, the consumer position was weak: 30 statutes containing consumer protection elements were inadequate in dealing with the challenges of a growing and complex marketplace. FOMCA highlighted the shortcomings of the legislation and raised awareness within the state and the public through memoranda, consumer forums, dialogue with the government and business sectors, media releases, pamphlets and newsletters. The outcome was the Consumer Protection Act of 1999. Other FOMCA initiatives have included: proposing the idea of the small claims court; taking up housing issues that eventually led to the formation of house-buyers associations; and coming up with the idea of
farmers’ markets where there is direct interaction between farmers and consumers.

During the last two decades both the government and FOMCA have played key roles in the development of consumer protection policies. The Eighth Malaysia Plan states that more progress will be made in the areas of consumer education and consumer protection through increasing school and community consumer clubs; implementing the Consumer Protection Act 1999 and a study for a Consumer Master Plan. There are many external and internal enabling factors that have led to the growth and development of consumerism in Malaysia. The Malaysian government has adopted various aspects of the United Nations Guidelines for Consumer Protection of 1985. The guidelines were used by FOMCA as a lobbying tool to seek the best possible consumer protection policies, particularly in the face of growing globalization and its effects on consumers.

The 1970s and 1980s also saw the blossoming of the non-governmental sector as social development groups, advocacy and pressure groups, consumer and environmental movements, and grassroots entities and private and indigenous institutions emerged. Internally, there was a growing consumer activism that helped consumers be more aware of their individual and collective interests. The potential of the consumer movement to further the common good was recognized by both the government and consumer groups.

A growing middle class and rapid urbanization have resulted in unprecedented levels of affluence in Malaysia. The new middle class is consumer-oriented and concerned about the quality of goods and services, pricing, fair trade practices and protection. It is now common for ordinary consumers to demand fair trade policies and practices, better information about products, and action against malpractice and fraud.

Over the years, the media has provided a forum for consumer groups to highlight issues related to safety and protection. FOMCA has made good use of the media to highlight issues and support its campaigns. The authorities have often been forced to respond to the media on consumer issues. When the mainstream media was not supportive of a particular issue, FOMCA disseminated its message through its own publications.

While direct public support for organizations like FOMCA remains low in terms of membership and donations, particular issues and campaigns have enjoyed high levels of public participation and support. For example, community involvement through school consumer clubs has helped to spread consumer education among children. And civil society collaboration on a wider scale has helped FOMCA make a greater impact on certain issues.

Another key factor in the success of FOMCA lies in its formation. At the outset, consumer groups had been asked to come together by a minister to represent consumers and to work with the state at the policy level. There were also close ties between FOMCA’s first president and the government. FOMCA was then able to get community involvement at local and grassroots levels in the kampung (villages) and districts. It managed to enlist thousands of members to support its campaigns and managed to form consumer clubs that allowed it to mobilize younger supporters, for example, in the anti-junk food campaigns.

FOMCA has been strengthened by the government acknowledgment that consumer policies need to be integrated with national development policies to enhance the quality of life of citizens. For example, Malaysia is among a select few countries that celebrate a National Consumer Day. Awards are given to effective consumer organizations, school consumer clubs and consumer leaders on each National Consumer Day. The state has recognized the need for an institutional structure, and established the Ministry of Domestic Trade and Consumer Affairs in 1990. Prior to this change, consumer affairs fell within the ambit of the Ministry of International Trade and Industry. The government also set up the National Consumer Advisory Council and state and district-level Consumer Councils to provide avenues for settling consumer disputes and promoting consumer education.

Other factors have served to inhibit the growth of the consumer movement in Malaysia. They include the slow response of the state to major issues and
problems. The considerable length of time taken to address major consumer problems, like “Get Rich Quick” schemes and hazardous products, has frustrated the work of FOMCA. The slow-moving bureaucracy has not made it easy for FOMCA in the process of policy development. Consumer leaders constantly point out that the cumbersome procedures, powerful bureaucrats, corruption and lack of political will limit avenues for consumer grievances to be dealt with effectively. It generally takes a long time for new policies and legislative reviews to be enacted. As mentioned earlier, the Consumer Protection Act 1999 took 15 years to pass, and amendments to the Housing Development Act took years to complete. The National Consumer Policy came into effect only in 2002 – many years after the U.N. initiatives.

The Official Secrets Act and government employees’ attitude of “pre-emptive secrecy” and self-censorship have hindered access to information and the ability to find out the stage of development of a particular policy. There is a perception among some that any criticism of government policies, whether valid or not, is considered to be “anti-government.” This type of misconception has impeded effective policy development. Moreover, several people active in the consumer movement commented that some government officers responsible for consumer-related issues are not always competent in their respective fields of work. When consumer issues are brought to their attention, their lack of knowledge poses a problem. Without the capacity to understand complex consumer issues, these civil servants are not able to effectively address policy concerns. This relates to another problem – the lack of financial resources within state agencies that results in them lagging behind the latest trends and developments.

FOMCA’s own work has been impeded by a lack of human and financial resources. An apathetic public can also hinder the work that requires mass support and mobilization in order to have an impact. Working with other NGOs on issues such as consumerism can be difficult, due to conflicts of interest and other factors.

In a world where trade and business grow in importance and influence, particularly in national development plans, the proposals and campaigns of consumer groups are sometimes not well received. The opposition to such campaigns is mainly due to a concern for disruption to business, jobs and the economy. The media, which had been more sympathetic in the past, has since adopted a more pro-business stance.

Recently, it has been argued that FOMCA has become less effective because of its close ties to the state. Many of its representatives sit on state-level committees and observers charge that FOMCA been “co-opted” by the state and thereby rendered less vocal and independent.

Yet, since the beginning, FOMCA’s philosophy was to be credible and consistent and pro-consumer, rather than neutral. It did this because it was felt that the state could not be a neutral regulator or referee between the private sector and consumers. Consumer rights could only be guaranteed by those with consumers’ interests at heart. It was argued that, since the state was a provider of services and goods, just like the private sector, it too was an interested party. According to this argument, the public and consumers also required protection from the state. Several participants at the recent roundtable discussion argued that FOMCA – not the government – had initiated many of the policies affecting consumers. According to long-time consumer advocate Bishan Singh, FOMCA’s greatest achievement was the freeing up the democratic space that allowed it and other similar groups to play a key role in influencing government policy on various issues. Indeed, FOMCA claims to have made significant impacts on consumer protection policies over the last 20 years. These include the National Consumer Policy; Consumer Protection Act 1999; Consumer Claims Tribunals; legislative reforms on housing, credit, direct selling and food safety. According to a former senior civil servant, FOMCA’s performance over the years has
been credible and the government terms its engagement with FOMCA a “smart partnership,” an often-used phrase to denote good state-civil society relations.

A sign of a healthy democracy is when the state allows civil society to contribute to policy making and implementation. However how much Malaysia has advanced in this area is still being debated. What are some challenges that FOMCA faces in a new environment of globalization, growth of other NGOs, and greater state transparency? It has to review its policy of engagement with the state and private sectors. Is it a partnership and, if so, what is the nature of this partnership? How effective are consumer groups? The modern consumer movement was born to correct aberrations in the market place, but some critics argue that any partnership would compromise the effectiveness of FOMCA in this role. This argument is rooted in the belief that the government’s approach is to co-opt civil society movements and NGOs to give it legitimacy and consolidate support. One means of doing this is by co-opting representatives from NGOs on to its boards and committees. In this way, it can tap into the thinking of NGOs like consumer groups, and adopt some of the proposals and recommendation that it feels comfortable with.

An observer at a recent roundtable argued that the government now has “control” over FOMCA and that the partnership is based on FOMCA’s subordination to the state. He said that, in reality, FOMCA does not fundamentally alter or affect government policies.

FOMCA may have indeed been granted seats and representation on government agencies and boards, but the question is: Does it truly have an impact? Various regulations related to public debate and disclosure of information have hindered the role of FOMCA’s representatives. Others see the government employing an inclusive strategy of consultation to show that it is democratic, open and transparent. One observer at a recent roundtable said that the state and NGOs “use” each other to achieve their own goals.

According to FOMCA President Professor Hamdan Adnan, “We will work with but not for the government, and this will be done through formulating policies and research.” But he also adds that, while FOMCA may disagree with the state, it is not anti-government. This, he states, is “our established culture in FOMCA.” But he adds that FOMCA has also walked out of boards and meetings in the past when it has major disagreements with the state. It is careful to avoid being co-opted to support policies and proposals it objects to. Basically, the philosophy seems to be that FOMCA will support whatever is pro-consumer and right, and that it will condemn whatever is anti-consumer.

Has FOMCA reached a stage in its development where it needs to re-think its engagement with the state over consumer and other issues? Several participants at the roundtable discussion wanted a clearer definition of this partnership and engagement with the state. FOMCA’s weaknesses have diluted some of the public appeal and support that it enjoyed in the past. Moreover, it now operates in a changed environment, where materialism and mass consumption have become entrenched. It has become just one of many voices to speak out on consumer-related issues. How it responds to the challenges of a changing environment and corrects its weaknesses will determine if it will continue to play a key role in the consumerism arena.

References


Chapter 6
Children’s Protection and Indigenous People’s Rights in the Philippines

Case Studies from the Philippines

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ABSTRACT

Building partnerships across the boundaries of government and civil society is a key strategy to promote policy reform. The importance of policy partnerships has been well examined in the context of public-private sector interactions (Rosenau 2000). Less is known about the specific conditions that foster effective partnerships between government and civil society in crafting social policy especially as it pertains to vulnerable group rights. Vulnerable groups suffer from social exclusion because of their disempowerment. Social exclusion occurs when the claims and needs of groups are not voiced, listened to, and acted upon (Percy-Smith 2000). To escape social exclusion and gain access to social services, vulnerable groups need to be empowered with legal rights.

This study will identify the factors that enable government-civil society partnerships in policy efforts to protect the rights of vulnerable groups, particularly children and indigenous communities in the Philippines. The focus will be on two cases: the 1992 Special Protection of Children Act and the 1997 Indigenous Peoples’ Rights Act (IPRA). It will look into the effects of leadership, participation, and partnerships on policy advocacy, consensus formation, and coalition building processes. The role of outside influences will be assessed, considering the existence of international framework agreements on children’s rights and indigenous peoples’ rights to guide the content of national legislation. Policy engagement is not limited to the law-making process. It is also important to see how government-civil society engagement helps in promotion of vulnerable groups’ rights through the institution of effective policy-monitoring and implementation arrangements.

1992 Special Protection of Children Act

The Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act (Republic Act 7610) was passed by the Philippine Congress on February 7, 1992, and was signed into law on June 17, 1992. It is considered landmark legislation as it defines new crimes or offences that may be committed against children.1 The law also redefines other offences or crimes contained in existing statutes. Special categories of children were also provided with special protection. Furthermore, this law is one of the first to be passed in the Asia-Pacific region after the adoption by the United Nations General Assembly of the Convention of the Rights of the Child (CRC) and its ratification by State Parties in 1986. The Philippines ratified the CRC through Senate Resolution No. 109, approved on July 26, 1990. It was the thirty-first country in the world and the fifth in Asia to ratify the Convention. As signatory to the CRC, the Philippines is committed to ensure that the provisions of the Convention are adopted by means of legislative measures as well as programs and services. The Special Protection of Children Act is a manifestation of this commitment.
The Special Protection of Children Act effectively replaced Presidential Decree 603, the Child and Youth Welfare Code, promulgated in 1974 during the period of martial rule in the Philippines. The new law aimed to provide stronger deterrence and special protection of children against child abuse, exploitation, and discrimination. The scope of the new law on children’s rights was more comprehensive than that of the laws that had been previously implemented.

Section 2 of R.A. 7610 declares the policy and principles of the state with regard to the protection of children’s rights. It states that it is the policy of the state “to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, and discrimination, and other conditions prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation, and discrimination. The state shall intervene on behalf of the child when the parent, guardian, teacher, or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation, and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same. It shall be the policy of the state to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.”

Furthermore, the law provides for the formulation of a comprehensive program on child abuse, exploitation, and discrimination by the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD) in coordination with other government agencies concerned and the private sector. The program is to be implemented a year after the law becomes effective. Its main objective is to protect children against child prostitution and other sexual abuse; child trafficking; obscene publications and indecent shows; other acts of abuse; and circumstances that endanger child survival and normal development. R.A. 7610 also provides sanctions for establishments or enterprises which promote, facilitate, or conduct activities constituting child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse. Specific articles of the Act also focus on the conditions of working children (Article VIII), children of indigenous cultural communities (Article IX), and children in situations of armed conflict (Article X).

1997 Indigenous Peoples’ Rights Act

Republic Act 8371, entitled “An Act to recognize, Protect, and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefore, and For Other Purposes,” is a comprehensive law that recognizes what indigenous peoples (IPs) in the Philippines have long been fighting for – official recognition of their right to their ancestral domain, self-governance, social justice and human rights, and cultural integrity. The law took ten years and three Congresses to pass. It has been hailed by the IPs and advocates of IP rights as landmark legislation that will give the indigenous peoples what has long been due them.

Prior to the Indigenous Peoples’ Rights Act (IPRA), there were attempts by the government to recognize the rights of IPs to their ancestral domain. An example is an administrative order issued by the Department of Environment and Natural Resources (DENR) that provides for the issuance of Certificates of Ancestral Domain Claims (CADC) or Certificates of Ancestral Land Claims (CALC) to indigenous cultural communities that have petitioned the government to recognize their right over lands under their care since time immemorial. But the IPRA is distinguished from previous efforts to recognize indigenous peoples’ rights by ten key features. First, it grants total recognition of the
rights of indigenous peoples to own ancestral domains and ancestral lands. Second, it repeals all laws prejudicial to the recognition of the right to ownership of ancestral domains and ancestral lands. Third, it respects and recognizes political structures and systems, culture, resource management practices, and conflict resolution mechanisms that are indigenous. Fourth, it provides for the issuance of tenure instruments that are equivalent to Torrens Titles. Fifth, it recognizes socio-cultural differences among the various indigenous peoples' groups. Sixth, it provides for the establishment of an office with clearly defined functions and adequate funding, and where indigenous peoples are adequately represented. Seventh, it mandates the delivery of basic services to indigenous communities, and provides for their holistic and integrated development. Eighth, it simplifies the requirement for the recognition of ancestral domain ownership and provides for the conversion of ancestral domain claims to complete ownership. Ninth, it recognizes the right of indigenous peoples to genuine self-determination and autonomy. Tenth, it provides for the indigenous peoples' self-delineation of ancestral domains and ancestral lands.

The IPRA mandated the creation of the National Commission on Indigenous Peoples (NCIP) to formulate and implement policies, plans, and programs that will operationalize the provisions of the law. The key concern of the NCIP is the protection and promotion of indigenous peoples' rights and welfare. The NCIP is composed of seven commissioners, each of whom should be a member of an indigenous cultural community. The commissioners are appointed by the President, chosen from a list of nominees recommended by indigenous peoples. Furthermore, the commissioners are to be chosen from the different ethnographic areas in the Philippines where indigenous peoples reside. For the NCIP to carry out its mandate, it has been granted various powers and given several responsibilities, including

- to serve as the primary government agency through which indigenous peoples can seek government assistance;
- to review and assess the conditions of indigenous peoples, including existing laws and policies regarding their situation, and propose relevant laws and policies to address their role in national development;
- to formulate and implement policies, plans, programs, and projects for the economic, social, and cultural development of the indigenous peoples, and monitor the implementation of these initiatives;
- to issue certificates of ancestral land and ancestral domain title;
- to enter into contracts, agreements, or arrangements with government or private agencies or entities as may be necessary to attain the objectives of R.A. 8371;
- to co-ordinate development programs and projects for the advancement of the indigenous peoples and oversee the proper implementation of these initiatives;
- to convene periodic conventions assemblies of indigenous peoples and review, assess, and propose policies or plans; and
- to issue appropriate certification as a precondition to the grant of a permit, lease, grant, or any other similar authority for the disposition, use, management, and appropriation by any private individual, corporate entity, or any government agency, corporation, and subdivision on any part of the ancestral domain, taking into consideration the consensus approval of the indigenous peoples concerned.

The Implementing Rules and Regulations (IRR) for the IPRA were promulgated by the NCIP on June 9, 1998.

The Legislative Process

Civil society engagement in the passage of the laws on indigenous peoples' rights and children's rights began even before the bills were introduced in Congress. In fact, the role and participation of civil society groups was significant in the formulation of the policies. Various groups actively participated in the technical working groups organized by legislators and legislative committees. They also actively lobbied and campaigned for the passage of the laws. The participation of these groups was also evident in the formulation of the implementing rules and regulations as well as the implementation of the policies.
One of the most interesting features of the IPRA is that it is a product of many years of collaboration among civil society groups, i.e., indigenous peoples and NGOs working for the recognition of IP rights, and various offices of the executive and legislative branches of government. The strong advocacy for a comprehensive law that would recognize the rights of indigenous peoples in the Philippines had been present for quite some time. In fact, according to Commissioner Evelyn Dunuan of the NCIP, the struggle for the recognition of IP rights and ancestral domains dates back to the 1960s. The development aggression in the Cordilleras and other parts of the Philippines where IPs reside provided the context for the waging of the struggle for IP rights. It was during these years when the Cordillera People's Alliance first advocated for IP rights and their ancestral domain, although the Alliance did not engage the government at that time. It has been recognized that the struggle for the recognition of IP rights has not been waged only through lobbying and in debates and discussions, but also through an armed struggle. Hence, there is an existing view that the IPRA is the product of a social movement.

The initiatives and actions of IP leaders and communities and their support groups contributed to a social movement that won some constitutional recognition for the rights of indigenous peoples in 1987. This subsequently generated support for a law to implement this constitutional mandate. Moreover, aside from the 1987 Philippine Constitution (Section 22, Article II; Section 5, Article XII; Section 6, Article XIII; and Section 17, Article XIV), international treaties and conventions, notably the International Labor Organization (ILO) Convention 169 and the United Nations (U.N.) Draft Declaration on the Rights of Indigenous Peoples, were the legal bases of the IPRA.

The initiative to enact a new law that would recognize and protect the rights of IPs to their ancestral lands and domains started in the Eighth Congress. In the 1980s, consultations and discussions with IP communities in the Cordillera region were held, and it was during these consultations that the need for a new law had been articulated. The advocacy, particularly of the group UGAT, for the passage of an Ancestral Domain Bill in Congress was the offshoot of Constitutional Commissioner Ponciano Bennagen's initiatives to include provisions on IP rights in the 1987 Constitution. During this time, Representatives Andolana and Claver pushed for the passage of the Ancestral Domain Bill in the House of Representatives. In the Senate, initiatives to pass an Ancestral Domain Bill were made by Senators Santanina Rasul and Joseph Ejercito Estrada during the Aquino administration, and by Senators Orlando Mercado, Gloria Macapagal-Arroyo and Francisco Tatad during the Ramos administration. However, the measures proposed by these legislators focused only on the creation of a national commission on indigenous peoples. It was during the Tenth Congress that Senator Juan M. Flavier proposed Senate Bill 1728, which was eventually passed as RA 8371, the IPRA. In the House of Representatives, the proposed legislation was pushed by Representative Andolana.

The Coalition for Indigenous Peoples' Rights and Ancestral Domains (CIPRAD) played a significant part in the enactment of the IPRA, especially in the law's formulation and development. The CIPRAD is a broad coalition of groups and individuals that advocated for the recognition and protection of IP rights and ancestral domains. According to Commissioner Dunuan, all initiatives from all types of groups should be recognized when talking about the advocacy for IP rights and the passage of the IPRA. This is because the advocacy for the recognition of IP rights was not really a concerted effort among IP groups and NGOs. However, among the groups that figured
prominently in the advocacy for the IPRA were the Episcopal Commission on Indigenous Peoples of the Catholic Bishops’ Conference of the Philippines (ECIP-CBCP), PANLIPI Legal Assistance Centre for Indigenous Peoples, Inc. (PANLIPI), Gaston Z. Ortigas Peace Institute (GZOPI), and the National Peace Conference. These groups played a significant part in the nationwide consultations that were held to identify a legislative agenda for the IP communities.

Another important factor in the passage of the IPRA was the important role played by Commissioner Dunuan when she was appointed as sectoral representative for IPs in the House of Representatives during that time. Although Commissioner Dunuan’s appointment as sectoral representative was not approved by the Commission on Appointments, she managed to conduct consultations with IP communities all over the country to determine and discuss the legislative agenda for the IPs. The major groups that collaborated in this effort were the Office of the Presidential Adviser on the Peace Process (OPAPP), which provided the funds for the conduct of the consultations, the ECIP-CBCP, the National Peace Conference, and PANLIPI. The consultations resulted in a draft bill that was submitted for sponsorship to the offices of Senators Flavier and Tatad.

Various groups were involved in the hearings conducted by the Senate Committee on Cultural Communities and the meetings of the Senate Technical Working Group. Among these groups were: the Office of the Southern Cultural Communities (OSCC), the Office of the Northern Cultural Communities (ONCC), the Department of Environment and Natural Resources (DENR), the Department of Agrarian Reform (DAR), the Commission on Human Rights (CHR), OPAPP, the Presidential Legislative Liaison Office (PLLO), ECIP-CBCP, PANLIPI, GZOPI, Cordillera Peoples’ Forum, the Federation of Matigsalug Manobo Tribal Councils, the Tribal Communities Association of the Philippines, and CIPRAD. The transcripts of the meetings indicated that there were also indigenous peoples’ leaders who attended these activities on behalf of their respective communities.

Another critical factor in the passage of the IPRA was the support of the Ramos administration for the proposed law. Upon his assumption to the presidency, President Fidel V. Ramos formed the National Unification Commission (NUC) to identify and address the root causes of the problems of the country. One of the principal findings of the NUC was that the non-recognition of IP rights and their ancestral domains and poverty are the root causes of the problems of the country that need to be addressed. Hence, the passage of an Ancestral Domain Law was one of the principal recommendations of the NUC. The passage of the IPRA eventually became part of the Social Reform Agenda (SRA) of the Ramos administration.

The success of the enactment of the IPRA can also be attributed to the collaboration of various groups, from both the government and civil society, with the office of Senator Flavier. These groups participated mainly in the Technical Working Group that was formed to work on the draft of the proposed bill and provide technical assistance to the office of the Senator. These groups were PANLIPI, GZOPI, ECIP-CBCP, OSCC, and ONCC. The individuals who volunteered as members of the Technical Working Group were Tony Abuso (ECIP-CBCP), Juliet Bersales (ONCC), Grace Chavez (OSCC), Elena Damaso (GZOPI), Girlie De Guzman (PANLIPI), Evelyn Dunuan (PANLIPI), Domingo Nayahanga (OSCC), Didith Tayawa (Office of Senator Flavier), and Florence Umaming (GZOPI). These individuals worked on a daily basis in the Senate without compensation to ensure the enactment of the IPRA.

However, although the IPRA is solidly grounded on constitutional mandates that it seeks to operationalize, the lobby for its enactment was a very long and difficult process. The process of enacting the law actually took a decade. The
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initiative began during the Eighth Congress but the law was finally approved in the Tenth Congress. There were four main reasons why the IPRA was difficult to pass. First, IPRA tries to reflect a reasonable interface between two very different worldviews – that of the indigenous peoples, which is legally tenable but unpopular because it is “different,” and the more popularly accepted and dominant legal view of land, natural resources, cultural integrity, and governance. Second, IPRA seeks to eliminate deep-seated prejudices and bias of the broader society against the indigenous peoples. Third, indigenous peoples themselves had to articulate their concerns, and – given 110 known Indigenous Peoples Communities, with different cultures and practices – a great number of consultations had to be held. This was not only costly but time-consuming, because the NGOs had to go where they were, oftentimes in hinterlands, where, more often than not, no government representative had ever been seen. Fourth, IPRA had to be pursued by a united force of NGOs and people’s organizations (POs). In spite of the above difficulties, the IPRA was passed because, it is believed, the significance of the law and its urgency was recognized. Aside from being part of the Ramos administration’s Social Reform Agenda, the recognition of the rights of indigenous peoples is an internationally acclaimed norm among free nations. The enactment of the law is also part of the Philippine government’s fulfillment of its commitments to international conventions.

The long process of coming up with the IPRA can be attributed more to the fact that the process of consultation took a long time than to the opposition that it faced in Congress. As indicated above, the process of uniting the IP communities and the NGO-PO sector to rally behind the proposed bill was also an important concern. Opposition that came from other interest groups came a bit late. Since the mining sector had little information about what was going on with regard to the bill, there was only weak opposition from the industry during legislative deliberations. However, after its signing into law, opposition to the IPRA was raised by some individuals and groups. There was a case filed in the Supreme Court regarding IPRA’s constitutionality. Another set of issues is being raised with regard to the law’s implementation, in spite of the participation of various groups in the drafting of the IPRA’s Implementing Rules and Regulations (IRR). Even with the participatory nature of the process involved in the making of the IPRA, the law is not perfect. Some objections have also been raised by some groups from the NGO sector, such as the LRC-KSK, with regard to certain provisions of the law.

In the case of the Special Protection of Children Act, it was introduced in the House of Representatives in 1991. Representative Jose Luis Martin Gascon, the sectoral representative for youth and children in the Eighth Congress, delivered a sponsorship speech sometime in late 1990 for a bill on the protection of children against child abuse. Two factors were considered critical in terms of influencing the introduction of the bill in the House of Representatives. These were (1) the ratification of the CRC; and (2) the number of high profile cases of child abuse that were exposed by the Philippine media at that time. It is mainly because of these two factors that the need for a new law to protect the rights of Filipino children was recognized.

After Rep. Gascon’s sponsorship speech for the new law on children’s rights, he was given full authority by the House Committee on Social Services to head the Technical Working Group (TWG) that would consolidate all the pending measures on children’s rights referred to the committee, as well as draft the proposed bill. The TWG convened by Rep. Gascon conducted a total of seven meetings where several government agencies and non-government organizations (NGOs) participated. Among the government agencies that attended the meetings were: the DSWD; the DOJ; the Council for the Welfare of Children (CWC); the Bureau of Women and Youth Welfare of the Department of Labor and Employment (BWYW-DOLE); the Department of Education, Culture, and Sports (DECS); the National Nutrition Center (NNC); the Commission on Human Rights (CHR); the Armed Forces of the Philippines (AFP); the University of the Philippines College of Social Work and Community Development (UP-CSWCD); the Office of the Peace Commissioner; and the University of the Philippines Law Centre.

On the part of civil society, the following groups were involved the Alliance for Children’s Concerns
or Salinlahi Foundation; the Congressional Research Training Service (CRTS); the Defence for Children International (DCI); the National Council for Social Development (NCSD); the Coalition for Peace; End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT); the National Council of Churches in the Philippines (NCCP); Adhikain para sa Karapatang Pambata; Structural Alternative Legal Assistance for Grassroots; Forward Looking Women; Kalipunan ng mga Katutubong Mamamayan ng Pilipinas; the Ecumenical Commission for Displaced Family and Community; the Children’s Rehabilitation Centre (CRC); and LUNSAD-DLSU. Three sub-committees were also formed to work on three specific areas covered by the bill: (1) General Provisions; (2) Sexually Abused and Exploited Children; and (3) Children in Cultural Communities and Children in Situations of Armed Conflict.

The sub-committees had a total of nine meetings, with participation by government agencies and NGOs. Rep. Gascon presented to the Committee on Social Services a draft substitute bill entitled “An Act Instituting the Protection and Rehabilitation of Children in Especially Difficult Circumstances, Prescribing Penalties for Violation Thereof and Appropriating Funds Therefore.” This was approved by the committee on December 10, 1991, and became House Bill 6946. Rep. Dante Tinga was named author of the bill, while Reps. Renato Dragon, Eric Singson, Luis Singson, Hortensia Starke, and Miguel Romero were named co-authors. After the proposed bill was approved at the level of the committee, it did not undergo any contentious and controversial discussion during the floor deliberations. In fact, the bill is considered one of the fastest to pass in Congress. After the approval of the bill in the House of Representatives, the bill went through discussions in the Bicameral Conference Committee, since the Senate also had a proposed bill (Senate Bill 1209), authored by then Senator Jose Lina, Jr. However, the discussions in the Bicameral Conference Committee were also swift. Eventually, the provisions of the House version were adopted and a consolidated bill was approved.

After the approval of the bill in Congress, an attempt was made to have then-President Fidel V. Ramos to veto the bill. The opposition to the bill was raised by the Department of Labor and Employment (DOLE) regarding certain provisions of the bill about child labour. But the final decision made was to approve the law and later introduce amendments to it to accommodate the concerns of the DOLE. Eventually, R.A. 7658, which amended Section 12, Article VIII of R.A. 7610, was enacted by the Ninth Congress. R.A. 7658 prohibited the employment of children less than 15 years of age, to comply with the International Labor Organization (ILO) Convention 138.

The enactment of R.A. 7610 may be considered to be the result of a fruitful partnership between the government and civil society. Various groups have been involved throughout the policy process – from the formulation of the bill up to the drafting of the law's implementing rules and regulations (IRR). In examining the process of how R.A. 7610 came about, it can be observed that several important factors contributed to the development of the policy.

The strong advocacy by individuals and civil society organizations for a law that would express the provisions of the U.N.-CRC can be considered as the first important factor in the development of the policy. Strong advocacy for children's rights was present not only at the national level but also at the international level. Furthermore, the Summit of the Heads of States on the Rights of the Child, held in December 1990, also provided a context to the introduction of the bill in the House of Representatives. According to Ms. Violeta Corral, who is a former member of the legislative staff of Rep. Gascon, a strong advocate of children's rights from the NGO sector went to the office of Rep. Gascon and suggested the idea of coming up with a proposed bill on children’s rights. While strong advocacy from civil society is important, it is equally important to have a strong ally in Congress. In this case, the legislative champion for children’s rights in Congress was Rep. Gascon.

Another significant factor that facilitated the swift approval of the bill in Congress was the nature of the proposed bill itself. For one, there was already the presence of pressure from the international community to come up with a law on children’s rights because of the ratification of the CRC. The Philippine government was already committed to come up with legislative measures and programs based on the Convention. In fact, this influence can
be seen in terms of the provisions of the law, which were mainly based on the provisions of the CRC. Moreover, the issue of children’s rights is considered less contentious and not controversial. It is also considered part of “low politics.” Hence, there were only minor hindrances in the passing of the law in Congress.

The strong support for the proposed bill on children’s rights was also attributed to the fact that Rep. Gascon used a “hands-on” approach in dealing with the process of having the bill approved in the House of Representatives. This means that Rep. Gascon made sure that proper consultations were made with the sectors concerned with the issues related to children’s rights. When he was given full authority to organize and head the Technical Working Group (TWG) to consolidate all proposed bills on children’s rights and draft a substitute bill, Rep. Gascon tapped the existing network of NGOs and government agencies to work on the provisions of the proposed legislation. There was little difficulty in getting the co-operation of various groups, since the network had existed even prior to the introduction of the bill in Congress. The collaboration of different groups, both from the government and civil society, ensured that there was only one version of the bill that would be introduced in the House of Representatives. This is also an important factor that guaranteed the swift approval of a proposed bill in Congress. The role of the staff members of the Committee on Rules is another factor that facilitated the approval of the bill in the legislature.

Finally, the timing of the bill’s final approval in Congress can also be considered important because it was the time when the legislature was about to close the Session and national elections were going to be held in a few months. Given that the topic of the proposed legislation was not contentious, none of the legislators found reason to oppose the approval of the bill.

In summary, the following factors were significant in the formulation and enactment of the policies within the legislative branch of government:

1. The support and commitment of sectoral representatives in the passage of landmark legislation in the areas of indigenous peoples’ rights and children’s rights.
2. The strong network of NGOs and people’s organizations that existed prior to the introduction of the bills and that pushed for the enactment of the laws in Congress.
3. The participation and co-operation of other government agencies, particularly from the executive branch of government, in the various discussions and consultations for the formulation and development of the proposed laws.
4. International agreements, conventions, and laws that the Philippine government had ratified and acceded to.
5. The nature of the issue covered by the policy (in the case of the Special Protection of Children Act, children’s rights is considered “non-political”) and the support of the administration for the passage of the law.

**Government-Civil Society Collaboration in the Policy Process**

The study of the enactment of the Indigenous Peoples’ Rights Act and the Special Protection of Children Act showed that both laws have been products of efforts of a multi-stakeholder community that included NGOs, people’s organizations, government officials, legislators, indigenous peoples and individuals. Several factors were significant in successfully passing these laws in Congress.
First is the political support for the proposed bill. In both cases, political support was present for the approval of the bills in Congress. The IPRA was passed during the Tenth Congress when the bill was certified an administration bill, being part of the Ramos administration’s Social Reform Agenda. However, it should be noted that, in the two previous Congresses, attempts were undertaken to pass an ancestral domain bill but these failed because of the lack of political support for such initiatives. In the case of the Special Protection of Children Act, the proposed bill garnered political support because the effort was part of the Philippine government’s commitment to comply with the provisions of the U.N. Convention on the Rights of the Child (U.N.-CRC). At the same time, the issue of children’s rights is considered as less contentious among the various interests represented in Congress. The political support extended to the proposed bills contributed to the relatively swift and less problematic passage into law.

Another important factor is the presence of a strong supporter and legislative champion to pursue the initiative in the legislature. The experience of the coalition of indigenous peoples and NGOs in the process of enacting the IPRA pointed out the need to have a strong champion and partner within Congress. Senator Flavier and Representative Andolana were fully committed in working for the IPRA’s passage in the Senate and House of Representative, respectively. In the case of RA 7610, the role of Representative Gascon was not only to provide political support for the passage of the bill, but also to bring together the various groups and advocates of children’s rights.

The Technical Working Group (TWG) and sub-committees convened by Representative Gascon for the formulation of the proposed legislation provided a venue for government agencies and civil society groups to put various points of view together. Although a network of organizations had already existed prior to the TWG, the work in Congress gave the groups the opportunity to further discuss the issues concerning children’s rights. The participants in the focus group discussion (FGD) organized for this study believed that the success of the partnership in passing the Special Protection of Children Act also depended on the personalities involved. Those who participated in the TWG found a way to put their points of view together and make sure that the law would be passed. Perhaps it was important that the provisions of the proposed bill were stated in a general way, so that the proposed bill became acceptable to the groups that participated in the process.

The availability of resources also positively affected the partnership between government and civil society groups in the policy process. In the formulation phase of the IPRA, the OPAPP provided funds and extended support to Representative Dunuan and the NGOs that conducted consultations in the IP communities. Moreover, according to Ms. Damaso, NGOs such as PANLIPI and ECIP-CBCP invested their resources in the consultations as well as in the Senate TWG. The coalition of groups that worked for the formulation, development, and passage of the IPRA used their resources without any support from international development agencies. In the case of the children’s rights advocates, UNICEF played a significant role by serving as a facilitator and broker of the partnership among the major partners, including the CWC, DSWD, DOLE, and the NGO network under the umbrella of the NCSD. UNICEF convened and provided financial support for the meetings conducted by these groups, and also provided venues for dialogues and consultations. In addition, the international agency provided funding for research about the circumstances of street children.

Building consensus among the groups is also very significant in successfully passing the bills into law. CIPRAD and the Office of Rep. Dunuan worked with the OPAPP in helping the indigenous peoples formulate the law that they intended to lobby for. It was during the consultations with the IP communities that a consensus decision was made to pursue the lobby for the enactment of the IPRA.
However, it should be noted that the consensus was not arrived at in a swift and easy manner. Unlike children’s rights, the issues concerning IPs were highly contentious and political. In addition, the points of view of the various groups were difficult to consolidate, because of the differences in the ideologies that these groups have adopted.

In the experience of enacting the IPRA, there were some groups that were present in the early stages of the process but later decided to leave the coalition when the law was about to be approved by Congress. An example is LRC-KSK, which submitted to the Senate a position paper stating its arguments against the proposed IPRA. The group stated that it is opposed to the IPRA for four reasons:

1. It subsumes all rights established for indigenous cultural communities and/or indigenous peoples to the “national interest.”
2. It exempts strategic minerals from coverage by the law, and, therefore, implies the national government’s control of one of the most important commercial resources, one that could serve to uplift the conditions of indigenous cultural communities.
3. It unqualifiedly subjects recognition of ancestral lands to a recognition of property rights that have already been acquired, even by outsiders, within their area.
4. It reduces indigenous peoples to mere managers of their domains for the purpose of ecological sustainability rather than empowering them as owners (LRC-KSK 1997).

But, despite the differences in the positions of various groups, the coalition managed to come up with a consensus among the IP groups and communities and NGOs to lobby and support the passage of the IPRA in Congress.

In the case of the network of children’s rights advocates, as already noted above, the consensus was not difficult to arrive at, since children’s rights was not considered as a highly contentious issue. Although the different groups also carried with them different ideologies, this factor did not figure prominently in the process of enacting the bill. When the bill on the protection of children’s rights was introduced in the House of Representatives, it was welcomed by both government and civil society groups. This is because of the active participation and involvement of groups from both sectors in the process of formulating the provisions of the proposed legislation. The different groups provided inputs for the proposed bill depending on their areas of concern or interests. For instance, in the case of the Armed Forces of the Philippines (AFP) and the Department of National Defence (DND), they participated in the drafting of the provisions concerning children in situations of armed conflict. This particular case was expected by some to be contentious and difficult, because of the differences in the perspectives of the groups. However, because the provisions were stated in a general way, the process of formulating the bill became less difficult. As both cases showed, building consensus among civil society groups is important, enabling them to present a united stand to the legislators and other decision makers, thereby convincing them of the relevance and importance of the proposed law.

Social negotiations, or bargaining, is another important factor in the passage of the laws, particularly in the case of IPRA. Taking into account their experiences in the Eighth and Ninth Congresses, the IP leaders were already aware that they should be prepared to negotiate and bargain in order to pass the bill. At a National Congress held in December 1995, the IP representatives and various NGO representatives agreed to a consensus bill and identified seven non-negotiable points in the bill:

1. Recognition of native title and their rights to ancestral domains
2. Respect for the right to cultural integrity
3. Recognition of IPs’ political structures and governance
4. Delivery of basic services to the IPs
5. Respect for human rights
6. Elimination of discrimination
7. Creation of an office that would cater to the needs of the IPs (De Guzman, 1999)

To facilitate decision making during the negotiations, an open discussion forum among NGOs and POs on the proposed bill was created. This was called the Consortium for the IPRA. The IPs themselves chose to change the name of the legislation, from the Ancestral Domain Bill to the Indigenous Peoples’ Rights Act, to emphasize the law’s holistic approach and character.
Working with the legislative staff of legislators as well as the staff of legislative committees also proved to be a significant factor in the success of enacting the bills in Congress. The TWG organized by Representative Gascon worked harmoniously with the members of his legislative staff. Such was also the experience in the passage of the IPRA. The rapport that was built among the members of the Senator Flavier’s legislative staff and the advocates of IPRA was a very important factor contributing to the success of their collaboration, especially in organizing the Technical Working Group.

Another important lesson imparted by the successful passage of the Indigenous Peoples’ Rights Act and the Special Protection of Children Act is the need for civil society groups to “learn the ropes” of the formal legislative process. Evidently, it is important to establish contacts and network with members of the legislators’ staff as well as the staff of legislative committees. For civil society groups to achieve success for the causes they are advocating, it is important for them to know how they could engage government and other partners more effectively.

The case studies on the IPRA and the Special Protection of Children Act likewise reveal that civil society involvement in policy development has resulted in policies that are more sustainable, responsive, and equitable. In both cases, the policy that had been developed proved to be sustainable. The policy has never been reversed despite some challenges. In fact, in the case of the IPRA, when a question with regard to its constitutionality was raised, the law was successfully defended in the Supreme Court. Hence, there has been continuity of the policies to protect the rights of indigenous peoples and children. However, continuity in the implementation of the provisions of the laws is challenged by the lack of political and financial support.

The lack of financial support for program implementation therefore affects the ability to effect the policies. Even with the active participation of civil society groups in policy development, there is no guarantee that the policy would be effective, especially because it is up to government to allocate resources for the implementation of programs. Unless civil society groups actively engage the government in the budget process, the ability to effect the policy would remain questionable. Civil society actors need to follow the implementation phase of the policy process in order to ensure that the provisions of the policy will be implemented. Policies can be sustainable, responsive, and equitable simply because of their ideals and content. But the effectiveness of policies can be measured only through their implementation. If implementation is poor because it is affected by lack of resources, then a policy is ineffective. In the cases of the IPRA and the Special Protection of Children Act, the implementation phase has been full of challenges and problematic because of lack of funds to support programs. Both the NCIP and the DSWD, the government agencies tasked to implement the provisions of the IPRA and the Special Protection of Children Act, have been ineffective in meeting the objectives of the policies because of budget constraints.

**Impact on the Legislative Process**

The processes undertaken to come up with the Indigenous Peoples’ Rights Act and the Special Protection of Children Act contributed to the strengthening of the legislative process, particularly the multi-stakeholder consultation aspect of the process. In assessing the impact of the IPRA process on the legislative process, it can be said that it was definitely positive, considering the participatory process that was undertaken. The broad consultation process undertaken for the legislation of the IPRA educated not only the legislators, but also the IP communities and even the public in general. The experience of IPRA also shows how the process of consultation was
sustained until the time the law was approved by Congress. The participatory process undertaken for the enactment of this law had convinced the legislators that the focus of the proposed legislation was on the rights of the IP, and not solely the issue of ancestral domain.

Aside from strengthening the participatory and consultative nature of the formal legislative process, the cases of the IPRA and the Special Protection of Children Act also show how civil society groups, particularly NGOs can intervene and participate in the process. These experiences also serve as good examples to civil society groups as to how they can arrive at a common position, or consensus, in order to push their agenda in the legislative process. Despite differences in principles and ideologies of groups, it is possible to work in partnership with government to realize certain goals. This was clearly shown in the enactment of the Special Protection of Children Act.

As regards policy development, the case studies have shown that civil society groups have exerted more influence on the policies that have been developed, because their involvement began in the early stages of the policy process. As a matter of fact, the involvement of some civil society groups began even before a proposed bill was introduced in the legislature. In both cases, the network of NGOs and POs (including some government agencies) had been established prior to the introduction of the bills in Congress. Civil society groups were also instrumental in the formulation of the proposed bills. In the case of the IPRA, the bill sponsored by Sen. Flavier was the product of consultations and dialogues with IP communities and NGOs advocating for the recognition and protection of the rights of indigenous peoples. The same is true in the case of the Special Protection of Children Act. The groups that participated in the Technical Working Group organized by the office of Representative Gascon were the same ones that strongly advocated and pushed for the passage of a new law that would protect the rights of children.

The experiences in the enactment of the IPRA and the Special Protection of Children Act also indicate that it is more likely to achieve social policy that is supported by both civil society and the government when there is both time and opportunity to develop shared understanding of each other’s goals and perspectives. The success in developing a policy on indigenous peoples’ and children’s rights did not depend on civil society alone but on the participation of various groups, including the government, as well as other significant factors. In the case of the IPRA, although it took a long time before the law was passed, it can be said that it is a product of a consultative and participatory process.

The proposed bill also had the support of the administration, since it had been certified as a priority bill of the Ramos administration. The legislators who supported the bill, as well as members of their legislative staffs, also took part in the consultation process by attending the activities organized by the coalition of NGOs and IP groups. Advocates of children’s rights also found allies in the legislature in the person of Rep. Gascon and the members of his legislative staff. The legislative committee and the Technical Working Group organized in the House of Representatives provided the venue for the NGOs and government agencies to meet and engage one another in the development of policy.

**Collaboration Within Civil Society**

In spite of the success of civil society groups in influencing the formulation and enactment of the IPRA, the experience was also characterized by challenges that are related to building consensus and collaboration. The groups that expressed their advocacy for a law that would recognize the rights of indigenous peoples can be classified as those that have maximum demands, and those that have moderate demands. Those who belong to the first category remain critical of the law. However, those groups that stayed in the coalition were able to work together and identify a strategy as to how the advocacy in the Senate would be undertaken. They also agreed to focus on the rights of indigenous peoples rather than ancestral domain. The former was considered holistic and not divisive as compared to the latter.

In the case of the groups working for children's rights, although they also differed in their ideologies, values, and operating styles, they were able to work more closely together because children's rights are a less contentious issue. Because of this, also, it can be said that the children’s rights advocates were more united and, hence, were able to work together more effectively.
Approaches to Advocacy

Civil society groups that advocated for indigenous peoples’ and children’s rights used collaborative approaches in influencing the policy development process. It was quite evident in both cases that the groups adhered to the idea of engaging government by participating in the consultations and the technical working groups. For them, such an approach is the more effective way of influencing the policy process.

Advocacy for the recognition of indigenous peoples’ rights and children’s rights goes back a long way. In the case of IP rights, strong advocacy began in the 1960s, when aggressive development began in the areas where indigenous peoples reside. However, the advocacy for IP rights reached its peak during the drafting of the 1987 Constitution. Such effort proved successful, as provisions on ancestral domains and indigenous peoples’ rights were included in the new Constitution. Lobbying in the Senate was considered the final push of the advocacy for IP rights.33 Focussing the lobby on the Senate was an advocacy strategy that was agreed upon by the coalition of NGOs and IP groups, as well as legislators, because it was perceived that the proposed legislation might have a more difficult time passing in the House of Representatives.

Outside Influence

The political climate during the development of both indigenous peoples’ and children’s policies was conducive to effective partnerships between government and civil society. At the time of the introduction of the bill on children's rights, the 1987 Constitution had just been ratified and democratic institutions were being restored in the country. The appointment of the sectoral representatives for youth and indigenous peoples had also proved to be significant, because these representatives had been instrumental in the development of the policies. The increasingly democratic context is a factor that contributed to the effective partnership between government and civil society.

Another important aspect of the partnership and collaboration among groups from government and civil society is the support provided by other actors, such as international organizations and funding institutions. In the experience of the advocates for children’s rights, the Philippine office of UNICEF played a very important role in bringing the groups together, providing both financial and logistical support to conduct meetings, dialogues and consultations. UNICEF therefore considers itself as a facilitator of the partnership between government and NGOs. The involvement of the international agency in the advocacy for children’s rights began even before the proposed bill was presented in Congress.

In the case of the IPRA, the role of international development agencies and funding institutions became prominent during the implementation phase, particularly when the OPAIPA began its work to reconstitute and revitalize the NCIP. The involvement of such agencies, particularly the UNDP, continues up to this day in providing technical assistance and funding for the various programs of the NCIP undertaken to implement the provisions of the IPRA. The commitment of the Philippine government to international conventions and instruments, particularly the U.N. Convention on the Rights of the Child and ILO 169 (Convention Concerning Indigenous and Tribal Peoples in Independent Countries) were also important factors that facilitated the partnership and, especially, the passage of the laws. International pressure and lobbying for the implementation of these measures was very evident in the country during the time of the enactment of the two laws. The availability of financial support for IP and children’s rights advocates can be attributed to this.

In addition, the U.N. Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People conducted a mission in the Philippines in December 2002, and submitted a report to the U.N. General Assembly and the Philippine government. The report contained several recommendations for the government and other agencies regarding the effective implementation of the IPRA.34

Conclusion

The partnership between government and civil society in the policy process had been an important aspect in the enactment of laws that protect the rights of indigenous peoples and children. The partnership was facilitated by the political environment that allowed the participation of civil
society groups in the policy process, by the role of legislative champions and supporters in Congress, by the support of outside forces including international development agencies and funding institutions, and by the active and dedicated involvement of various groups and individuals from civil society and government.

This study has shown that, while the partnership had been a critical factor in having a more participatory policy process that resulted in the enactment of landmark laws, this did not necessarily guarantee the effective implementation of the laws. Thus, it had been suggested that the active participation of civil society groups be sustained in the implementation phase of the policy process. The partnership between government and NGOs should be continued and strengthened to ensure that the policies that have been formulated through participatory and consultative processes would be effective. NGOs and international development agencies can play an important part in implementing change within government agencies, such as in the case of the NCIP.

Finally, important lessons can be learned by civil society groups, particularly NGOs, as regards how they can effectively intervene in the policy process, in particular, and the governance process, in general. The case studies have shown the positive effects of engaging government. Moreover, the importance of collaboration among civil society groups, despite their differences in principles and ideologies, had been revealed by the experiences in the passage of the Indigenous Peoples Rights Act and the Special Protection of Children Act.

Notes

1 Caalim, Divina, 1998.
3 Coalition for Indigenous People’s Rights and Ancestral Domains (CIPRAD), 1999.
5 IPRA applies to all indigenous peoples of the Philippines. According to available data, in 1997 IPs numbered about 12 million, comprising roughly 16 percent of the Philippines’ 73 million population at that time. They are scattered over seven major ethnographic regions and comprise about 110 ethnic groups.
7 Coalition for Indigenous People’s Rights and Ancestral Domains (CIPRAD), 1999.
9 ibid.
11 ILO 169 is entitled “Convention concerning Indigenous and Tribal Peoples in Independent Countries.”
15 Tayawa, Didith, 2003; and Damaso, Elena, 2003.
19 ibid.
20 De Guzman, Ma. Vicente, 1999.
22 Gascon, Jose Luis Martin, 2003.
23 House of Representatives Committee on Social Services, 1991.
24 ibid.
26 ibid.
27 Section 12, Article VIII of R.A. 7610 states that children below fifteen years of age may be employed provided that: (1) the employer shall secure for the child a work permit from the DOLE; (2) the employer shall ensure the protection, health, safety, and morale of the child; (3) the employer shall institute measures to prevent exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and (4) the employer shall formulate and implement a continuous program for training and skill acquisition of the child.
28 ILO Convention 138 calls for the strengthening of enforcement of existing Philippine laws on child
labor, particularly with regard to the minimum age of employment, which is 15 years. The Philippine government acceded to this Convention on October 7, 1997.

Focus Group Discussion, August 21, 2003.


Moselina, Leopoldo, 2003

Damaso, Elena, 2003

ibid.


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Chapter 7
Civil Society and Governance in Thailand

Case Studies from Thailand
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ABSTRACT
This paper focuses on civil society involvement in Thailand at the national level, particularly in the development of two pieces of legislation related to prostitution and maternity leave. The first case study reviews the history of policy and legislation related to prostitution in Thailand and civil society’s role in moving this policy agenda forward. Civil society organizations in Thailand struggled to change civil society’s attitudes toward prostitution, and it took a fire at a brothel in Phuket in 1984 to begin to raise awareness of the extent of the prostitution problem. Over the next 12 years, civil society organizations formed a working group, found a champion in government, participated in joint committees and engaged in public debate until the Prevention and Suppression of Prostitution Act was passed in 1996. This legislation decriminalized prostitution and penalized not only prostitutes, but also their customers, brothels and parents (for underage prostitutes), although actual implementation of the law has been very slow and inconsistent.

In the second case study, a successful maternity leave amendment for government officials led to increased awareness of the importance of maternity leave for all women workers. As a result, women worker groups, supported by other civil society organizations, academicians, labour unions and others, began a movement to press for longer paid maternity leave for women workers. Public education campaigns raised support for the issue among the general public and public demonstrations pressured the government to respond. In the end, the movement leaders and the Prime Minister agreed to a compromise measure, with recognition that there could be further discussions.

Contextual Reality: An Analysis of Thai Socio-Cultural, Political and Economic Conditions
Civil society’s involvement in governance varies from country to country depending on a host of factors, including political openness to citizen participation. Indirect and informal participation of civil society in governance, often at the local level, appears to be both common and effective.

The two cases presented in this study need to be situated in the larger context of Thai society, in terms of its socio-cultural, political and economic evolution. Thailand is similar to many social systems, where, no matter how conservative and tenacious in clinging to their past and traditions, external forces and changes have tended continually to influence them to varying degrees. In this light, the dynamics of change and continuity of socio-cultural dimensions tend to create tensions that help to determine and shape the nature and structure of political expressions and behaviours.
More often than not, problems have occurred when political ideologies and values, as well as administration and management systems imported from abroad, have been put in place with inadequate dissemination and inculcation of the principles and meanings behind the new ideologies and practices. The result has often been an “incongruence” or a “poor fit” between the structure or system on the one hand and the corresponding values or meanings on the other hand. Consequently, at the behavioural level, some degree of distortion often occurs. There is often a lack of congruence between, on the one hand, the democratic structures of a political system and, on the other hand, the attitudes, beliefs and practices of a society that may be in contradiction to democratic values and principles.

Traditional Thai Society

Traditional Thai Society was structured as a patron and client system. As the centre of the social universe, the King was the supreme patron of the entire society. Other royals, nobles and titled aristocrats were, in theory, clients of the king. In a vertically linked pattern, higher royals and nobles also had their respective clients and patrons. As such, the linkages extended from the highest level of society to the lower levels of society, made up of the majority of the commoners. Some commoners found patronage among some of the titled and privileged members of the elite.

Dominant values under such a system included loyalty, obedience and devotion to the patrons by the clients. Patrons were expected to provide protection, facilitation and special favours to the clients. Imbued in this patronage system was personalism writ large. Reasons, rationality and merit-based criteria were superseded by personal relationships, wherein clients felt indebted to their patrons and patrons felt obligated to protect and promote their clients.

The Advent of “Democracy”

Although absolute monarchy was abolished and parliamentary democracy was installed, the “powers that be” from 1932 to 1997 were unable to instil the fundamental principles and values of democracy in the Thai citizenry. From 1932 to the 1960s, democracy meant instituting a new form of governance and government. The centralized power was transferred from the monarch to representatives of the people, chosen through elections. Government came from a majority party or a coalition of parties that controlled the majority of voices in Parliament.

Consequently, this system focused almost solely on the electoral process. The priorities included creation of political parties, fielding of candidates, voting for candidates, the formation of government and defending the legitimacy of the government. These concerns preoccupied the political actors and national leaders’ time, energy and interest at the expense of educating the citizenry about the principles and philosophy of democracy. Even the politicians and leaders did not have a clear understanding of democracy as a way of life or as a guiding principle for social action.

As a result, both successful and unsuccessful coups d’états occurred many times, with the last one taking place in 1991. Moreover, Thai people in general have not clearly understood, much less embraced the principles of democracy. Principles like equality, participation, rule of law, freedom of expression and assembly or minority rights may be familiar terms in Thailand but are generally neither upheld nor tied to enabling practices.

Thai people in general still perceive the social world as being stratified, with hierarchies and status differences.
expected to treat subordinates as equals. High status persons are not blamed or condemned for demanding or flaunting privileges. This reality affects how the democratic principle of “equality” is defined in the Thai context.

**Change vs. Continuity**

Change in Thai society has been visible throughout the past few decades. Superficially, we have seen the appearances of “modernity” in almost every sphere of Thai society. Clothing, food, housing, shopping malls and supermarkets, bars and entertainment places now have western influence and flavour. Even the educational and administrative systems appear to resemble those of the west. But, under this veneer of “modernity” and “westernization,” social behaviour continues to be predicated largely on principles and values that have endured from the past. For example, when Thai people vote for a political candidate, some may be casting a vote to fulfill a debt of gratitude. Others may be following their patrons’ instructions. Still others may be mesmerized, and attracted by the power, money and influence of certain candidates.

Respect and reverence for those with higher status and the prevalence of personal favours tend to overshadow principles of common good, public interest or even reason. In a country where social relationships are still perceived as webs of intricate personal ties based on mutual interest, reciprocity and mutual obligations, it is virtually impossible for an individual to break loose from a network of social relationships where behavioural norms and conformity are required. How one acts or makes decisions is not usually or entirely based on one’s reasoning or desire, but based on the requests, demands, influence and expectations from one’s universe of complex social relationships. This picture gets more complicated as one assumes higher positions and takes on more responsibilities.

In this social universe where gradations and differentiations prevail, it logically follows that those at the top, with power and status, should enjoy certain privileges and special considerations. Hence, the universal application of the “rule of law” or advocacy for universal “human rights” is problematic. The concepts are difficult to grasp and endorse. The rich and powerful tend to put themselves above regular requirements and usually get away with it. Court judgments and the sentencing of legal offences often appear to be meted out differentially, according to the status of offenders.

It is people with high status who are expected to participate in the social arena. In fact, it is their rightful place to have a public voice and to participate in social causes. The same does not hold true for the poor and marginalized. One often hears negative and pejorative comments about the poor working in the non-profit or voluntary sector, such as:

“Why don’t the poor take care of their own economic well-being before interfering in social issues?” or “The poor have no credibility to question the state or others because they cannot even help themselves.”

Based on these views, gatherings of poor people are seen as “mobs” engaging in “disorderly conduct,” although assemblies of those from richer classes are perceived to be legitimate and justified. Although Thai society enjoys great tolerance and permissiveness in everyday life, there is less tolerance and empathy for the plight and the rights of minority groups such as the hill tribes or alien workers (both legal and illegal). In more ways than one, these contradictions and seemingly inexplicable social phenomena are interrelated and they are rooted in deep-seated values and a belief system that had their genesis long ago. To truly understand many current Thai patterns of behaviour, one needs to understand “cultural legacies,” especially where values that determine behaviours have not been interrupted or changed, in spite of Thailand’s evolution into an outwardly “modern” society.

**Diversity and Differences among the Three Sectors of Society and within each Sector**

Non-profit and civil society organizations have existed in Thai society for hundreds of years. At the village level, both kin and non-kin based local groups existed to assist their members, to provide mutual assistance and to engage in labour exchange and social reciprocity. For example, local irrigation societies have been active for hundreds of years in northern Thailand where complex systems of management of water users have been in place.
Protection of household valuables like big farm animals was another type of mutual assistance and obligation. Where the economy was primarily subsistence farming and where labour and productions were not monetized, one would find various types of labour exchanges in the construction of houses, rice planting and harvesting, and ritual activities and ceremonies that require the co-operation of many people.

After Thailand adopted “mainstream development” in the 1960s, a monetized economy gradually supplanted the previous semi-subsistence economy. Industrialization policies have devalued the rural sector and its productive forces. Urban growth and the acceleration of industrialization became national priorities, and resources were directed to build the infrastructure to achieve these objectives. Consequently, rural labour was hit by an increasingly poorer farming sector and attracted by the opportunities to earn wages and find employment in urban areas and factories.

The “mainstream” development thrust also empowered the state and its agencies as the main designers, implementers and evaluators of development policies, programs and projects. State centralism was virtually unchallenged as state agencies began in earnest to bring various “development” activities to its citizens, even to those in remote areas. In a typical top-down manner, state bureaucrats and some politicians exercised “exclusionary rights” in determining what was best for all citizens. In the name of fairness and equal treatment for all segments of society, regional and other differences were not factored into the policies, programs and projects. In addition, state bureaucracies felt that they had to adhere to the laws, rules and regulations in a rigid manner. As a result, many development efforts did not fulfill their intended promises. Chief among the many problems of a top-down development approach are:

- a lack of diversity in programs, projects and activities to address divergent needs;
- a lack of mechanism and flexibility to change and adapt to complex situations and divergent requirements;
- a lack of understanding and sensitivity for local needs; and
- a lack of capacity to target beneficiaries correctly and to deliver services to the right target beneficiaries efficiently and effectively.

Needless to say, wherever the state has failed to provide and deliver services efficiently and correctly, NGOs have emerged to fill in the void. Also, when state representatives failed to advocate and support citizens in dire need, some civil society groups began to respond to specific problems. This led to the diversification of civil society and the segmentation of the non-profit sector into specialized organizations with expertise to assist specialized “niche” constituencies. Prior to the 1960s, the sector was generally dominated by members of elite and upper classes whose volunteerism, in terms of time, effort and money to the various charitable organizations, symbolized the kindness, charity, generosity and compassion that the “better-situated” are expected to bestow upon the poor and the marginalized.

However, winds of change swept into Thai society in 1973, when Thai students (mostly at the university and college levels) staged a revolution that toppled the military dictators. Young intellectuals were motivated by both ideology and a commitment to improve Thai society through means other than charitable giving. They questioned the fundamental flaws in the social structure and the political system. New civil society organizations, particularly ones led by idealists and committed intellectuals, began to form in the increasingly complex NGO landscape.

Today, Thai civil society is complex, vibrant and diverse, but there are few rights-based and advocacy-based NGOs that pursue social justice and the restructuring of the social order. These organizations tend to be very young, which means time is required to test their viability and sustainability. In general, Thai NGOs are autonomous and independent entities structured around core leaders whose leadership and charisma vary. Although NGOs mobilize themselves when special issues require coherence, co-operation and solidarity, by and large they operate independently and not as a unified group.

State centralism and hegemony have dominated Thai society for so long that the role of non-state actors is overshadowed by the state. However, NGOs’ vitality, efficiency and unwavering
commitment to social causes have been recognized by many members of society. Even some state officials readily attest to NGOs’ contributions to social development in niche arenas, such as health care for HIV-AIDS patients and their families and policies for women and children.

The public at large, however, remains poorly informed about NGOs. Part of this is due to the historical mistrust and suspicion about NGOs, stemming largely from state propaganda against communism. Other traditional notions include the idea that non-state actors are not expected to engage in struggles against “the powers that be.” There is also a prevailing sense of “unease” and “disquiet” over social protests and disharmony, especially when they involve people with no legal authority, no power, position or money. A large segment of the Thai public seems to have been tamed by centuries of submission to those with “authority.”

**Case I: The Enactment of the New Law on Prostitution**

**Prostitution and Legislation**

Prostitution has existed in Thai society for centuries and was first formally mentioned in the Prevention of Contagious Diseases Act of 1908, during the reign of King Rama V. The law aimed to control prostitution and sexually transmitted diseases. Under this law, prostitution required state permission or licensing.

Prostitution was allowed in Thailand until 1960, but was made a criminal offence by the Suppression of Prostitution Act, enacted during the administration of Field Marshall Sarit Thanarat. The rationale given for the new law was the weakness and insufficiency of the old law, which did not have measures to suppress prostitution in spite of its shamefulness and public disturbance. Therefore, it was argued then that, for the maintenance of morality and for social orderliness, a new law was needed.

The 1960 law criminalized prostitution and penalized prostitutes and those who procured prostitutes or who gained benefits from their exploitation. This law was based on the belief that being a prostitute is an undesirable occupation, that is against moral principles and should be punished. The idea was that “good” people would not sell their bodies to strangers. Under the 1960 Act, prostitutes were liable for imprisonment of not more than six months or a fine of not more than 2,000 baht or both; procurers for imprisonment of not more than three months or a fine of not more than 1,000 baht or both; and brothel owners for imprisonment of not more than one year or a fine of not more than 4,000 baht. In addition, the law provided that convicted prostitutes “should be given medical treatment or occupational training,” be “committed to an assistance centre for a period not exceeding one year from the day the person is sentenced by the court,” and be penalized if they seek to flee the centre by imprisonment and/or a fine. The Act empowered the Director General of the Public Welfare Department to issue rules on disciplinary and work regulations for “assisted” people and to punish those breaking these rules by confinement or by cutting off or reducing benefits provided by the assistance centre.

However, in the 1990s, this law was denounced by Thai women’s rights advocates as being weak and discriminatory. Some of the criticisms were, for example, that the law did not clearly define what constituted places of prostitution; that the law penalized prostitutes but not their clients; that the law depicted prostitutes as women in need of “moral rehabilitation”; and that the law failed to cover the issue of child prostitution. In addition, problems involving prostitution in Thailand – such as the trafficking in children and women, child prostitution, forced prostitution, and AIDS – had been gradually worsening. According to a report by the U.S. Department of State on Thailand’s Human Rights Practices in 1993, “prostitution is acknowledged as one of the country’s most pervasive and troubling social problems. The trend of trafficking in women from hill tribes and neighbouring countries continued … There is widespread abuse of children in prostitution.”

The lack of effective legislation was seen as contributing to the problem. Attempts to revise the law eventually succeeded in 1996. The new law on prostitution, the Prevention and Suppression of Prostitution Act, came into effect in December 1996. The new law has brought about major changes in penalties for those involved in prostitution. First, the new law decriminalized
prostitution and reduced the fines imposed on prostitutes. Second, the new law penalized customers of prostitutes who were less than 18 years old. Third, penalties for procurers and brothel owners were made heavier. Fourth, parents of under-age prostitutes were also penalized. Fifth, responsibility for rehabilitation programs for prostitutes was given to a newly established Committee for Protection and Occupation Development (POC), which included both public and private sector institutions. Prior to the enactment of this new law, this responsibility had been assigned to the Department of Public Welfare.

Such major changes reflecting different views on prostitution did not come about overnight. The drafting and enactment of the new law was preceded by long and determined attempts by people who dedicated themselves to securing the rights of women and children. The traditional Thai attitude toward prostitution is that it is “a necessary evil,” and that it is normal and acceptable for a man to make occasional visits to prostitutes. A Thai idiom, “kuen-kru,” which means to perform a ceremony to honour a teacher, is also used to refer to a man’s first sexual experience. Many men believe that when a boy is old enough, an older man should take the younger man to a brothel to have sex with an “experienced” woman. According to these views, prostitutes are shameful creatures, but men’s need for sex is natural. Prostitutes are seen as necessary in order to protect “good” women from men’s uncontrollable natural desire and to maintain social order. Women are encouraged to tolerate and accept men’s sexual habits. In this cultural context, it is not easy to work on the issue of prostitution. Collaboration among prominent women leaders, politicians, government officials, scholars, NGOs and committed individuals is crucial to the successful instigation of change in Thai society.

**Evolution of Legal Reform**

In the past, most people did not consider prostitution in Thailand to be a serious social problem. Public discourse on this issue was also not considered to be appropriate. This began to change when the women’s rights movement decided to focus on gender equality and opportunity by emphasizing women’s legal rights within the family. The issue of prostitution was brought into the public arena in 1973 by the Rights and Freedom Association, which organized a forum to review current laws that resulted in injustices. The law on prostitution was part of that discussion.

Change was limited, however, and no attempts were made to revise legal measures on prostitution, even after there was the National Women’s Agenda, in which civil society organizations (CSOs) led the discussion. Women’s rights advocates could not agree on the best way to deal with prostitution. Traditional women’s organizations chose to focus on charity and social work, and women’s rights organizations gave priority to gender equality and women’s participation in politics and the decision-making process. Women’s organizations occasionally assisted in cases involving prostitution on a case-by-case basis, but not in changing the actual legal provisions.

A pivotal event occurred in January 1984, when the country was shocked by the death of seven women when a fire broke out in a brothel in Phuket, a province in southern Thailand. Newspapers revealed that police found five skulls and skeletons behind a locked iron door.
Institute On Governance

Women Foundation helped the victims and fought for compensation and justice. Women Lawyers Association of Thailand held a meeting to review laws related to prostitution, and recommended changes. This workshop initiated ideas on how to reform the legal system’s treatment of prostitutes. The association proposed decriminalizing prostitution and recommended that convicted prostitutes should have alternative rehabilitation programs. In addition, a national workshop of academics, government officials, civil society organizations, and NGOs was held about issues related to prostitution. To ensure key stakeholder participation, the national workshop included interviews with prostitutes working in the brothels. It was agreed that legal reform was necessary, and the issues of decriminalization and legalization of prostitution were discussed. Some women’s organizations felt that the laws were unfair since, from their point of view, prostitutes are victims, not criminals. These women were exploited by pimps and brothel owners. When they were arrested, they were jailed and/or fined as well as stigmatized by rehabilitation programs that were really just detention programs. Results and recommendations from the workshop were published and distributed.

Although the tragedy in Phuket captured public attention and created momentum for legal reform, it did not, unfortunately, remain a pressing issue for very long. Nevertheless, women’s and children’s rights organizations, with support from international agencies continued their work on prostitution. For example, the Friends of Women Foundation, founded in 1985, continued its campaign against forced prostitution. Along with other NGOs, this organization rescued women and children from brothels and took the victims to emergency homes.

In the early 1990s, Thailand was gaining an international reputation as a place of “sexploitation,” and this refocused public attention on the problems of prostitution. For example, the 1993 edition of Longman’s English Language and Cultural Dictionary stated that Bangkok is the “Capital of Thailand … often mentioned as a place where there are a lot of prostitutes.” In the same year, Time magazine featured an article about commercial sex in Thailand. On the cover was a picture of a bar girl next to the caption “Sex for Sale.” International civil society groups initiated a “Don’t Buy Thai” campaign calling for a ban on products from Thailand in order to pressure the Thai government to take serious action against prostitution. In March 1994, the United States placed Thailand at the top of a list of countries accused of violating women’s and children’s rights. This international reaction put increasing pressure on the government to deal with the problem.

Meanwhile, the U.N. Convention on the Rights of the Child, which aimed to protect children’s rights, was ratified in 1990. The convention specifically referred to children in difficult circumstances, and included child prostitution. Sadly, however, the number of child exploitation cases in Thailand was steadily increasing. The Progress of Nations, a publication released by UNICEF in 1995, estimated that there were 100,000 children involved in prostitution in Thailand (UNICEF 1995).

During the 1990s, in response to the growing problem of forced prostitution and child prostitution, NGO voices grew stronger. For example, the Center for Protection of Children’s Rights, which has as its mission the protection of children up to 18 years of age, helped child prostitutes (1,198 cases between 1989 and 1994,) and initiated a campaign against child prostitution and for the improvement of rehabilitation programs and counseling services. In 1987–1990, with support from international donor agencies, prominent NGOs shifted their focus to child prostitution. For example, the “Kam Lah” project of the Foundation for Women was a national campaign on child prostitution. The foundation also organized a national seminar on child prostitution and pointed out that penalties given to clients and parents of child prostitutes were effective tools in curbing the problem. International organizations such as ESCAP also supported projects and programs on child prostitution.

Thai NGOs and international organizations established a working group to share information and strategies and to co-ordinate and advocate for government change in policy and action. The International Network to End Child Prostitution in Asian Tourism (ECPAT) was formed in 1990 (now ECPAT stands for End Child Prostitution, Child Pornography and Trafficking of Children for Sexual
In 1991, NGOs in Thailand formed Thailand’s End of Sexploitation of Children in Tourism (TESCT), consisting of 24 NGOs working on children’s and women’s rights, legal experts and government officials, to address the issues of trafficking and the need to prosecute traffickers, brothel owners, and pimps. This consortium provided platforms for NGOs to speak out on the issues of child and forced prostitution and channelled international support to them. Together, Thai NGOs had pushed the government to reform its law and to ratify international legal instruments. They proposed several key changes in anti-trafficking and anti-prostitution laws, particularly to decriminalize prostitutes as well as to criminalize clients of prostitution.

The Long March for Legal Reform

Following the military coup d’etat in 1991 that overthrew the elected government of General Chatchai Choonhavan, Anand Panyarachun’s government was installed. The Anand government chose Dr. Saisuree Chutikul, a prominent woman leader as a Cabinet member. Dr. Saisuree was a minister attached to the Prime Minister’s Office and was responsible for children, youth, women, education and social development. She emphasized children’s and women’s development and continued her work on child protection.

One of Dr. Saisuree’s initiatives was to revise the law stipulating the age of sexual consent. The proposed law would make a criminal offence to have sexual intercourse with a child younger than 15 years. It would be the first legal instrument aimed specifically at child prostitution.

In the beginning, the proposal to revise the law was challenged by many in society, especially a well-respected and senior legalist who was also a senator. He argued that many women in Thailand, especially in rural areas, get married before the age of 15 and that girls under 15 were physically prepared to have sex. The debate between Dr. Saisuree and the Senator continued in the media until the Senator finally declared that the proposed law would never be approved by the Senate. This led Dr. Saisuree to invite the Senator to lunch. In Thai society, it is considered an honour to receive a personal invitation from a minister who is a high-level executive of the country. During the meeting, conversation was lively and friendly and there was no mention of the revision of the law until the lunch was almost over. Surprisingly and unexpectedly, the Senator agreed to the law (that made it illegal to have sex with a child under the age of 15), by saying, “Below 15 years old is alright.” The debate between Dr. Saisuree and the Senator was therefore peacefully resolved in the restaurant. The law that was subsequently passed states that sexual intercourse with a child below 15 is considered “rape,” regardless of the girl’s consent.

Under Dr. Saisuree’s supervision, the National Commission on Women’s Affairs (NCWA), first established in 1985, responded to the growing problem of prostitution by organizing a sub-committee on commercial sex and a sub-committee on legal reform of women’s issues. The two sub-committees consisted of scholars, government officials from various agencies, and NGOs.
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protect women’s and children’s rights, recognizing that forms of prostitution had changed since the old law was enacted in 1960. For instance, places of prostitution were no longer limited to brothels, but included other places, even beauty parlours. Discussion also focussed on the fact that both girls and boys had been driven into commercial sex. The two sub-committees suggested that one way to deal with this problem would be to legalize prostitution by women of 18 years and older who work freely but consent to regular health check-ups.

There was mixed public reaction to the proposed revision of the anti-prostitution Act. Some women’s organizations and many who worked in the health sector agreed with the legalization and registration of prostitutes on the basis that these measures would promote safer working conditions for prostitutes over the age of 18. It was thought that these prostitutes would be at a reduced risk from sexually transmitted diseases, particularly HIV/AIDS, and that the number of exploitation cases would shrink. Moreover, the legalization of adult prostitution would help to reduce child prostitution and forced prostitution, which would be attract harsher penalties.

Prostitutes themselves were of a different mind on the issue. The 35 prostitutes from Nakorn Prathom province who went to see Dr. Saisuree at Government House agreed with the decriminalization of prostitution but not its legalization. On the whole, they expressed their support for her efforts to revise the law and for the government’s anti-AIDS campaign that recommended the use of condoms. They argued that while government measures would ease their difficulties, corrupt officials would still be a heavy burden. Other prostitutes argued that the legalization of prostitution would ease their situation, but that registration would stigmatize them as “bad” women for life.

Other groups pointed out that prostitution was a degradation of women. If prostitution were legalized, it would imply that society condones the degradation of human beings and human value.

After assessing the social responses to the legalization of prostitution, Dr. Saisuree and her team decided that Thai society was not ready to accept her proposed reforms and that decriminalization would be most appropriate. Her compromise was based on her perception that a push for actual legalization would endanger the entire initiative.

Anti-AIDS groups joined women’s organizations in the push to control commercial sex through legal reform and spearheaded draft legislation, although the bill was eventually dropped, due to a change in government. The national anti-AIDS campaign led by Mechai Viravaidya, President of the Population and Community Development Association, was launched in the late 1980s. This campaign called on the government to limit the sex industry because it was a major source of HIV/AIDS infection. During Prime Minister Anand’s administration, Mechai became the minister attached to the Prime Minister’s Office and worked with the Department of Public Welfare, under the Ministry of Interior, to draft a new anti-prostitution law. Public opinion was sought on issues relating to prostitution and members of the public were asked: “Is suppression an effective means to tackle prostitution? Is the goal of complete eradication of prostitution plausible? Should the government decriminalize prostitutes and seek to contain the spread of AIDS through close monitoring of their health? How should the government treat those who enter the sex industry voluntarily?”

Unfortunately, the drafting process of the law could not be completed due to the short tenure of Anand’s government (March 1991 – April 1992 and June–September 1992) and because of bureaucratic inertia. The bill was dropped after the end of Anand’s administration and the endeavour to address prostitution faltered. Nevertheless, the Anand government, particularly Dr. Saisuree Chutikul and Mr. Mechai Viravaidhya, achieved notable progress in initiating the steps toward reforming legal instruments on forced and child prostitution and trafficking in women and children.

The newly elected government of Prime Minister Chuan Leekpai invited Dr. Saisuree to be an adviser to the government. In November 1992, immediately following the election, Prime Minister Chuan announced a campaign against child and forced prostitution. Chuan’s announcement came in response to growing national and international condemnation of child and forced prostitution. It
was also widely believed that this campaign was initiated and supported by both Dr. Saisuree and Khunying Supattra, a prominent woman leader and a member of Parliament in the ruling party. The Prime Minister told provincial governors that he intended to crack down on child and forced prostitution and child labour abuse and that the governors of provinces in Thailand must “take responsibility and give special attention to child prostitution and child labour abuse” (Bangkok Post, November 3, 1992).

The Prime Minister’s announcement was supported by NGOs and by the larger public. For example, women’s rights NGOs proposed a number of reforms to anti-prostitution and anti-trafficking laws, including penalties for trafficking and procurement for prostitution, the decriminalization of prostitution, and punishments for clients who engage in statutory rape. In addition, NGOs called on the Chuan government to ratify the trafficking convention which would provide clear guidelines for addressing trafficking in people and forced prostitution.

In 1992, about eight years after the death of chained prostitutes in the fire in Phuket, another tragedy occurred. This time, the dead body of young woman was found at the Provincial Office in the middle of Songkhla, a southern province of Thailand. An investigation revealed that the girl was a prostitute and had been killed and thrown from a window by gangsters after fleeing from them and presenting herself to government officials for assistance. Apparently, some police officers told the gangsters who had enslaved her that she had arrived at the government building, intent on pressing her case. She was subsequently murdered. This case gained attention of the public and the Prime Minister himself. Chuan saw the violation of the law by the provincial government office as a challenge to his authority and to the rule of law.

This event, following closely on the heels of Chuan’s declaration that “Thailand must be free of child prostitution,” spurred on government agencies to tackle the problem more seriously. For example, the Department of Public Welfare (now the Ministry of Social Development and Human Security) initiated a nationwide project called the Anti Child Prostitution Project. Centres and rehabilitation programs to help victims of child labour and child prostitution were established and revisions to laws on prostitution were finally proposed.

The tragedy in Songkhla highlighted the weaknesses in the bill passed in 1960: it failed to protect women and children. In addition to the widespread belief that the bill penalized and stigmatized prostitution, it was clear that prostitution and the sex trade had changed dramatically since the last revision of the legislation several decades earlier. Prostitution now appeared not only in brothels or massage parlours but in barbershops, restaurants, snooker clubs and karaoke clubs. In order to escape financial hardship, parents now sold their children to agents for the purpose of prostitution. Many daughters, particularly those with little or no education, sacrificed themselves in order to help ensure the survival of their family.

Legal reform was considered a matter of urgency. With support by Dr. Saisuree, a drafting committee on the Suppression and Prevention of Prostitution Act was appointed by NCWA. The drafting committee of NCWA – chaired by Khunying Chantanee Santabutr, who knew Dr. Saisuree personally and had an outstanding record on human rights issues – was composed of prominent people from various sectors, including legal experts, women leaders, government officials, NGOs and politicians, including Dr. Saisuree. This co-operation among women and men from both government and non-governmental organizations was a key factor that helped to move the legal reforms forward.

Legislative reform was also spurred on by cooperation between the drafting committee and the group of Thai Women Parliamentarians. The drafting committee of NCWA first approached the Women’s MP Club and introduced the draft law during a meeting. A public forum was later organized to discuss legal issues on prostitution. One of the most important tasks for the committee, and the club, was focusing public attention on the issues involved. Key authorities and public opinion leaders, including Dr. Saisuree and Khunying Chantanee, worked with the media to disseminate the ideas and call for support from the public. These women leaders regularly gave interviews to the media. Some scholars, experts and activists who were in the team took turns writing articles in newspapers.
It was clear that the drafting process required people's participation, and involvement of that public support was crucial to assure the passage of the law. The NCWA organized a series of seminars and consultations and invited people to express their opinions about what a new law should look like. For example, the drafting committee organized a meeting among NGOs and scholars at the Women Lawyers' Association of Thailand, where the legalization of prostitution was debated.

The arguments in support of legalization rested on the need to recognize prostitution as a profession and to register sex workers. This would see prostitutes protected by laws such as the Labour Protection Act and the Social Security Act. Progressive women's rights activists held that penalizing women would lead to their exploitation and to corruption by brothel owners and pimps who had to bribe corrupt law enforcement officers to safeguard their businesses. Despite these arguments, the drafting committee realized that the new law would never be passed if they insisted on legalizing prostitution, as many moralists would protest. The drafting committee finally settled on a compromise: decriminalization rather than legalization. According to the compromise, for example, convicted prostitutes would not be liable for imprisonment.

Meanwhile, the Department of Public Welfare was also drafting a new bill on prostitution. Following up on the NCWA's lead in rejecting any attempt at health certification, the DPW draft also removed any mention of health certification, in order to avoid registering prostitutes and stigmatizing them for life. Despite Dr. Saisuree's suggestion that the two drafts be combined in order to assure the bill's approval by Cabinet, the NCWA and DPW proposed their draft bills to the Cabinet separately. Nevertheless, the Cabinet sent the two draft bills to the Juridical Council in 1993 for legal consultation, in order to combine the two drafts into one bill. The NWCA drafting committee, the Women's MP Club, and the Majestic Group made intensive efforts to monitor the process of legislation. They organized forums, seminars and meetings to educated the public about the prostitution law. The sub-committee on the revision of laws affecting young people, women and the elderly – chaired by MP Praveena Hongsakul, who also chaired the Women MPs Club – invited the NCWA drafting committee and other legal experts and activists to advise the sub-committee on the two drafts. The sub-committee also issued a letter to the Juridical Council to speed up its process. A copy of this letter was leaked to the press as a reminder of the issue and to exert pressure to speed up its examination. Finally, in August 1994, the Cabinet approved the draft bill and passed it to the Parliament. The draft legislation was scheduled for parliamentary debate in May 1995. Unfortunately, however, Parliament was dissolved on May 19, 1995.

On July 26 1995 the newly elected government of Banharn Silapaarcha announced its policies on child prostitution and trafficking in women and children. In accordance with normal procedure, the draft legislation had to undergo the full process of consideration again, and all the steps had to be repeated, including drafting and lobbying. Fortunately, this draft bill was government-sponsored and certain government agencies (Department of Public Welfare and the NWCA) were responsible for the tasks of drafting the legislation. The passage of the bill was sped up by the joint efforts of both non-governmental and governmental organizations.

The Cabinet finally approved the new draft bill on August 15, 1995. It criminalized those involved with trafficking in women and children for the purpose of prostitution. Also, clients of child prostitutes were subject to criminal prosecution. In addition, parents of child prostitutes were subject to penalties. On September 5, 1995, the draft bill was submitted to Parliament.

Male Politicians in the Parliament
After the Cabinet approved the new draft law, Mr. Pisarn Moolasartsathorn, the Minister of Labour and Social Welfare, proposed the draft to the
Parliament. There were two other draft bills on Prevention and Suppression of Prostitution proposed by Ms. Ladawan Wongsiwong from the Democrat Party (opposition party) and Ms. Sansanee Nakpong from Palang Dharma Party (ruling party). The three draft bills were only marginally different.

During the first session of Parliament, most MPs approved the bill, although there were disagreements over the appropriate penalties for parents. A special committee composed of 20 MPs and 20 senators was appointed to review the bill. The draft legislation was considered by the Parliament’s committee on Women, Youth and the Elderly chaired by Khunying Chantanee Santabutre – a prominent woman leader who was chair of the original NCWA drafting committee. The special committee members were able to defend the draft law and were assisted by Mr. Charun Pakdithanakul, a well-respected judge who was sympathetic to gender issues. He took the lead in explaining the intention and rationale of the new law. The House of Representatives finally passed the law and it was sent to the Senate.

Despite the fact that the Senate has fewer members than the House of Representatives, the proposed bill faced considerable opposition in the second chamber. The draft legislation was widely criticized by male politicians as being unfair to men because they saw visiting prostitutes as a normal habit of Thai men. Some senators argued that men had a physical need to have sex with women other than their wives. One senator said, “Men are as hungry for sexual intercourse as they are hungry for food. It is not right to punish them when they want to satisfy their basic needs.” (Khunying Chantanee Santabut, interview August 14, 2003) To this, Khunying Chantanee responded, “You are not a woman. How can you be sure that women are not as hungry as men are? We (women) do not behave like men because we are taught not to be gluttonous.”

The special committee worked hard to lobby politicians, arguing that the law would ultimately protect children under 18 by punishing those who had sexual relations with them. In the end, empathy and support for the proposed legislation was framed in the spirit of protection of children, rather than as a statement against prostitution. The Prevention and Suppression of Prostitution Act 1996 was passed by the Senate in October 1996 and was put into force two months later.

Case II: Longer Maternity Leave for Workers

The Catalyst for the Movement: Longer Maternity Leave for Female Government Officials

Dr. Saisuree Jutikul, who led the National Commission on Women’s Affairs (NCWA), brought the issue of maternity leave to the attention of the public in 1991, when she proposed that the government amend the regulations governing maternity leave. At the time, she was the only female minister in the Cabinet of Prime Minister Anand Panyarachun. Her proposal was to extend the maternity leave for female government officials from 60 days to 90 days with full pay and to ensure that the leave would not affect their promotion. She argued that women should have more time to breast feed and take care of their newborn babies, given the scientific studies that nutrition from breast milk and the mother-child relationship are crucial for early childhood development.

Her proposal triggered a controversy among Cabinet members and in the larger public realm. Many men did not view maternity leave as a social issue, let alone a matter that needed to be addressed through public policy changes. They saw it as a personal problem that individual women had to confront. Some ministers, who disagreed with the proposal, even suggested that “mothers can extract their breast milk and freeze it in the refrigerator. They have no need to stay home longer.” (Matichon Newspaper, November 4, 1991)

Nevertheless, Dr. Saisuree insisted on bringing the issue of amendment to the Cabinet’s consideration. Her numerous strategies to convince the government finally paid off when the ministerial regulation was amended in 1991. It allowed women officials to take a 90-day maternity leave with full pay. The regulation was announced on November 19, 1991 and was implemented on January 10, 1992.

The success of the maternity leave amendment for government officials led to the widespread awareness of the importance of maternity leave for
women workers. As a result, women worker groups supported by NGOs, labour unions, academics and health specialists began a movement to push for longer maternity leave.

**Women Workers and Longer Maternity Leave**

Thai women workers were entitled to maternity leave of 60 days as stated in the Notification of Ministry of Interior 1972 section 18 and in the Social Security Act 1990. The law stated that if women had been employed in an establishment for more than 180 days, they would receive wages for 30 days. However, if they had worked there for less than 180 days, they would have to take the leave without pay. Workers who were entitled to social security would receive an additional 15 days of wages from the social security fund. In addition, women workers, regardless of the duration of their employment, could request another 30-day leave without pay. As a result, employed women were obliged to take as short a maternity leave as possible because they could not afford to lose their income. In addition to not being physically ready to return to work, many of these women had to return to unhealthy working conditions in industrial factories where carrying heavy equipment was common. These conditions badly affected their health. According to one woman working in the Om Noi industrial area, “Only one month’s rest after giving birth is not enough. My stomach still hurts while working. I do not dare to walk quickly as it may affect my operation wound. I feel exhausted very easily, sometimes I have difficulty breathing. When I go back home, I am too tired to do anything but sleep.” (Friends of Women Foundation. “Longer Maternity Leave: It’s Not About Women Demanding. It’s About Future Generation”) Moreover, inadequate maternity leave forced mothers working in factories to send their babies to be taken care of by their elderly parents, which often resulted in babies’ malnutrition, childhood development disorders, and long separation from parents.

A series of informal discussions and a number of meetings on longer maternity leave for women workers had actually taken place prior to the amendment of the regulation on maternity leave for government officials in 1991. On International Women’s Day in 1990, women workers and NGOs held a seminar to highlight the many problems they routinely encountered, such as poor work environments, forced overtime, discrimination and inadequate maternity leave. They asked the government to extend the period of maternity leave for all women workers, not just government officials. However, women workers and NGOs involved in women’s issues were disappointed and disheartened by the government’s negative reaction to their request.

Women workers continued to try to advance the issue of maternity leave and it remained on the agenda for International Women’s Day in 1992. They disseminated information on the necessity of maternity leave for women workers to the public. A group of over 500 women joined the demonstration calling for changes to allow women 90 days of maternity leave with full pay. The group sent a letter to Dr. Saisuree who had successfully advocated for government employees’ 90-day maternity leave, but to no avail: the government failed to respond. The workers were disappointed, given that they had expected Dr. Saisuree – a key leader in the movement for the extension of maternity leave for women officials – to respond to the workers’ plea. Dr. Saisuree, however, felt that the workers should be patient and wait for a more appropriate moment to push the issue (Dr. Saisuree Jutikul, interview, August 11, 2003).

In May 1992, political events took a sharp turn and there was a mass demonstration for democracy. The Bloody May event saw people from different walks of life, particularly those from the middle classes, gather for several days to demonstrate against the military General-Prime Minister whose legitimacy was questioned. The event turned violent and the undemocratic leadership was eventually overthrown with the King’s intervention. During this time, women workers and NGOs agreed to
suspend their advocacy for maternity leave until the political situation improved.

Once the dissolution of Parliament occurred, which signalled the beginning of the national election campaign, women's groups set about lobbying prominent politicians to support their cause. As soon as the politicians started their campaigns, the women workers and NGOs requested meetings to ask for their help on the issue of maternity leave. Many politicians promised to help if they were elected, although it was not clear whether they were truly concerned about maternity leave or whether they wanted support from women workers. Nevertheless, women workers recorded these promises and kept them as evidence.

The new government was expected to represent the voice of the Thai people, particularly those who had previously been under-represented. There was much optimism, in light of the euphoria in the aftermath of a democratic election, when the women workers resumed their campaign for maternity leave. Chuan Leekpai was elected Prime Minister and General Chaovarat Yongchaiyudh became the Minister of the Interior responsible for labour issues. But, to the surprise and dismay of women, the government ignored the issue of maternity leave.

The Battle Resumes

The democratically elected government remained silent on the issue of maternity leave, despite the fact that some politicians had made promises to workers' groups during the campaign. Women workers groups and their principal NGO ally, the Friends of Women Foundation, soon realized that they needed more help. They knew their cause would benefit from an alliance of many different groups and parties, male labour unionists, NGOs working on labour issues, health specialists and academics. The goal was to grow a broadly based, inclusive alliance that included more than groups and leaders working on women's issues.

After a series of consultations, phone calls, meetings and seminars, an Assembly of various groups was created, composed of labour union organizations, various NGOs working on women's issues and labour matters, and several private organizations. This Assembly launched a series of demonstrations to spread its message to the government and the Thai public. In one instance, about 400 women workers, led by Ms. Arunee Srito, took to the street on March 7, 1993. The group rallied and marched from the Victory Monument to the Prime Minister's residence but was unable to present their message as he was not at home. On International Women's Day in 1993, the same workers set off to Government House where the Prime Minister was scheduled to chair the International Women's Day Ceremony held by the National Commission on Women's Affairs. During the ceremony, Ms. Arunee was to be given an award in recognition of outstanding work. Women workers joined the ceremony, dressing formally to blend in with the other participants. Once the Prime Minister had finished his presentation at the opening ceremony and returned to his office, about twenty women workers were waiting for him and raised banners and signs calling for longer maternity leave. Together the group sang a famous song called Kha nam nom (the value of breast milk), describing how breast-feeding was an act of sacrifice made by a mother for her baby. In this unscheduled manner, Arunee and other women workers were able to present their request to the Prime Minister personally.

By this time, the Assembly had found more allies for its advocacy, including other women NGOs such as Empower, Foundation for the Better Life of Children, and women politicians who joined forces with them to propose a longer maternity leave for workers. This alliance had recognized, however, that its message was being misconstrued and that this was hurting its cause. In an interview with the media, the Minister of the Interior claimed that the “activists” were mistakenly advocating for extended maternity leave on behalf of the true stakeholders – pregnant workers – who did not actually want or need the requested changes. He said that he saw no pregnant women among the “activists” and demonstrators. Women workers realized that they needed to encourage pregnant workers to join the demonstrations. Ms. Arunee said, “I have to admit that it was very difficult to gather as many pregnant women as possible to join in the demonstration at Government House. We contacted every factory network we personally knew. Finally we could gather only 48 pregnant women for the demonstration.” The goal was to have the public sympathize with the frail pregnant women who were determined to participate in the demonstrations and press their cause. Fortunately, they passed through the strict security system of
Government House and succeeded in attracting a lot of attention. Female politicians and government officials decided to provide a room in Government House, where the pregnant demonstrators organized a press conference and the issue appeared on front pages the following day.

The campaign grew stronger as the advocacy intensified and relevant information on the issue was widely disseminated. A series of seminars on maternity leave, such as “Maternity Leave and Employment” and “Maternity Rights and Law,” were organized by partners of the Assembly. Papers and discussions on maternity leave were published by researchers and international agencies such as the International Labour Organization that supported longer maternity leave. “Voicing our request and pressuring related authorities were not enough. We needed adequate information to make our claims more convincing,” said Mr. Jaded Chouwilai, a co-ordinator of the Friends of Women Foundation. Information was used to foster public understanding and included articles on how women suffered by going back to work too early after giving birth; why women need to recover after pregnancy; what physical conditions women have to face while being pregnant and after giving birth; how babies benefit by being with their mothers and being fed breast milk.

The Assembly decided to write a number of letters to the Minister of Interior and the Prime Minister. In a letter dated April 5, 1993, the group said that if the government did not respond to their demands, the group would organize a massive protest rally. NGO leaders felt they could capitalize on the public’s interest in their cause, but that the strength of the movement would weaken if they waited any longer. Movement leaders announced that a rally would continue until all of their requests had been met and that the deadline for the government’s decision was on May 1, Labour Day. Should the rally continue too long, said workers, there were threats of hunger strikes.

Both male and female workers in Bangkok and its adjacent provinces and districts such as Rangsit, Prapaadeng, Om Noi and Om Yai came to join the protest and called for a full pay 90-day maternity leave. Leaflets announcing the rally said, “To take action in front of Government House, we would like to invite brother workers to join this continuous rally which will start on April 25th, 1993. We must fight for the 90-day maternity leave so mothers can breast feed their babies.”

The goal was to ensure that there were at least 300 participants a day – enough to ensure a continuous protest, starting on April 25, 1993. According to the plan, workers would march from the Democracy Monument to Government House and the protest would continue until May 1, when the protesters would move to assemble at the Pramane Ground to celebrate National Labour Day. Then the group would march to the House of Parliament and refuse to retreat until the government agreed to their request.

Through collaboration with worker’s networks and unions, movement leaders arranged to have protesters rally in shifts that would still allow them to continue to work. This meant that some workers had to work at night, so they could come to protest during the day. Workers had to juggle work and rally, and many people were so exhausted that they had to sleep on the pavement in front of Government House. NGO alliances provided funds for food and water supplies and the Friends of Women Foundation supported documents and protest materials such as banners, leaflets and signs.
According to the plan for the first march, protestors would walk from the Democracy Monument to Government House, passing by the Bangkok Metropolitan Administration Office and the Ministry of Interior. Protesters included about eight pregnant workers who marched at the front and carried signs calling for 90 days maternity leave with full payment. The protest featured signs with sunflowers, the symbol for the New Aspiration Party and signs with “Poisonous blade” (the Prime Minister was known for his sharp remarks so he was often referred to as a sharp blade) and “Disastrous Aspiration” (in order to satirize the Minister of Interior who was also the leader of the New Aspiration Party).

The protest did not go according to the plan. As the group was leaving the Bangkok Metropolitan Administration Office, several police officers stopped them and ordered them to end the protest for security reasons. A member of the Royal Family H.R.H the Crown Princess, was due to arrive at Government House to attend a state banquet that evening, which meant that any protest or assembly there was considered to be a security threat. This was a very sensitive situation because of Thai people’s respect and reverence for the Royal Family. The movement leaders decided to proceed with the original plan and walk in a particularly peaceful and orderly manner. “We negotiated with the police that we would rally in peace and we would take this chance to wait upon and welcome the Princess. But the police did not allow us to do so. They insisted we retreat”.

The leaders promptly adjusted their strategies and asked the protestors to pretend that the protest had ended. Protesters separated into many small groups, consisting of about 50 people, that went their separate ways but planned to assemble again in front of Government House. When the protestors assembled again, they made an agreement with the police officers that when the Crown Princess’s car passed the site, they would move to the Civil Service Commission Office, which was opposite Government House. Moreover, the Deputy Minister of Interior, in formal official attire, came to the protest site and negotiated with the protestors. He pledged to solve their problem but asked them to stop the protest at once. However, protestors insisted on continuing the demonstration, particularly since the rally had ignited public and media interest on the issue. Viewers at home were able to watch interviews with the movement leaders, read their stories in the newspapers, and listen to them on various radio shows. The main message was that women were important economic actors in society and that the 90-day maternity leave was necessary. Leaders announced that pregnant women were prepared to spill their blood in protest and to conduct a hunger strike. At the same time, ministers involved, such as the Minister and Deputy Minister of Interior, were frequently interviewed in an attempt to gauge their opinions of the event. Media attention attracted more protestors to the site and the rally grew larger and larger.

Finally, government officials agreed to sit down and negotiate with movement leaders. When the government proposed that women workers would receive 90-day payment for maternity leave and would obtain 45 days of pay from employers and another 45 days from the Social Security Fund, movement leaders refused on the basis that some women workers who were not members of the social security system would still only receive 45 days of salary from their employers. They proposed additional conditions including amending the Social Security Act 1990 to incorporate all companies with more than one employee. This change would allow all women to obtain the same benefits. Protesters also requested direct negotiations with the Prime Minister.

Finally, the workers were informed that the Prime Minister was willing to negotiate with them. The movement leaders and their consultants reviewed the situation so that they could devise appropriate strategies. The movement leaders realized that the government had indeed softened its original non-committal position and that prolonging the rally would require a lot from their allies and partners, particularly the workers. Moreover, by this time, protestors were weary and their morale was low and there was a concern that the media might soon lose interest in the issue. Another fear was that the legitimacy of the movement would suffer if the protestors were deemed to be “trouble makers,” particularly if they were charged with disruption of peace and order.
Movement leaders were unable to agree on how to proceed, something that often occurs when many partners are involved in an alliance. Some leaders insisted on continuing the protest until the government gave in to all of their demands. Others were more agreeable to a compromised settlement. Given such differences of opinion, the Assembly had difficulty coming up with a way to speak with one voice. After a series of debates and discussions, the Assembly decided to empower Arunee Srito, the original leader of the advocacy movement, to make the final decision – which was to enter negotiations with the government.

Arunee Srito was prepared to accept the government’s proposal of 90 days of pay – 45 days from the employers and 45 days from Social Security. Arunee also vowed to continue mobilizing support for an expanded mandate of the Social Security Act to include establishments with more than one employee. She decided that this would involve a separate campaign, however.

Eventually, the movement leaders and the Prime Minister met to agree to a resolution and he promised to accept the workers’ requests for future deliberations. The movement leaders even asked for a written agreement on this matter. The matter was resolved at 2 o’clock in the morning of April 27, 1993, when the government passed the proposal related to maternity leave proposed by the Ministry of Interior. The Ministerial Order was later released and it stated that employers must provide 45 days of salary to women employees upon their maternity leave. Also, the government agreed to amend the Social Security Act to provide support for another 45 days. As the government had fulfilled its end of the bargain, protesters announced the end of the rally at 2 o’clock in morning of April 27, 1993. Thus ended the two-day and two-night protest.

Lessons Learned From the Two Thai Case Studies

Although the two case studies deal with separate issues, they are similar in that they provide significant insights into Thai civil society, social movements and the governance relationships that exist in the country. Both cases deal with legal reform in the area of social policy. Reform to both prostitution laws and maternity leave provisions took significant time to effect. In spite of a stronger law that imposes penalties on parents of child prostitutes, the problems of forced prostitution, trafficking in women and children, and child prostitution still exist today. Clearly, the simple passage of a law does not automatically mean that problems are solved. The root causes of social problems are complex and need to be dealt with on several fronts, not simply through legal changes. In the case of prostitution, actual enforcement of the law has been weak.

Yet rules and regulations are vital ingredients in social change. This is particularly true in Thai society, where traditional state dominance has continued and where the bureaucratic agencies have been a strong representative and agent of the state. This means that without legal frameworks and written laws, as well as rules and regulations, cooperation and initiatives by various non-state actors will not be tolerated by the state. Legal frameworks allow state personnel to be engaged and involved without making them feel that they are overstepping their mandate. The bottom line is that government officials cannot be seen as taking matters into their own hands. Legal frameworks therefore serve as protective shields and legitimize covers for state personnel in their dealings with those who violate the law and who often enjoy the privilege, protection and support of other powerful political or administrative bosses. Given that Thai bureaucracies are highly legalistic, making changes to the law often seems to be a logical approach to providing an indisputable basis for change and action.

Partnership for Social Advocacy

In the two cases described in this paper, legal changes were made possible through the cooperation of multiple partners. Both case studies reflect the central role of the state in finalizing these changes. In both case studies, the active cooperation of government officials was the catalyst required to move forward on these issues.

NGOs and civil society actors had long been aware of need for legal changes in the areas of prostitution and maternity leave. For example, civil society actors had long advocated for change on the basis that prostitution, especially forced prostitution and
child prostitution, are exploitative, inhumane, and violate basic human rights, contributing to grave social injustices. Until government support was achieved, however, it was not possible for citizens to initiate a draft bill for Parliament’s consideration.

Similarly, in the second case study, it was clear that women workers and their union leaders, in addition to supportive NGOs, recognized the need for longer maternity leave much earlier than the start of the advocacy movement that led to legal changes. Women workers, however, felt weak, if not powerless against employers who hired them and paid their salaries. However, when government officials were open to changes that Minister Saisuree recommended, non-state workers and supporters were energized and were more confidant to pursue the cause, believing that a clear precedent was already in place.

One catalyst for change was the female minister who acted as an advocate within the system itself, but she could not have succeeded without assistance from other parties. She forged alliances with both government and non-government players and solicited press coverage to heighten public awareness. In the case of the law on prostitution, she even reached out to prostitutes themselves to speak up and have their voices heard. Male players were also involved to help the cause. Despite working from within the power structure itself, effecting change was not easy and partnership with others was still essential.

In the case of provisions for maternity leave, a supposedly “woman’s” problem was eventually transformed into a social issue ripe for social and public discourse. Achieving this change in perception and developing partnerships meant expanding the problem to include those issues which affect the future of society, including babies’ nutrition and well-being and young children’s health and benefits. The list of supporters consequently grew to include women’s NGOs, physicians, nurses and others in the health care profession who provided expert opinions on the merits of breast milk and breast feeding. Academics helped advocate the cause through published articles as well as public discussions and exchanges. Elite women’s organizations also joined in. They viewed themselves as protectors of children’s welfare, with a leadership role to play in nurturing and supporting the family institution.

We also found that male union leaders eventually threw their full weight behind the cause, out of respect for the women workers’ ability to marshal strong support from different sectors of society for a strong cause. More importantly, this study sheds light on how a contested issue may be enlarged and magnified by various actors as they participate in the process. For example, the substantive part of the advocacy concerned male union workers less than the symbolic significance of a confrontation between workers and government and between workers and employers. The struggle provided a suitable battleground to test workers’ strength vis-à-vis the government’s and also to gauge the strength of the government vis-à-vis the strength of capitalists and employers. They were particularly interested in the question of who would eventually give in to whom.

**Incrementalism vs. Drastic Change**

These two case studies illustrate how drastic change is very difficult, if not impossible, to bring about in Thailand. As discussed earlier, many traditional, pre-existing values still predominate in Thai society. Thai social behaviours are still largely determined by legacies from the past. This points to the role for incremental, gradual introduction of change. Asking for “about-face” changes in Thai society means asking for “too much and too soon.”

In the case of legal reform in the area of prostitution, advocates for change ideally would have preferred the legalization of prostitution
accompanied by severe penalties for the procurers, pimps and parents involved in forced prostitution. But realism pointed to the need for compromise, lest the advocates face complete failure. In fact, many in society still think that the age of sexual consent for a girl should be lower than 15 years and that prostitution is a necessary evil. As a result social norms tend to favor men and look down on women who service the men. Ironically, prostitution is to be tolerated but not addressed. Unless injustices are brutal and blatant, most people would prefer to ignore them. Given this context, the compromises made were realistic and the incremental changes were definitely better than none at all.

In the second case study, the protesting workers and their allies had to make a critical decision as to whether to accept the government’s proposal to have employers pay 45 days of maternity leave, with the Social Security Fund covering another 45 days. This proposal was not as good as what the workers and allies had hoped for. Yet to demand further concessions would mean engaging in extremism by not allowing for a negotiated conclusion. In reality, neither the employers nor the government could be pushed to these limits. In the spirit of compromise, Arunee Srito – who was empowered to make the final decision – decided to leave aside the problem that the Social Security Fund does not cover establishments with less than 10 workers, and decided to accept the negotiated proposal. She and her allies recognized that incremental change was valuable. They also promised themselves that the goal of including all business establishments, regardless of the number of employees, would become a future agenda for advocacy. They would achieve their goal gradually, as it was not possible for them to have drastic changes all at once.

**Media and Social Advocacy**

We have learned from both cases that the role of the media was critically important for social advocacy by non-state actors and on non-mainstream issues in Thailand. In both cases, the media coverage served as first step (although an undependable one) in gaining public awareness that subsequently led to interest and support. By framing the issue as newsworthy, civil society actors helped to shape public opinion by having the media highlight a story –to evoke emotion with regard to a particular issue. Politicians know that, as issues play themselves out in the media, they may well have to address the demands of the public.

The case study on maternity leave reveals to us how the advocates needed to use experts and academics to talk to the media to provide their advocacy with a solid scientific and academic flavour, which the media seized upon immediately. The protestors also tried to capitalize on the media attention their demonstrations attracted, particularly when pregnant women joined the ranks of the marchers. Heightened media interest and coverage probably helped to pressure the government into seeking a workable compromise solution for all the parties concerned.

The case study on prostitution showed how the media was able to create public sympathy leading to a public outcry about the injustices done to women who were forced into prostitution. This probably helped to soften many opponents’ positions. It also likely helped to expand the circle of support for the advocates by elevating the struggle to the realm of public responsibility. Media attention legitimized the participation in the movement of men who may have been concerned that they would be ridiculed by their peers. The media served as a conduit to gauge public feelings and sentiments, to read the public pulse. It therefore served to convey public opinions and reactions against politicians and political leaders.

Because of its importance, the media has been used by advocates of social causes as a vehicle to reach diverse audiences. Press conferences and special
interviews with the press are often used to achieve this goal. Advocates also use media coverage for public forums and discussions where technical, scientific and other persuasive and convincing data and arguments are presented to audiences.

Leaders and Strategies for Advocacy

These case studies provide some valuable lessons on leadership:

1. Good leaders for social advocacy in the Thai context need to be committed, patient, goal-oriented and humble. This entails being soft on the “exterior” but strong and decisive in the “interior” – determined and yet flexible. Such leaders possess good interpersonal skills that are useful in approaching others for support. At critical moments, leaders need to be strong and decisive.

2. An effective leadership style in Thai social advocacy centres on being polite and non-abrasive. To include many people in the cause, leaders cannot appear to be too “strong” and overly confident. In fact, leaders who listen to others’ opinions, demands and requests tend to walk away with allies and supporters.

3. Leaders should be flexible and adaptive. Knowing when to strike and when to retreat appears to be crucial. Leaders in both case studies knew how to retreat and compromise. They adapted to new plans and strategies with great flexibility, rather than insisting on adhering to inflexible plans.

Knowing how to strategize, compromise, and adapt contributed greatly to the success of their advocacy. In the case of law on prostitution, Dr. Saisuree called the press and invited them to cover the visit from the prostitutes who surprised her at Government House without prior arrangement. She exhibited great flexibility and adaptability to new situations.

When the women workers’ march to Government House was thwarted by the police, the leaders acted quickly. Rather than either giving up the original plan entirely or creating a big scene, the leaders disbanded the big march, but had small groups reconvene later on. In another instance, when the Minister of Interior questioned if they misrepresented the true stakeholders, the protest leaders quickly found and convinced pregnant women to lead the protest.

1. Leaders in both case studies deflated their egos and underplayed their leadership in order to provide credit and room for other leaders, who were their allies, to feel important and not be overshadowed. This was a strategy that paid off well in the end. Because their allies felt committed and involved, it strengthened the battles that they fought together.

5. The strategy to include a wide range of supporters in the issues, especially male supporters, was critical. Our case study on prostitution shows that when a male legalist speaks on behalf of women, he tends to have many listeners in Thai society.

Externalities: International Environment and Conditions

In many ways, local advocates on social issues can be assisted by external social “climates” and activities that help the local activists to legitimize and endorse their actions. In an increasingly globalized world, where information, news, and experiences are shared internationally, a country like Thailand cannot afford to isolate itself from the larger external environment with which it interacts at many levels. The institutions of international relations, including international organizations such as the United Nations and multilateral development organizations such as the World Bank, as well as international protocols and conventions, serve as a set of standards, parameters and codes of good practice for Thailand. Among the international instruments geared to help protect women’s rights, for instance, are requirements for Thailand to adhere to the principles embodied in the CEDAW. Reporting requirements also entail signatory countries to report their practices and progress as well as problems that still exist. In addition, the reporting also calls for explanation and plans on how they intend to improve where full compliance is still lacking. In the case study on maternity leave, for example, international agencies like the ESCAP and ILO were useful in providing comparative data on maternity leave conditions elsewhere in the world. These and external conditions put pressure on Thailand to make changes to comply with various external requirements.
Moreover, the problems of trafficking in women and children, child labour and child prostitution have received widespread international attention. When countries are perceived to be dealing poorly with these, trade sanctions and the removal of privileges for Thailand may ensue. Clearly, Thailand would not like to be stigmatized and branded as a centre of sex services. All these external pressures helped advocates from the outside-in in terms of working to improve the laws and practices relating to prostitution in Thailand.

At times, it is useful to try to catch the attention of politicians and national leaders when external criticisms are levied on Thailand. Social advocates therefore seek and rely in part on external pressure and support to advance local goals. Good social movement leaders know how to seize the opportunities offered by the external environment in order to promote effectively a particular issue.

**Value of the Learning Process**

Perhaps one of the most important lessons that can be extracted from the case studies is the value of working and learning together. As previously mentioned, leaders and allies of the proponents and advocates in the two case studies solicited assistance from a network of people from different sectors of society, including the media. To gain support and maintain co-operation, collaboration and even solidarity, the key leaders had to learn and to implement new ways of doing things. Ultimately, advocacy was a very valuable learning process. Among other things, actors learned perseverance, patience, flexibility and adaptability to change in dynamic conditions. They also learned to work with others in an effective manner. As one informant said, “We learned not to put ourselves ahead of others, but to co-operate as equals and partners.”

Learning to “give and take,” harmonizing different points of view and ideas, was also important. In the end, all partners came to have a healthy respect for one another. Some have also developed long-term friendships with some of their partners. Most actors emerged from their experiences stronger than going in. In the future, they will be able to put to good use the lessons they learned, especially when they need to mobilize support for social advocacy.

**Notes**

1 Dr. Saisuree and other members of the drafting committee organized “The Majestic” group, named after the hotel where the group held meetings. The group was formed to discuss legal measures that would enhance children’s and women’s rights. One of the Majestic Group’s concerns was the extent and severity of the problems of child prostitution and forced prostitution in the country. The group agreed to pursue the issues of prostitution and trafficking laws, to study them and revise them, and to make certain that increases in penalties for proprietors, pimps and parents who sent children into prostitution would be included.

2 Ms. Srito was a worker in the Thai Kriang textile industry who became a labour leader.

3 At the time, the Security Fund was supported by contributions from three parties: the government, employers and employees.

4 Many years later, the law was amended in this way and came into force in 2002.
CHAPTER 8
The Role of Canadian Voluntary Sector Organizations in Development of Public Policy Related to Benefits for Children

Case Studies from Canada
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ABSTRACT
This paper focuses on the development of a national children’s agenda and response to child poverty through the development of a national children’s benefit program. The review centres on the roles of Canadian voluntary organizations, particularly the National Children’s Alliance and Campaign 2000, and their relationship and influence with the government of Canada in the evolution of public policy with respect to children’s benefits. The author examines the relationship of the two primary organizations with governments as they sought to advance the development of the National Child Benefit, the National Children’s Agenda and the Early Childhood Development Initiative.

Introduction
This paper focuses on the roles of Canadian voluntary organizations, particularly the National Children’s Alliance and Campaign 2000, and their relationship and influence with the government of Canada in the evolution of public policy with respect to children’s benefits.

The central focus of this study is on the relationship of the two primary organizations with governments as they sought to advance the development of the National Child Benefit, the National Children’s Agenda and the Early Childhood Development Initiative. The study consisted of more than thirty interviews with key informants from the two organizations, federal and provincial government departments and parliamentarians along with a review of key documents related to the organizations and the policy issues at hand. The author of this study was a member of Campaign 2000 and the National Children’s Alliance from their inception until 1998.

The analysis in this study is built upon the framework for development of public policy developed by John Kingdon (1995). The framework consists of participants acting and processes occurring in three distinct but interrelated streams – problem recognition, policy generation and politics. These are “largely independent of one another, and each develops according to its own dynamic and rules. But at some critical junctures the three streams are joined, and the greatest policy changes grow out of that ‘coupling’ of problems, policy proposals, and politics.” (Kingdon 1995:19) Policies are incubated in and emerge out of a primeval policy soup in which some ideas bubble to the top and actually make it to the policy agenda. “Each of the actors and processes can act either as an impetus or as a constraint.” (p. 87) This framework ascribes an important role to policy entrepreneurs, who promote specific policies inside and outside government and often move back and forth between the two. The
analytic framework is described in more detail in Appendix 1.

The next section describes the dynamic socio-economic and political contexts in which public policies in the areas in question were shaped and in which the interactions between voluntary sector organizations (and their leaders) and governments occurred. These relationships may, at specific points, be characterized as partnerships based on their commitment to common causes and active engagement in policy design and implementation strategy. However, they do not, for the most part, meet other criteria that define partnerships such as equally shared risk, authority, responsibility and accountability (in and for decisions). (Gill 2003) They are more appropriately described either as strategic “common interest” alliances in which NGOs contribute their unique resources and perspectives to the achievement of objectives over which government has final and exclusive authority or as principal-agent (contractual) relationships in which NGOs undertake a specific project on behalf of government.

Furthermore, partnerships are neither developed nor sustained in a vacuum. They must have a common cause or objective that is more likely to be achieved by combined efforts. Hence, this study examines specific policy issues of common interest to these voluntary sector organizations and government as a means of illuminating and more fully understanding their relationships.

The Canadian Socio-Economic and Political Context

Canada is a confederation, established in 1867, now consisting of 10 provinces and three northern territories. It is a parliamentary democracy governed by a Parliament comprising a House of Commons of 308 members elected as the people’s representatives and a Senate of 105 members appointed by the Prime Minister. The Constitution, the British North America Act, was repatriated from Great Britain in 1982 with the consent of nine provinces and the (then two) territories, with Quebec being the sole non-signatory jurisdiction.

Canada has a multicultural population of some 31.7 million. Statistics Canada reports Canada’s Gross Domestic Product in 2003 as $1,020 billion. Its federal government revenues in 2002/03 were $189,939 million. The average household pre-tax and pre-transfer market income in 2001 was $63,734. (Statistics Canada Web site) Forty percent of the country’s citizens reside in Ontario and 22 percent in Quebec, giving these provinces respectively a third and a quarter of the seats in the House of Commons. This makes political control of the seats in these two provinces critical to securing an electoral majority in the Commons, which dominates the national legislative and policy agenda.

The Constitution gives the federal government exclusive jurisdiction over such matters as defence and foreign relations, while provinces have jurisdiction over such fields as health, education and welfare. Federal cost-sharing gives the national government some leverage in setting broad national standards in these latter areas. In addition, the federal government may make direct payments to individuals, as in the case of the National Child Benefit. (Payments to individuals under the Canada Pension Plan, Old Age Security and Employment Insurance are others.)

Disputes between the federal government and the provinces over jurisdictional issues and cost-sharing and with Quebec over these as well as national identity have resulted in attempts by Quebec to separate from the rest of Canada. These culminated in two Quebec referendums on separation since 1982, with the more recent, in 1995, being narrowly defeated. Canada’s governance is complicated further by a constitutional provision that confers certain rights of self-governance to the 3 percent of its population that is Aboriginal.

The formula for amendment of the Constitution makes any amendment virtually impossible in the current context. The Meech Lake Accord, signed by First Ministers in 1987, and the Charlottetown Accord, signed in 1992, both failed to secure the necessary provincial ratification. The federal and provincial governments have therefore sought extra-constitutional mechanisms through which to demonstrate that the federation can work for all provinces and allow them to co-operate and collaborate on national policy and program initiatives. The failed constitutional accords did, however, lay some groundwork for the principles
under which such collaboration might succeed. The Social Union Framework Agreement was signed in 1996 to facilitate such collaboration. Although Quebec again withheld its formal approval, it did participate in the discussions.

The “social union” initiative is the umbrella under which governments committed to concentrate their efforts to renew and modernize Canadian social policy. It focuses on the pan-Canadian dimension of health and social policy systems, the linkages between the social and economic unions, and the recognition that reform is best achieved in partnership among provinces, territories and the Government of Canada. The primary objective of the social union initiative is to reform and renew Canada’s system of social services and to reassure Canadians that their pan-Canadian social programs are strong and secure. In working to build a strong social union, the Government of Canada and the provinces and territories have reached a broad consensus that the first priorities should be children in poverty and persons with disabilities.

First Ministers created the Federal-Provincial-Territorial Council on Social Policy Renewal in 1996 and directed it to guide the social union initiative. The Council monitors work on overarching social policy issues and, as well, co-ordinates and supports “sectoral” councils that examine cross-sectoral issues. The Council includes representation from nine (of ten) provinces, the territories and the Government of Canada. (Social Union Web site)

The final three-year agreement, A Framework to Improve the Social Union for Canadians, was signed in 1999. This agreement is based upon mutual respect between orders of government and a willingness to work more closely together to meet the needs of Canadians. The agreement contains guiding principles for social policy; commitments to ensure social programs support the mobility of Canadians; commitments to strengthen government accountability to citizens; collaborative practices between governments on social programs; federal government commitments on the use of its spending power; and a process for solving disputes between governments. It is a mechanism for development of a national agenda to protect the national dimensions for social policy and undertake the reforms necessary to enhance the effectiveness of social programs in Canada. (Edwardh 2002)

**Children’s Issues: Background and Milestones**

There was a major socio-economic shift in Canada as participation of women in the labour force grew dramatically between the 1960s and the 1990s. This was accompanied by a growing demand for more favourable workplace policies, increased childcare supports, greater wage parity and improved parental leave policies. The women’s movement in the 1970s and 1980s had a significant impact in advancing public policy in these areas. It is perceived by many as paving the way for future advances in public policy with respect to children.

**Child Well-Being and Early Childhood Development**

Canada is a relatively affluent country (rated by the U.N. for several years as the best in the world) in which most children and youth fare well. However, some indicators of child well-being suggest that substantial improvements could be attained for children who fare less well, if a clear vision of the combined economic, health and social supports that would achieve these ends were adopted as the foundation of public policy in this area. Children from families that fall below the poverty line, and especially those from Aboriginal communities, tend to be at greater risk of infant mortality, poor physical, dental and emotional health, educational underachievement, unemployment, suicide, child protection concerns, criminal activity and incarceration.

Even though more than 70 percent of young children have mothers in the paid labour force, only 12 percent of children aged up to 12 years have access to a regulated childcare space. The supply of high quality spaces is woefully short. High costs prevent many moderate- to low-income families from enrolling their children in ECEC services; of those children who are in regulated child care, only 22 percent have a fee subsidy. Although the quality of such services is key to meeting the developmental
needs of children, quality – even in regulated settings – varies considerably across Canada.

Evidence suggests that the early years of childhood are especially vital to a child’s development and future ability to learn. “ECEC (Early Childhood Education and Care) also strengthens the foundations of lifelong learning for all children, supports the social needs of families, and promotes equal opportunities for women in the labour market. While opportunities to participate in ECEC should be available to all children, Canada’s ECEC programs fall far short in meeting the needs of families and children.” (Campaign 2000, 2002 Annual Report Card on Child Poverty)

The absence of a coherent framework within which to develop children’s policies had become increasingly evident during the early nineties. Work was underway in a number of provinces to provide a more coherent approach to children’s policies and programs. Saskatchewan had produced the first provincial Action Plan for Children in 1993. Some other provinces were also making efforts to co-ordinate programs with a focus on children.

Conservative Prime Minister Brian Mulroney co-chaired the 1990 U.N. World Summit for Children. This has been credited with accelerating Canada’s endorsement of the 1989 U.N. Convention on the Rights of the Child, which articulates a number of broadly accepted children’s entitlements.

Aboriginal Head Start, fighting family violence and child prostitution, and promoting the rights of children internationally. However, the primary focus of this election platform was on combatting child poverty through amalgamation of several income support programs into a new National Child Benefit System and the negotiation of a National Children’s Agenda with the provinces. Its 2000 Policy Platform for the first time committed to investing $2.2 billion over five years to early childhood development.

**Child Poverty**

Canadians with an interest in income security issues and children’s policy had long recognized that children formed a large portion (approximately 40 percent) of social assistance recipients and that the structure of social assistance programs created disincentives for employable persons to move from social assistance dependency to low-paying jobs. These disincentives (loss of health and other benefits, extra expenses related to employment and child care, and punitive tax-back rates on earned income) became commonly known as the “welfare wall.”

Recognition of the high representation of children among the poor had contributed to the development of programs like the child tax
exemption (1918), family allowances (1944), social assistance (1966), and the child tax credit (1978). Identification of the welfare wall led to the working income supplement (1992). Canada had also used progressive rates in its income tax system as a vehicle for income redistribution. Organizations like the National Council on Welfare, the Canadian Council for Social Development and the Caledon Institute had worked for many years to raise awareness and propose policy directions.

The child poverty rate in Canada stood at 14.4 percent (1 in 7 children) in 1989 when the House of Commons unanimously resolved to "seek to achieve the goal of eliminating poverty among Canadian children by the year 2000." The measure of poverty upon which these figures were based is the most commonly used: Statistics Canada’s pre-tax "low income cutoffs" (LICO).¹

Elected officials, children’s advocates and the general public considered this level of child poverty in an affluent country to be unacceptably high. Yet that rate continued to climb until 1996 when it reached 21.1 percent (1 in 5). Forty percent of social assistance recipients in 1996 were children. Sixty-eight percent of children from single parent families lived below the poverty line. (“Canada’s Children – Canada’s Future: Final Conference Report” 1997)

Several provinces (Alberta, British Columbia, New Brunswick) had, in the early nineties (early seventies in the case of the Saskatchewan Family Income Plan), initiated their own innovations to provide child and family supports in addition to those offered through social assistance programs. Numerous policy alternatives had been debated over the years. Policy changes had gradually occurred through a process of what Battle (2003:12) calls “relentless incrementalism” (strings of reforms, often seemingly small and discrete when made, that accumulate to become more than the sum of their parts). This might be better described as “disjointed incrementalism,” with two steps forward and one step back and, at other times, two steps backward and one step forward or sideways.

“Successive federal governments implemented a series of changes that rationalized and, on balance, strengthened its child benefits, although partial de-indexation of child benefits from 1985 through 1999 eroded increases to low-income families and reduced child benefits for non-poor families. Today Ottawa delivers a singled geared-to-family-income program – the Canada Child Tax Benefit (CCTB) – that pays substantially more to the poor (currently up to $4,1910 for two children, more than double the 1984 amount) ... And in 2000 restored full indexing to the CCTB.” (Battle 2003:12–13)

Note
The LICO is the level of pre-tax income at which a family spends significantly (20 percent) more than the 50 percent of its income on food, clothing and shelter spent on these items by the average family. It is a “relative” measure of poverty. There has been considerable debate within Canada about the validity of this measure with many on the conservative end of the political spectrum arguing for a “market basket measure.” There are several of these that purport to be an absolute measure based on a basket of predetermined “necessities” priced for different geographic locations but not adjusted to changes in community living standards over time. See CCSD 2000 (Ch: 2) for detailed discussion of these and other poverty measures.

Key Participants
The development of public policy in any democratic state, particularly a confederation, requires the participation of a multitude of individuals, constituencies and political jurisdictions. These include elected legislators, appointed officials, NGOs, research and public policy institutes, foundations, media and key individual leaders from inside and outside government. The two voluntary sector organizations that are the primary focus of this study are described briefly below. References to other key participants are made throughout this report and a more detailed description of participants is contained in Appendix 2.

Campaign 2000
Campaign 2000 is a cross-Canada public education movement to build Canadian awareness and support for the 1989 all-party House of Commons resolution to end child poverty in Canada by the year 2000. It began in 1991 out of a declaration (by the Child Welfare League of Canada, the Canadian Council on Social Development, the Canadian Council on Children and Youth, and the Child
Poverty Action Group) expressing concern about the lack of government progress in mitigating child poverty. Its 90 national, regional and local partner organizations actively work on child/family issues from diverse perspectives. There is a significant overlap in membership between its national members and those of the National Children’s Alliance.

Its annual Report Card on Child Poverty in Canada measures the progress, or lack thereof, in achieving its goals. In addition to the report cards, Campaign 2000 has lobbied actively through letters to federal and provincial First Ministers, briefs to parliamentary committees, celebrity endorsements, media releases, opinion columns and letters to the editor. It has published policy discussion papers, recommendations for a national plan of action for children, sponsored discussion forums and provided advice and resources for public education and advocacy.

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Since its inception in 1996 the Alliance has worked to facilitate collaboration and policy dialogue between NGOs and governments on children’s issues and promote the development and implementation of a national children’s agenda. It represents the first time that national organizations from health, education, environment, recreation, literacy, disabilities, child care, social services and community-based programs have worked together to develop consensus on a broad range of public policy issues.

The Alliance has used regional forums, think tanks and roundtable discussions with members to define issues, identify priorities and set its agenda, as well as disseminate information. Alliance members have nurtured relationships with federal Cabinet ministers, MPs from all parties, and federal officials responsible for children’s issues. Its advocacy efforts have been built upon solid research, nurturing of relationships with key decision makers, a “behind closed doors” approach to criticism of policy shortcomings, and a public appreciation for “sometimes small steps taken” in pursuit of policy objectives.

The NGO-Government Interplay

The second Canadian Conference on Child Care, held in Winnipeg in 1982, generated a call for an effective voice to pursue childcare issues at the federal level and to promote a broad consensus of support within all regions of Canada. It resulted in the establishment of the Child Care Advocacy Association of Canada.
The Liberal government had, at the urging of childcare advocates and experts, established a Task Force on Child Care (led by Katie Cooke) shortly before the 1984 election that returned a Conservative government. The 1986 report of that task force recommended significant investments in childcare services. The Conservative government immediately established a Special Parliamentary Committee on Child Care, which reported in 1987 with more modest recommendations on expenditures.

However, despite the introduction of a National Child Care Strategy and legislation in 1988, agreements on the exercise of federal spending power in this area of provincial jurisdiction could not be reached with the provinces. (Ogston 2003)

Moreover, childcare advocacy organizations opposed the Conservative government's initiative because a substantial proportion of that investment was to be allocated to private (as opposed to regulated public) childcare.

In December 1997, Canada’s First Ministers asked the Federal-Provincial-Territorial Council of Ministers on Social Policy Renewal to engage the public in developing, within the Framework Agreement, a vision for enhancing the well-being of Canada’s children. In an effort to move forward, the Council recognized that a national agenda for children requires a shared vision and a common understanding of children's changing circumstances and needs, both as children and as future adults. Two documents were released to facilitate debate and discussion:

i. *A National Children's Agenda – Developing A Shared Vision*

ii. *A National Children's Agenda – Measuring Child Well-being and Monitoring Progress*

These studies informed a community consultation which took place during the spring of 1999, culminating in the June 2000 release of the consultation document, *Public Dialogue on the National Children’s Agenda – Developing a Shared Vision*. National non-governmental organizations (NGOs) submitted briefs and held forums across Canada attempting to influence the deliberations of the Council of Ministers on Social Policy Renewal. The posturing and squabbling inherent in intergovernmental relations has not made input easy and, in the not-for-profit sector, has often led to cynicism, “submission depression” and consultation fatigue. (Edwardh 2002)

In an attempt to create public awareness around the elaboration of a National Children’s Agenda and to pressure all levels of government, a number of coalitions concerned with the health and well-being of children highlighted the issues of concern, advocated for the National Children’s Agenda, and monitored the progress and set-backs in implementation. These coalitions (described in some detail in Appendix 2) contained overlapping memberships. Their members advocated both on behalf of their own organizations and the coalitions. They nurtured relationships with key parliamentarians and government officials such as Senator Landon Pearson and John Godfrey, MP.

Landon Pearson, who had chaired the voluntary sector Canadian Council for Children and Youth before being appointed to the Canadian Senate, was dubbed “the children’s Senator” because of her strong advocacy both outside and inside government. John Godfrey, Chair of influential Liberal caucus committees and the House of Commons Standing Committee on Children and Youth at Risk was also a committed advocate for children. Both were highly accessible to NGOs and worked strategically with them. So too were ministers of certain key departments.

Human Resources Development Canada (HRDC) Minister Jane Stewart met with members of Campaign 2000 and the NCA periodically to receive their advice. Members also particularly appreciated a meeting with her after major policy initiatives were approved in which she recognized their contributions and support for the initiatives. This degree of NGO access to federal Cabinet ministers is considered to be uncommon in the world, if not unique to Canada.

On the child poverty file, a key individual influence was Ken Battle. He is, in Kingdon’s terms, a “policy entrepreneur” who, as executive director of the National Council of Welfare, spent many years of his career working on public policy related to child poverty. He, in 1990, claimed “the first ‘costed’ options for a national, integrated child benefit.” In
1996, then President of the Caledon Institute, Battle was appointed an inside-government senior policy adviser to the Minister of Human Resources Development, wrote the basic document making the case for the National Child Benefit, and presented the idea to the Minister of Finance as a "down payment" on the NCB in the 1997 Budget that announced the reform. He also served as “a member of the NCB Working Group which, in its early months, was charged with the task of translating the budget proposal into action." (Battle 2003:15)

**Analysis**

**Overview**

Conclusions about the factors influencing the development of the public policies reviewed here are based upon the "weight of opinion" among key informants, rather than consensus among them. In some cases, there were widely divergent views on critical influences, often depending on where an individual was in the hierarchy of influence and decision-making or the attachment/exposure of that person to a particular participant organization, individual or cause.

For example, Campaign 2000 was credited at one extreme of the opinion spectrum as having played a "vital role" in the cultivation of a public mood and political will conducive to the development of the NCB. An alternative view expressed by more than one senior bureaucrat was that “the NCB was achieved despite Campaign 2000 tactics,” which were viewed by some as overly critical of the government, to the point of jeopardizing achievement of the ultimate goal.

Similarly, while Battle’s role in development of the NCB was generally acknowledged as instrumental, some federal and provincial officials expressed the view that the momentum for its development had already been created by work in several provinces and the interplay between them and the federal government. Some officials gave notable credit to the “Framework for Action” that arose out of the 1996 Conference on Children as a valuable reference for development of the National Children’s Agenda, while certain others had no recollection of the earlier document.

It is clear, overall, that a dynamic interplay between various actors and organizations is critical, in a vibrant democracy, to the emergence of public policy out of the metaphorical "primeval policy soup." It is clear also that attribution of causal links between specific actors and factors and the ultimate policies and implementation vehicles that emerge can be highly speculative.

**In the Trenches**

Advocacy efforts in the late 1980s and early 1990s of individual non-profit agencies, although less well co-ordinated, had served to raise awareness and concern about child poverty, as well as such issues as the shortage of childcare spaces and early childhood development opportunities. The creation of Campaign 2000, the release of its first annual report on child poverty, and the 1989 House of Commons resolution were key milestones in the effort to concentrate public attention on the issue. The efforts of Campaign 2000 members had heightened public and political awareness of child poverty.

Public policy discussions such as those on childcare stimulated by the 1984 “Cooke” Task Force on Child Care ensured continuing attention to this problem. An expanding body of research (by such organizations as The Canadian Institute for Advanced Research) supported investments in early childhood development. Growing international attention to children’s rights and well-being provided important additional leverage for advancing Canadian interest in these issues.

Work had been done both inside and outside government on alternative proposals for a national childcare program and for initiatives in other specific program areas. However, there had been little effort to
develop a broad vision for children’s services and a coherent, integrated policy framework within which to lodge program initiatives.

Advocacy groups with an interest in children held a conference in 1991 framed around the U.N. Convention on the Rights of the Child. The conference finale had participants meeting with members of the House of Commons caucuses to plead their case for development of a national children’s agenda including measures to address child poverty and shortages in available childcare spaces.

A follow-up conference in 1996, with nearly 1200 participants from all economic sectors, drew national media and political attention. This second conference “provided a forum for a report to the nation on the status of Canada’s Children. Data from Statistics Canada’s National Longitudinal Survey on Children and Youth, the first report by the Canadian Council on Social Development on the “Progress of Canada’s Children,” and information from Campaign 2000’s Annual Report Card on child poverty formed a social policy backdrop for the work at the conference in building a consensus on Investing in Children: A Framework for Action.” (Canada’s Children 1997:i) The results of this conference were presented to at least one in five members of Parliament through individual meetings during the final day of the conference.

Such conferences, though not instrumental to the policy shifts, were important in raising public and political consciousness, broadening networks, forming new provincial coalitions, strengthening the national coalitions and co-ordinating their educational/advocacy efforts to develop political support for their objectives. They also provided a morale boost and encouragement for child advocates within the voluntary sector and government circles.

Throughout the 1960s, 1970s and early 1980s repeated efforts had been made by social activists to address poverty as a generic social problem. However, much of the public saw poverty either as an inevitable by-product of a capitalist economy or attributed personal responsibility (and deficiency) for their state to those who were poor and marginalized. The strategy to focus more narrowly on lifting seniors out of poverty and, in most instances, off social assistance succeeded with the introduction of the Old Age Security and Guaranteed Income Supplement.

Social activists adopted a similar strategy of focussing on “children as victims” of poverty, regardless of whether their state was due to parental default or economic fallout. This shift in metaphor, focussed on “child poverty,” captured the public imagination and opened the possibility of political support for new solutions to an old problem. Activists also adopted the language of “entitlements” contained in the 1989 United Nations Convention on the Rights of the Child, signed by Canada in December 1991.

Campaign 2000’s evolution as a cause-focussed movement, or organic coalition, and lesser dependence on financial support from government gave it a degree of “arms-length” independence and credibility with the broader community and within government circles. The NCA’s success in obtaining federal government support for a number of its initiatives, particularly facilitating regional forums on implementation of the National Children’s Agenda with an HRDC grant, left it open to the criticism that it had, to an extent, been co-opted to work “inside the tent” as compared with the perception of Campaign 2000 working “outside the tent.” There are obvious advantages to both approaches. In fact, it may be that both are necessary to development of the constructive tension often critical to advancing a particular agenda.

The process of decision making within Campaign 2000 had historically been less inclusive than the processes employed by the NCA. This led to some concerns within its membership about process. This
Institute On Governance does not appear to have impaired the ultimate effectiveness of Campaign 2000 efforts, although it had caused periodic strains in its relationship with Ottawa-based members more active in the NCA. Commitment to cause, as noted earlier, often overcomes concerns about process.

Building consensus, while more time- and resource-intensive, also risks dilution of final outputs to the lowest common denominator of agreement. The strength and influence of large numbers in support of common concerns about social problems, policy objectives and implementation mechanisms often offset the challenges of building broad consensus.

Both Campaign 2000 and the National Children’s Alliance derive credibility from the broad base of their member organizations and the perception that their positions on issues represent a general consensus of the membership of their member organizations.

**Political Stream**

A number of factors contributed to create a political climate favourable to the introduction of new national social programs:

- Several years of fierce budget cuts in the mid-nineties by the Liberal government had put the federal government in the position of having an annual operating surplus and under intense criticism for cuts to health, education and social transfer payments to provincial governments.
- Paul Martin Jr., the Finance Minister responsible for the deep budget cuts, appeared eager to seek some redemption of the legacy of his father’s reputation for social conscience earned through development of national social programs while he was a federal Cabinet minister.
- Prime Minister Jean Chrétien and his government wanted to keep the commitment to a National Child Benefit made in the Liberal Party Policy Platform for the 1997 election.
- Federal and provincial/territorial governments, in the wake of the near win for separatists in the 1995 Quebec referendum (and several years of federal-provincial jurisdictional wrangling) were anxious to find a way to demonstrate that they could work together on a national program.
- The Social Union Framework Agreement provided a window of opportunity to demonstrate success in such collaboration.
- The 1989 House of Commons resolution stood as a clear and often repeated reminder of an all-party commitment to mitigate child poverty.
- Policy advocates had adopted “child poverty” and the “welfare wall” as new metaphors that were more politically palatable than the need for higher benefits for poor adults and families.
- Child poverty consistently rated among the top concerns of Canadians polled during the nineties. A recent poll conducted by Ipsos-Reid (Federal Budget 2003) again showed increased spending on child poverty as a top priority after health care.
- Availability and promotion of emerging research on the “hard-wiring” of the brain in early childhood provided evidence-based research that policy makers needed to build a case for investments in early childhood programs.
- Easier access to federal officials by NGO leaders working concurrently on several policy files, coincident to the Voluntary Sector Initiative to enhance collaboration on public policy development, capacity-building and regulatory reform. (Gill 2003: 4-7)

These factors in the political stream, to use Kingdon’s terminology, “coupled” with a generally acknowledged problem and a technically feasible policy proposal that had been in the developmental phase for several years. A National Child Benefit would serve to rationalize existing programs, allow sufficient provincial flexibility within a national funding framework, and serve as clear evidence that federal-provincial co-operation was possible within the Social Union Framework Agreement.

Members of the National Children’s Alliance had been conducting quiet one-on-one lobbying with Cabinet ministers, key MPs, opposition leaders and senior bureaucrats. The NCA is given some credit for influencing the Liberal Party’s election platform and the subsequent intergovernmental work on a National Children’s Agenda. The Alliance was a multi-disciplinary, cross-sectoral coalition representing dozens of national voluntary sector organizations. Campaign 2000 was a multi-disciplinary and cross-sectoral coalition with
grassroots support at provincial and local levels. Both brought their respective educational and advocacy resources to bear individually and collectively in support of greater and more coherent attention to children’s policy. Their diverse nature served to counter criticism from certain quarters that voluntary sector organizations were “special interest” groups.

The efforts of policy activists, particularly within government, to translate the party platform into throne and budget speech commitments, Cabinet approval and financial allocations were essential to turning political promises into program reality. This required tremendous dedication and persistence on the part of parliamentarians, political appointees and bureaucrats, as well as continued prodding and encouragement from NGOs and others outside government.

Conclusion

John Kingdon’s “Agendas, Alternatives and Public Policy” (problem recognition, policy generation and politics) provides a useful, logical and systematic framework for analysis of the development of Canadian public policies related to children as they evolved during the last decade.

The three children’s policy areas examined in this study – the National Child Benefit, the National Children’s Agenda and the Early Childhood Development Initiative undertaken by the federal, provincial and territorial governments over the last decade – were positive initiatives resulting from the confluence of a number of propitious factors:

- The favourable federal fiscal climate opened a “window of opportunity” for implementation of policy proposals that had been under development for several years.
- The provincial and territorial governments desired to recover federal transfer payments for program expenditures lost during the previous decade.
- Public concern, about child poverty in particular, encouraged a positive political response.
- Similarly, a desire to improve federal-provincial relationships with a concrete demonstration of co-operation under the Social Union Framework Agreement broadened this window and allowed political leaders to seize upon a well-developed policy proposal as the first major initiative under this framework.

Campaign 2000 and the National Children’s Alliance, with their overlapping memberships and growing credibility, certainly had some influence in encouraging and supporting the implementation of these children’s initiatives. The annual Report Card on Child Poverty and the active advocacy of Campaign 2000, combined with the 1989 House of Commons resolution to “seek to eradicate child poverty by the year 2000,” were important factors in cultivating the political will to implement the National Child Benefit (NCB), and to seize the opportunity to improve federal-provincial relationships. However, a viable policy alternative was essential. The work done on the NCB by a variety of people and jurisdictions paved the way for the detailed work on the NCB undertaken by policy entrepreneur Ken Battle. In that sense he was the “man of the hour” – the right person at the right time with the right conceptualization of the problem and solution. However, some believe that previous bureaucratic and political momentum made the development of this initiative inevitable, given the confluence of factors and actors described in this report.

The popularization of findings on early child development, by Dr. Fraser Mustard, Dr. Dan Offord and others, provided the evidence-based research necessary to support the significant investment in children’s services encouraged for years by policy advocates. The work of parliamentarians John Godfrey, M.P. and Senator Landon Pearson both within government and between government and the voluntary sector are perceived as instrumental in advancing the children’s agenda. And political leadership and dedication from ministers and their officials in Human Resources Development, Health and Finance, as well as from Prime Minister Chrétien, were, of course, absolutely essential. These coalesced at a time when the federal government was looking for a way to soften its image after the deep budget-cutting that occurred during the Liberals’ first three years in office.
Although many of its members had been consulted since the early 1990s as part of an informal Reference Group, the National Children’s Alliance had not yet established itself, or its later credibility, by the time the decisions to proceed with the NCB had been taken. It is, however, given some credit for accelerating the momentum for development of a National Children’s Agenda sparked by debate on the Convention on the Rights of the Child and the 1996 National Conference on Canada’s Children.

Both the National Children’s Alliance and Campaign 2000 are credited with having been very influential, if not instrumental, in persuading political leaders to proceed with the Early Childhood Development Initiative. The development of a broadly based consensus on issues and solutions, without strong dissenting voices, was clearly critical to the development of the ECDI. The successful opposition of childcare advocacy groups to the childcare initiative of the Conservative government in the late 1980s gives credence to Kingdon’s contention that interest groups may have more influence in constraining policy than in advancing it.

Campaign 2000 was credited with having a strong focus on child poverty and childcare. However, the perception that it focussed its critiques on policy inadequacies rather than positive steps was regarded by some as potentially more risky than constructive. The National Children’s Alliance was perceived by some as less focussed in its policy objectives, but its less public critique of policies was well appreciated by bureaucrats and federal Cabinet ministers allowing the development of a higher degree of trust and reciprocity.

There was a degree of constructive tension that evolved out of the combination of approaches of the two organizations. While their influence on moving the policy yardsticks forward was acknowledged, there were many actors and factors leading to the implementation of the children’s policy initiatives that grew out of this primeval policy soup. As one interviewee put it: “Victory has many fathers.”

**Strategies for Influencing Public Policy**

This study reveals many strategies that voluntary sector organizations may use to increase their influence on public policy. Some of these are implicit in the manner in which the children’s policy initiatives were developed and implemented. Others are derived from the consensus of direct advice offered by interviewees. Many of them are suggested by Kingdon’s analysis of the manner in which public policy is developed.

- Identify the problems early and express them clearly.
- Understand and seek to influence the public mood and the political possibilities.
- Develop a solid base of research support.
- Start with a clear objective or desired outcome and keep your eyes on the ball.
- Construct a strong “business” case for investment and a strategy for measuring outcomes.
- State the case in clear, easily understood language.
- Communication is critical to keeping stakeholders on side and generating public and political support.
- Timing and context are everything. Anticipate windows of opportunity. Be ready to act, with well-developed solutions and advocacy strategies, when they open.
- Regularly review the metaphors used to promote your policies to ensure the language attaches your cause to current public and political concerns that may be used as “proxies” to advance your interests. “Hitch your wagon to a winning horse.” by, for example, describing children as “victims” of poverty.
- Balance passion for a cause with pragmatism for solutions. Appreciate what is achievable within the current context but don’t lose sight of longer-term objectives. Be satisfied with “half a loaf” rather than pursuing an all-or-nothing agenda.
- Seek champions for the cause – inside and outside government and the voluntary sector.
- Individual personalities and personal relationships may move the agenda forward when all else fails.
- Offer praise generously and criticism in constructive, but measured, doses.
- Seek allies and build alliances. Broaden these to include non-traditional partners (business and labour) wherever possible. This becomes even
more powerful when it is an alliance of the unlikely – those previously on opposite sides of an issue.

• Seek consensus without abandoning individual organizational mandates.
• Find effective ways to share leadership nationally (or locally), and divide the workload among organizations with specific areas of expertise.
• Build trust, respect and credibility amongst key stakeholders.
• Nurture personal contacts. Build constructive relationships.
• Understand the political and bureaucratic structure and processes, how decisions are made and the key players. Build relationships with key players.
• Persistence is the key to success.

A variety of vehicles can be used to build consensus on issues, identify priorities, develop strategic directions, set agendas, disseminate information, strengthen networks and build alliances. Roundtable discussions, periodic membership meetings, think tank or brainstorming sessions, conferences and newsletters are among those that have been used effectively by the three organizations examined in this report.

Annual report cards such as that used by Campaign 2000 to measure progress in reducing child poverty can be particularly powerful as a means of communication, education, generating commitment to a cause, and supporting advocacy efforts. Organized non-partisan lobbying nationally, provincially and in local constituencies, based on solid research and a strong case for investment, is usually essential to obtain progress on policy objectives. Provision of toolkits and training in these areas can serve to build the capacity of member organizations to support the cause.

Letters to federal and provincial First Ministers, briefs to parliamentary committees, celebrity endorsements, media releases, opinion columns and letters to the editor keep the issues in the public eye and attract the attention of key decision makers. Policy discussion papers supported by evidence-based research stimulate interest and dialogue.

Strong criticism of deficiencies in government inaction or policy initiatives can momentarily capture public and political attention and perhaps spur action. However, it also risks alienating key allies. Constructive criticism, accompanied by appreciation expressed for the “sometimes small but important” steps taken to advance policy objectives, will likely gain more favour. Both may perhaps be necessary for creation of the constructive tension that often precedes substantial progress in a parliamentary system that must weigh the relative importance of competing priorities.

A plan of action with clear statements of the problems, policy objectives, and implementation and progress measurement mechanisms increase the likelihood of bureaucratic support and political approval when “windows of opportunity” open.

The complexity of actors and factors involved in the development of public policy makes it difficult to establish causal relationships between the efforts of particular actors and eventual outcomes. The broader an organization’s mandate and goals, the more difficult it becomes to assess its overall effectiveness. Well defined policy objectives clearly make it easier to assess the impact of an organization’s efforts to promote a particular policy or implementation mechanism. However, influence should not be confused with instrumentality.

Lessons Learned on Partnerships

A number of key lessons about development of partnerships, perhaps more accurately described as
“common interest relationships,” can be drawn from this case study:

- Most NGO/government relationships do not conform to generally accepted criteria for partnerships – such as equally shared risk, authority, responsibility and accountability (in and for decisions).
- They are more appropriately described either as strategic “common interest” alliances in which NGOs contribute their unique resources and perspectives to the achievement of objectives over which government has final and exclusive authority, or, as principal-agent (contractual) relationships in which NGOs undertake a specific project on behalf of government.
- NGO/government “partnerships” grow out of common interests and policy concerns.
- They develop within the context of a broader socio-economic and political milieu.
- The extent to which voluntary sector organizations or coalitions influence public policy is largely dependent upon their credibility with policy makers, the size of their memberships, strength of their numbers and commitment of their members to objectives, to collaboration and to efforts to advance their cause.
- It is important that voluntary sector networks, alliances or coalitions bring together the “right” partners – that have sufficiently common interests, complementary skills and resources, and the potential to work together effectively and achieve consensus on objectives, strategies and tactics.
- It is similarly important for governments to select partners whose objectives are compatible with their own.
- Developing a general understanding and consensus about goals, objectives, roles, resources, decision-making processes and lines of accountability is important to building relationships but is, as often as not, an organic rather than prescriptive process.
- Building trust is critical to broadening coalitions and building NGO/government partnerships. “The building blocks of trust are time, open communication and transparency.” (Ekos 1998:25)
- Positive, and sometimes personal, relationships between key individuals on either side of a partnership must be nurtured. These can be critical to sharing of “inside” information and may help defuse conflicts that are inevitable to most relationships.
- Tension in NGO/government partnerships can serve to advance policy objectives if it is managed constructively.
- Recognition of contributions, giving credit where credit is due, adds energy to the commitment and motivation of partners.
- Partners must equally celebrate achievements and live with setbacks. They must be prepared to appreciate rather than deride “half a loaf” (or even a slice) when a full loaf is not in the cards – but to do this without forsaking the longer-term quest for full achievement of objectives.
Appendix 1 – Analytical Framework

The analysis in this study is built upon the framework for development of public policy developed by John Kingdon (1995). The framework consists of participants acting and processes occurring in three distinct but interrelated streams – problem recognition, policy generation, and politics. These are “largely independent of one another, and each develops according to its own dynamic and rules. But at some critical junctures the three streams are joined, and the greatest policy changes grow out of that ‘coupling’ of problems, policy proposals, and politics.” (Kingdon 1995:19) “Each of the actors and processes can act either as an impetus or as a constraint.” (p. 87)

**Problem Recognition**

Certain conditions (e.g., child poverty) become identified as problems because they violate important values, reflect poorly on the jurisdiction (country, province or state) in comparison with other jurisdictions as measured by key indicators (e.g., poverty rates), to previous conditions in the same jurisdiction, or to an idealized objective condition or state of affairs (e.g., complete elimination of child poverty).

**Policy Generation**

Policies emerge from a “policy primordial soup” through a dynamic process in which “many ideas float around, bumping into one another, encountering new ideas and forming combinations and recombinations.” Some ideas are discarded and others advance to the “decision agenda.” “The proposals that survive to the status of serious consideration meet several criteria, including their technical feasibility, their fit with dominant values and the current national mood (as gauged by elected legislators), their budgetary workability, and the political support or opposition they might experience.” (pp.19–20)

“Policy communities,” which may be tightly knit or loosely linked individuals and organizations, are composed of specialists in a given policy area. (p. 117) They typically include persons both inside and outside government … some of whom move back and forth between the sectors. Those outside government include academics, analysts and advocates for special interest groups, and consultants.

**Politics**

“The political stream is composed of things like swings of national mood, vagaries of public opinion, election results, changes of administration, shifts in partisan or ideological distributions in (legislative bodies), and interest group pressure campaigns.” (p. 87)

Elections, political campaigners, campaign promises and political parties influence policy direction to the extent that they are perceived to reflect the electorate’s preferences. Party platforms are important as a public record of positions on issues “but the origins of the detailed alternatives seriously considered by policy makers lie elsewhere.” (p. 64) Campaign promises affect the agenda when key constituencies attempt to hold legislators to account for those promises, when legislators hold a strong personal commitment to those promises or consider them part of their legacy of political office or when they are viewed as an exchange for electoral support.

“The political stream is an important promoter or inhibitor of high agenda status. All of the important actors in the system, not just the politicians, judge whether the balance of forces in the political stream favours action.” (p. 163)

**Participants**

Participants are either “inside” government (elected and appointed members of the House of Commons and Senate, Cabinet and Privy Council Office, appointed staffers and other officials, career bureaucrats) or “outside” government (interest groups, academics, media and the general public). Those inside government tend to have the greatest control over both the agenda and alternatives that are considered.

“Policy entrepreneurs” advocate solutions to particular problems. They may be inside or outside government (or move back and forth between the two). Policy entrepreneurs invest their time, energy, reputation and even financial resources in promoting a particular policy proposal. Their commitment to a cause may be motivated by a desire to advance personal interests or values or because they believe a policy may simply be “the
right thing to do.” They often act as brokers between participants with different interests and between streams and maintain sufficient flexibility to attach their proposal “opportunistically” to different problems as issues rise and fall in the political and public mood. ((p. 123)

*Interest groups* may play an important role in identifying problems and generating policy alternatives. However, they appear to have more influence in constraining adoption of a particular policy.

*Public opinion* “seems to be approximately as important as the factors related to elections – neither insignificant by any means, nor among the most prominent in the total array of sources, but just about in the middle … Public opinion may sometimes direct government to do something, but it more often constrains government from doing something.” (p. 65) Political parties and governments regularly conduct opinion surveys to gauge the issues that most concern members of the public.

*Media* play a role in discussing and drawing attention to public issues. They assist in communicating and popularizing results of public opinion surveys. The attention of legislators to public opinion as reflected in the media reflects its importance.

**Agenda Setting**

Elected officials and their appointees have more influence in shaping the agenda than career bureaucrats or non-governmental actors. “Potential agenda items that are congruent with the current national mood, that enjoy interest group support or lack organized opposition, and that fit the orientations of the prevailing legislative coalitions or current administration are more likely to rise to agenda prominence … the balance of organized forces is more likely to affect the alternatives considered.” (pp. 19–20) The likelihood that policies will be adopted increases when solutions and problems are joined together coincident with a “window of opportunity” created by favourable political forces and fiscal circumstances.

“The combination of national mood and elections is a more potent agenda setter than organized interests.” (p. 199) Those participants with high public visibility have greater impact on the decision agenda and those who work in the background have more impact on design of policy alternatives. “The subject with an ‘available alternative’ is the one that rises on the agenda, crowding out equally worthy subjects that do not have a viable, worked-out proposal attached.” (p. 142)

**Appendix 2 – Key Participants**

**Inside Government – Parliamentary**

*Senator Landon Pearson,* a lifelong advocate for children, was appointed to the Canadian Senate in 1994. She had been an active advocate for improved policies and programs for children as Chair of the Canadian Council on Children and Youth. She committed herself to using the influence of her office to advance the spirit and letter of the U.N. Convention on the Rights of the Child. Her two primary goals on behalf of children and youth have been to advance their interests directly in the legislative process whenever possible and to open up the process so that children and youth are able to participate in decisions that will affect them.

Senator Pearson was named Advisor on Children’s Rights to the Minister of Foreign Affairs in 1996. She provides advice to the minister, on a regular basis, concerning children’s issues in the foreign policy context and on the impact of domestic policies for children related to Canada’s international commitments, notably the Convention on the Rights of the Child. In 1999, she was named Personal Representative of the Prime Minister to the 2002 Special Session on Children of the United Nations General Assembly. She is co-Chair of the National Children’s (Liberal Party) Caucus Committee.

*John Godfrey,* M.P., a member of the House of Commons from Toronto. From 1998 to 2003, he
served as Chair of The National Children’s Agenda Caucus Committee and was Chair of the Liberal Caucus Social Policy Committee from 1999 to 2003. John also served as Chair of the House of Commons Standing Committee on Children and Youth at Risk. He has actively promoted the well-being of children during his career in public office. He has encouraged policies that focus on a national children’s agenda that recognizes the importance of early childhood development, supports for children from low-income families, reduction of child poverty, and mitigation of circumstances for high-risk children and youth.

*Successive ministers of Human Resources,* Pierre Pettigrew and Jane Stewart demonstrated a strong commitment to moving a children’s agenda forward and advocating within Cabinet and caucus for support. None of the initiatives discussed in this study would have proceeded without their strong leadership and commitment.

It is also important to note here the contribution of the *Hon. Ed Broadbent,* then leader of the New Democratic Party in the House of Commons, who proposed the 1989 Commons resolution on child poverty that was unanimously adopted by all parties.

### Inside Government – Bureaucratic and Political Staff

Many officials within Health Canada and Human Resources Development Canada (particularly within their child and family policy divisions) worked actively within government and in liaison between government and voluntary sector organizations to advance initiatives that would address the “identified problems” noted earlier in this report. Similar support was also found among the political staff of key ministers. It was beyond the scope of this study to identify all those who provided important support and advice at key times. However, there is no question that their work served to facilitate the examination of issues and policies and the structure of program initiatives that were eventually adopted. Some concern has been expressed over the practice of frequently rotating “generic managers” in the federal bureaucracy out of areas in which they have developed "content expertise," slowing the policy development process as their replacements develop sufficient understanding to advance a particular policy agenda.

### Inside Government – Provincial/Territorial

The development of policies and programs in the areas that are the subject of this study necessarily required the participation of elected and appointed officials from provincial and territorial governments. The individuals who took leadership roles and served committees working on these policy issues were innumerable and beyond the scope of this study to identify. Suffice to say that they included the elected premiers and ministers, and staff of key government departments in these jurisdictions. Their contributions are duly acknowledged.

### In-Between – National Council of Welfare

The National Council of Welfare, mandated by the federal government in 1969, advises the Minister of Human Resources Development on the needs and problems of low-income Canadians and on social and related programs and policies that affect their welfare. The Council comprises private citizens appointed by order-in-council of the government. It does this by

- communicating directly with the minister,
- informing and influencing public opinion through widely-disseminated reports, and
- providing a vehicle through which people concerned with the problems of low-income Canadians can make their views known to government.

### Outside Government – Campaign 2000

#### Mandate

Campaign 2000 is a cross-Canada public education movement to build Canadian awareness and support for the 1989 all-party House of Commons resolution to end child poverty in Canada by the year 2000. It began in 1991 out of a declaration (by the Child Welfare League of Canada, the Canadian Council on Social Development, the Canadian
Council on Children and Youth and the Child Poverty Action Group) expressing concern about the lack of government progress in mitigating child poverty. Its goals are

- to raise and protect the basic living standards of families so that no child must ever live in poverty,
- to improve the life chances of all children in Canada to fulfill their potential, nurture their talent and become responsible, contributing citizens,
- to ensure the availability of secure, affordable, and suitable housing as an inherent right, and
- to create, build and strengthen family support and community-based resources to empower families to provide the best possible care for their children.

Organizational Structure and Financing

Campaign 2000 has become a vibrant network of some 90 national, regional and local partner organizations that actively work on child/family issues from diverse perspectives. Hundreds of other groups, such as children’s aid societies, faith organizations, community agencies, health organizations, school boards, and low-income people’s groups, also work on the issue. Members are asked to agree to its principles, be identified as partners, participate in activities (meet with their members of Parliament at least once a year) and support the campaign with financial or in-kind resources. There is a significant overlap in membership between its national members and those of the National Children’s Alliance.

The Family Service Association of Toronto (FSA) is the organizational host and trustee, and provides the administrative co-ordination. A Steering Committee, selected by voluntary participation, representing national and provincial partner organizations (four each) and one local community partner, provides advice to staff. Campaign 2000 has drawn heavily for research support from recognized experts and the Canadian Council for Social Development.

Core support for Campaign 2000 has historically been provided by grants from the Laidlaw Foundation, in addition to office and administrative contributions from the FSA of Toronto. Project funding has also been received from the Atkinson Foundation, Ontario Trillium Foundation, HRDC, Health Canada and others, along with in-kind contributions from partner organizations. Although there is no set membership fee, national partners usually make annual financial contributions ranging from $250 to $2,000, while provincial and local partners make smaller contributions.

Decision Making

Decision making during the earlier years of Campaign 2000 was led by staff and key experts based in Toronto. The recent establishment of a Steering Committee and more regular liaison with Ottawa-based members has served to broaden participation in decisions. Partners are now more regularly provided an opportunity to provide feedback on key position papers, although tight deadlines and financial resources have not always made this possible in the past. Financial constraints have also limited the ability to bring members together in national forums to debate policy issues and build trust and understanding between members. Member commitment to the Campaign 2000 mandate has served to largely offset this disadvantage, as commitment to cause and membership overlap with other national organizations often mitigate concerns about the inclusiveness of processes.

Strategies

Campaign 2000 annually issues a national Report Card on Child Poverty in Canada measuring the progress, or lack of progress, in achieving its goals. Many partners also produce local report cards. It is involved in public and government consultations around the issue of child and family poverty and government policy. It also engages in non-partisan lobbying in Ottawa and federal constituencies for improved social policies relating to the national child benefit, social housing, child care, labor market supports, community services and other relevant policy areas. In addition to the report cards, Campaign 2000 has lobbied actively through letters to federal and provincial First Ministers, briefs to parliamentary committees, celebrity endorsements, media releases, opinion columns and letters to the editor. It has published policy discussion papers, recommendation for a national plan of action for children, sponsored discussion forums and provided advice and resources for public education and
advocacy. It is perceived as having tended historically (to the occasional consternation of politicians and bureaucrats) to stress deficiencies in government policy initiatives over appreciation for the “sometimes small but important” steps taken to advance policy objectives.

**Achievements**

Campaign 2000 is perceived to have had a significant impact in keeping the issues of child poverty and deficiencies in childcare supports in the public eye, developing political sensitivity to the issues and increasing general awareness of the magnitude and impact of child and family poverty and inadequate social supports. It is credited with contributing to public and political support for the federal government’s decision to implement the National Child Benefit and the Early Childhood Development Initiative.

**The National Children’s Alliance**

**Mandate**

The National Children’s Alliance (NCA) is a network of some 58 national organizations committed to improving the lives of children and youth in Canada focusing on issues of common interest to member organizations. Since its inception in 1996 the Alliance has worked

- to facilitate dialogue on children's issues with government,
- to strengthen the network of national voluntary organizations and NGOs,
- to develop policy recommendations,
- to engage provincial/territorial/regional constituent organizations in working collaboratively on issues, and
- to promote the development and implementation of a national children's agenda.

**Organizational Structure and Financing**

The 54 national member groups of the Alliance represent hundreds of thousands of people who work with children and families in the fields of social services, education and health, as professionals and as volunteers. National organizations conducting research and promoting improved economic and social security are also members of the Alliance. Member organizations maintain their autonomy but commit to operating according to a set of guiding principles, and collaborating on issues of common interest.

The Alliance’s office has been advantageously located with the Coalition for National Voluntary Organizations in Ottawa, which acts its organizational host for administrative purposes. The Alliance has no formal organizational structure separate from this. Leadership is shared among the members, for internal and external relations.

The Children’s Alliance, during its initial two years, depended entirely on the volunteer efforts of its members for administrative supports. Since then, a small secretariat has been funded entirely by project grants, primarily from Health Canada and Human Resources Development Canada. There are no membership dues although individual members participate in development of research, policy positions and advocacy in their own areas of interest.

**Decision Making**

Decisions are made with active participation of organizations in a decision-making model based on consensus, inclusiveness, transparency and openness in process, and having the “right” mix of leadership and process. Policy recommendations are based on consensus, with all members having an opportunity for input, to draft policy papers, and an opportunity to withhold approval. This is reported to have sometimes stretched consensus to near the point of breaking. Nevertheless, it has worked effectively. Achievement of consensus has been facilitated by the NCA’s success in securing sufficient project-financing to periodically bring members together in national forums to build trust and understanding, debate policy issues and determine strategic directions.

**Strategies**

The Children’s Alliance has worked to promote the development of a National Children’s Agenda by the federal and provincial/territorial governments based on the document “Investing in Children – A Framework for Action” developed as a result of the November 1996 Canada’s Children – Canada’s Future conference.

It built on that document to develop a “National Plan of Action for Children.” It has also developed
position papers on a range of specific children’s issues. The Alliance has used regional forums, think tanks and roundtable discussions with members to define issues, identify priorities and set its agenda, as well as disseminate information. Papers are drafted by members with a particular interest in the topic and then circulated for feedback. A number of means have been used to advance policy positions. The Alliance has met with members of the federal Cabinet, MPs from all parties, and federal officials responsible for children’s issues. It has also made presentations to key committees of Parliament and the Romanow Commission on the Future of Health Care. Its advocacy efforts have been built upon solid research, nurturing of relationships with key decision makers, a “behind closed doors” approach to criticism of policy shortcomings, and a public appreciation for “sometimes small steps taken” in pursuit of policy objectives.

Achievements The National Children’s Alliance has established a reputation as a credible voice for national organizations with an interest in children. It has played a pivotal role on children’s issues, as a catalyst and facilitator of cross-sectoral dialogue and collaborative action. It represents the first time that national organizations from health, education, environment, recreation, literacy, disabilities, child care, social services and community-based programs have worked together to develop consensus on a broad range of public policy issues.

It is credited with considerable influence on the development of the National Children’s Agenda and the Early Childhood Development Initiative, which it considers a significant building block in the implementation of the National Children’s Agenda. (NCA Web site)

Outside Government – Caledon Institute of Social Policy

The Caledon Institute, a social policy think tank, is a non-profit organization with charitable status. It is supported primarily by the Maytree Foundation, located in Toronto. Caledon is an independent and critical voice that does not depend on government funding and is not affiliated with any political party. Caledon occasionally undertakes contract projects for governments and non-governmental organizations on the basis that such work fits Caledon’s research agenda, but does not define it.

Caledon conducts rigorous, high-quality research and analysis; seeks to inform and influence public opinion and to foster public discussion on poverty and social policy; and develops and promotes concrete, practicable proposals for the reform of social programs at all levels of government and of social benefits provided by employers and the voluntary sector. Caledon’s work deals with poverty and other social and economic inequalities, and covers a broad range of social policy areas including income security (e.g., pensions, welfare, child benefits, Employment Insurance, benefits for Canadians with disabilities), community capacity-building, taxation, social spending, employment development services, social services and health.

Underlying Caledon’s work is the quest for smart social policy – for strong, cost-effective solutions to the difficult problems created by changing demographics and economic realities. Caledon emphasizes the vital links between social and economic policy, and its proposals are based on what can be achieved in the world in which we live. (Caledon Web site)

Its President, Ken Battle, was formerly Director of the National Council of Welfare. He is a poverty activist and policy entrepreneur who played a key role (alternately occupying positions in the NCW, Caledon and within government) in the development of a technically, fiscally and politically feasible policy vehicle for implementation of the National Child Benefit.

Outside Government – The Canadian Council for Social Development

The Canadian Council on Social Development (CCSD) is a non-governmental, not-for-profit organization, which was founded in 1920. Its mission is to develop and promote progressive social policies inspired by social justice, equality and the empowerment of individuals and communities. It does this through research, consultation, public education and advocacy. Its main product is information. Its sources of funding include research
contracts, the sale of publications and memberships, and donations.

It began publishing the results of its research on the Progress of Canada’s Children in six annual reports, starting in 1996. These reports provided a body of research and analysis to support policy analysis and advocacy. (CCSD Web site)

**Outside Government – The Canadian Institute for Advanced Research**

The Canadian Institute for Advanced Research, was founded in 1982 as a private, not-for-profit organization committed to developing networks of highly regarded researchers within Canada and internationally. CIAR supports basic, rather than applied research through multiple public and private funding sources. Where it is appropriate, CIAR works to transfer the knowledge generated by its programs to both the public and private sectors, to other academic institutions and research entities, to governments and, more broadly, to society.

Its Human Development Program has shown “that the socio-economic status (SES) gradients associated with health outcomes show a similar pattern in relation to a wide range of developmental outcomes including coping skills, resiliency, neuroimmune responses, neural developments, mathematics achievement, and other learning skills and habits.” (CIAR Web site)

Aggressive promotion of such research findings by Dr. Fraser Mustard, CIAR Founding President, and Dr. Dan Offord, a member of the research network associated with this project, were viewed by key informants as having had a significant impact in persuading policy makers and politicians to allocate resources to child poverty and early childhood development. Bank of Canada Governor David Dodge (2003) has commended the work of CIAR as “instrumental in expanding the frontiers of knowledge” about early childhood development and the benefits of investment in human capital during the early years.

**Outside Government – The Canadian Child Care Federation**

The Canadian Child Care Federation (CCCF), founded in 1987, is a national non-profit organization whose mission is to improve the quality of childcare services for Canadian children and families. CCCF includes 16 regional affiliate organizations, independent members and other partner national organizations. (CCCF Web site)

**Outside Government – The Child Care Advocacy Association of Canada**

The Child Care Advocacy Association of Canada (CCAAC) arose from the second Canadian Conference on Child Care held in Winnipeg in 1982. Over 700 delegates from all provinces and territories called for an effective voice to pursue childcare issues at the federal level and to promote a broad consensus of support within all regions of Canada. It has a membership base of individuals, families, child care programs, regional and pan-Canadian groups and organizations. (CCAAC Web site)

**Outside Government – Sparrow Lake Alliance**

The Sparrow Lake Alliance (SLA), established in 1989, is a network of professionals conducting research and advocating for the conditions necessary for all Ontario children and youth to have the best start possible in life. The Alliance has invested in the belief that promoting healthy development for all children will improve outcomes for children and youth.

**Outside Government – Laidlaw Foundation**

The Laidlaw Foundation is a public interest foundation that uses its human and financial resources in innovative ways to strengthen civic engagement and social cohesion. The Foundation uses its capital to enhance the well-being of children and youth, enhance opportunities for human development and creativity, and to sustain healthy communities and ecosystems. It has been a core sponsor of Campaign 2000 from its inception. (Laidlaw Web site)

**Outside Government – Others**

Individual organizations, many of them members of both Campaign 2000 and the National Children’s
Alliance, engaged in their own research/education/advocacy efforts in addition to those co-ordinated through those coalitions. The Child Welfare League of Canada, the Canadian Council on Children and Youth, the Child Poverty Action Group, the Canadian Teachers’ Federation, the Canadian Institute of Child Health, the Kids’ Help Phone, the Coalition of National Voluntary Organizations, Big Brothers and Sisters of Canada, and Save the Children Canada were among those who played active roles nationally. Their provincial and local counterparts, as well as many others, worked at provincial and local levels.

Appendix 3 - Policy Solutions

The National Child Benefit

The National Child Benefit (NCB) initiative is a partnership among the federal, provincial (except Quebec) and territorial governments and First Nations that aims to help prevent, or reduce the depth of child poverty, support parents as they move into the labour market, reward them for labour market attachment, even if they have not been social assistance recipients, and reduce overlap and duplication of government programs. First Nations are involved more as residual partners, based on the fairness of the allocation and the benefit for their children.

The NCB combines two key elements: (i) monthly payments to low-income families with children, and (ii) benefits and services designed and delivered by the provinces and territories to meet the needs of families with children in each jurisdiction.

Under the NCB, the Government of Canada has increased the benefits it pays through the NCB Supplement to low-income families with children, regardless of their source of income. In turn, most provinces, territories and First Nations have adjusted (clawed back) social assistance benefits provided on behalf of children by the full or partial amount provided under the NCB Supplement. The NCB is both a federal supplement paid through the Canada Child Tax Benefit (CTB) and a series of provincial, territorial and First Nations reinvestments in enhanced programs and services for low-income children and families. Assessment of the impact of direct provincial/territorial expenditures is beyond the scope of this study.

Before the NCB, moving from social assistance into a paying job often meant only a minimal increase in family income for low-income parents. In some cases, it actually meant a loss of real income. It could also mean a loss of other valuable benefits, including health, dental and prescription drug benefits. As a result, families could find themselves financially worse off in low-paying jobs as compared with being on welfare – a situation characterized as the “welfare wall.”

The NCB works to reduce the welfare wall by providing child benefits outside of welfare and ensuring that enhanced benefits and services continue when parents move from social assistance to paid employment. At the same time, no family receiving social assistance was to experience a reduction in its overall level of income support as a result of the NCB. Despite these assurances, data published by the National Council on Welfare demonstrate that the purchasing power of welfare families has fallen since 1997 even in those provinces (initially Newfoundland and Labrador and New Brunswick) that do not claw back NCB payments. Nova Scotia, Quebec and Manitoba have subsequently reduced the amounts they claw back, but families on welfare still lose some of the money. (National Council of Welfare 2002:11–15; 75)

The National Children’s Agenda and Early Childhood Development Initiatives

The Government of Canada and provincial and territorial governments finally agreed on the terms of an early childhood development framework, with an investment by the federal government of $3.2 billion over seven years, starting in 2001-02. Provincial and territorial governments are using this increased funding to promote healthy pregnancy, birth and infancy; improve parenting and family supports; strengthen early childhood development, learning and care; and strengthen community supports. There has been considerable provincial variation in approaches to implementation, especially in allocation of childcare spaces.

Governments, as part of this agreement, committed to keeping the public apprised of progress in the
area of early childhood development. Specifically, First Ministers committed to report on investments in early childhood development programs and services as well as on child outcomes. The level of provincial compliance with this reporting requirement has been very disappointing to most of those interviewed for this study.

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Chapter 9
Building Better Social Policy: What We’ve Learned from Stories of Successful Government-Civil Society Policy Partnerships

Laura Edgar, Institute On Governance

Better social policy is a goal shared by civil society organizations and governments alike. Civil society organizations therefore need to play a key role in the policy process. The case studies developed in each of the five participating countries all speak to the value of this role. Such partnerships can lead to social policy that better reflects the needs of society and is more accepted by it.

Despite the different social, economic and cultural contexts of the participating countries many common lessons on factors that lead to effective government-civil society social policy partnerships emerged from the case studies, including:
• Influence of the international environment
• Engaging the media
• Having mechanisms for engagement
• Importance of leadership
• Understanding your partner’s context

Other lessons speak to the realities and challenges of the policy process, including:
• Building partnerships takes time and commitment
• Progress on policy is often incremental
• Diversity of civil society organizations can place limits on their ability to collaborate
• Policy implementation and evaluation are also required

These and other key ideas will be explored in turn.

Influences beyond borders

The international environment can strongly influence national-level policy development. International conventions, standards set by international organizations, and international meetings can accelerate action to address social policy issues.

For example, in Thailand, the U.N. Convention on the Rights of the Child, which specifically refers to children in difficult circumstances and includes child prostitution, was ratified in 1990. It was one of the levers used to move the agenda on prostitution forward in Thailand. In addition, international donor agencies and organizations, such as the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), supported prominent Thai non-governmental organizations (NGOs) as they put increased attention on the issue of child prostitution. Thai NGOs and international organizations established a working group to share information and strategies and to co-ordinate and advocate for government change in policy and action.
In Malaysia, the World Fit for Children and the Convention on the Rights of the Child campaign led to the birth of a National NGO Forum in 2001. The NGO Forum, a coalition of NGOs directly or indirectly involved with children, currently has more than 60 organizations that work together in strategic alliances and partnerships. The Forum has held a number of discussion forums in partnership with the Ministry of National Unity and Social Development and the United Nations Children’s Fund (UNICEF).

In Canada, Prime Minister Brian Mulroney co-chaired the 1990 UN World Summit for Children. This has been credited with accelerating Canada’s endorsement of the 1989 UN Convention on the Rights of the Child, and a number of Government initiatives to address children’s needs.

In all of these cases, the impact of international conventions and the involvement of international organizations have improved opportunities for collaboration, assisted in the development of a stronger civil society voice in the policy process, and aided the creation of a clearer, more directed policy agenda for both government and civil society organizations.

Get the Message Out Through Media

Media are an important key to the policy process. The media are a necessary ally of civil society in increasing visible pressure on government and mobilizing public support behind issues. It often falls on civil society to engage the media and get them involved in the policy process. Media can also be a tool for governments to get information on policies and programs out to the people.

For example, in Malaysia, as women’s groups put pressure on government through lobbying efforts and public awareness campaigns, the media also played a key role in keep the issue on the public agenda. A leading English-language newspaper began a column called “Behind Closed Doors” and provided regular coverage of NGO activism on the issue. In Indonesia, the local newspaper of Solo, provided almost daily news coverage on NGO activity. This had a significant impact on influencing public opinion.

In Thailand, a female member of the Thai government worked with the media to disseminate ideas and to call for support from the public on the issue of prostitution. At a latter stage in the policy process, a letter issued to the Juridical Council, which encouraged them to speed up the process of review, was leaked to the press as a reminder of the issue and to apply pressure to the Council to speed up its review. In the second Thai case study, on maternity leave, a press conference was effectively used to raise awareness of the issue among the general public – the issue was front-page news the next day.

One word of caution: media often have their own agendas, and, therefore, may not report the story as either side would like. Care needs to be taken that the right messages are being disseminated.

Mechanisms for Engagement

The right mechanisms, structures and processes are needed to facilitate consultation and collaboration between government and civil society. Once such formal mechanisms exist, both civil society and civil servants can work to enlarge that space. Informal mechanisms and routes of influence can also be very effective. These informal routes are a softer approach, often working at the personal level, away from the glare of either media or high-level politics.

In the Philippines, a number of structures and processes were put in place to move the agenda of indigenous peoples forward. For example, a member of the House of Representatives initiated a number of regional meetings and consultations with government, civil society organizations and indigenous peoples’ organizations, which led to draft legislation. Then, at the Senate, additional consultations, hearings and technical working groups were organized. Many civil society organizations and indigenous peoples’ leaders were consulted as part of this process. The Indigenous Peoples’ Rights Act (IPRA) was signed into law in 1997.

Other examples of structures and process are demonstrated in the Indonesian case studies. For example, the local government of Surakarta established the Forum Aspirasi Masyarakat Surakarta (The Aspiration Forum of Surakarta’s
Residence) in 2000. This forum allowed for discourse among small communities, and accommodated demands from civil society organizations for more active public participation in the policy-making process. The program lasted only six months, in part due to dissatisfaction among the local legislative body with being directly challenged. However, lessons on engagement were learned from this approach.

Other processes of engagement are far less formal and require an understanding of the local culture. For example, in Thailand, personal contacts were used to move forward the agenda on prostitution, particularly child prostitution. Dr. Saisuree, a champion for changes to the law on prostitution, invited one of the key opponents to the proposed law (a Senator) for lunch, which was considered an honour. The lunch was friendly and no mention was made of the proposed law until the lunch was almost over, at which point the Senator in question indicated his acceptance of the new law.

In general, civil society will apply a variety of tools when engaging government, including lobbying, public education, advocacy, and participation in consultations and demonstrations and more. For example, the Canadian case study explored the efforts of Campaign 2000, a network of 90 national, regional and local partner organizations with a focus on child poverty in Canada. Campaign 2000 applied a number of tools for engaging government and the public, including letters to federal and provincial First Ministers, briefs to parliamentary committees, media releases, opinion columns and publication of policy discussion papers. It also sponsored discussion forums and produced an annual “Report Card on Child Poverty in Canada.”

Finally, government and civil society do not need to collaborate throughout the policy process. Rather, there are times when both sectors need to work separately on the policy issue, to conduct their own research, separately look at policy options, etc., and then come together to move the issue forward. It is essential to maintain trust and a genuine, respectful dialogue throughout the process.

Try, Try, Try Again

Openness to engagement, on the part of both government and civil society, is essential to building effective policy partnerships. Even when both sectors are open to working together, their efforts are not always immediately successful. However, regardless of immediate results, the exercise works to build their relationship. A shared understanding of the issues is developed, as well as a knowledge of how the other “side” works. For example, in the Philippines, the leaders of indigenous peoples learned from their previous experiences in dealing with Congress that they needed to be prepared to negotiate and bargain in order to see the IPRA pass.

Relationship building can be incremental in nature. In particular, the challenges presented by changes in leadership, whether the leaders are from civil society or government, can make the process of relationship and trust-building more difficult. In addition, a country’s electoral cycle can mean that a policy process that was steadily making headway may suddenly rush forward, take several steps back or even need to start again. For example, in Thailand the draft process of a new law on prostitution was not completed due to the short tenure of the government of the time. However, efforts continued to move the agenda forward, and the next government initiated its own campaign to battle child and forced prostitution.

Progress Takes Time

Progress on social policy issues is most often incremental. Relationships, dynamics and contexts can change, necessitating shifts in partnerships and alliances. The nature of these shifts allows civil society to maintain its independence. Civil society needs to recognize the nature of change, in terms of when to push for more and when to accept a given scenario. The struggle then begins again, however, as civil society starts to work toward the next incremental change.

An example of this is the case study on maternity leave in Thailand. After an extended period of advocacy, the leaders of the movement were faced with the decision of whether or not to accept an offer from the government that was an advancement, but less than they had worked for. In the end the leaders recognized that pushing the agenda further at that point would likely lead to greater divisions and a lower likelihood of a negotiated settlement. The leaders of the
movement therefore decided to accept the government offer. They recognized that the progress they had made was still very valuable, and that what was not achieved during the current round of engagement with government could be addressed in a future advocacy effort.

Support for engagement in a policy process can also be incremental, and even temperamental, in nature. For example, as mentioned previously, the Forum Aspirasi Masyarakat Surakarta in Indonesia, a formal forum for local government to engage with citizens lasted only six months. However, although the majority of local government representatives chose not to participate in the Forum, a number of the representatives decided to continue to attend the forums in an unofficial capacity. While this may seem a setback, the interest of some in continuing to engage, even in an informal manner, holds some hope for a better understanding of the issues and stronger support for the concept of engaging with civil society in the longer term.

Champions Wanted

In almost all the case studies developed for this project, individuals and relationships were critical in moving issues ahead. This included the legislative champions in the Philippines cases, the activist minister in Thailand who pushed forward the issue of prostitution, and the influence of corporate and other public figures in the Indonesia case. Finding the right committed champions, who have positions of influence and prestige in their own sectors, is key to helping move policy changes forward. Alternatively, the right champion can be “made” or converted to the cause. The Malaysian case on women’s policy demonstrates the effect of mobilizing key people to put pressure on decision makers at an individual level.

An example of leadership from both sectors comes from the Canadian case study. Ken Battle, as Executive Director of the National Council of Welfare in Canada, spent many years working on public policy related to child poverty. Later, he was appointed as senior policy advisor to the Minister of Human Resources Development, and wrote the first document making the case for what eventually became the National Child Benefit. Ministers and their officials from several government departments also demonstrated essential leadership and commitment.

Timing Is Everything

Key events, sometimes planned and sometimes not, can provide the drive for both government and civil society to address a new issue or move an existing policy initiative forward. For example, wide news coverage of a fire in a brothel in Phuket, Thailand raised the issue of prostitution in the public eye and gave those working toward a new law on prostitution the support they needed to move their agenda forward. In Malaysia, NGOs working on women’s rights focused the timing of much of their 11-year effort around the annual International Women’s Day. Then, just before the Beijing World Conference on Women, when the new law had still not been implemented, the NGOs drew up a 13-point memorandum to remind the government to meet its commitments.

In addition, civil society organizations are often successful in getting their issue on the government’s agenda through lobbying efforts and raising public awareness, or by linking their issue to the existing government agenda.

We Don’t Do It That Way: Understanding Government and Civil Society Contexts

Civil society often has a poor understanding of how government functions, particularly in terms of policy development and implementation. Knowledge of the workings of government and how to steer an issue through the many stages of the policy process (executive, bureaucratic, and political) is an essential component of successful engagement. Civil society must develop an understanding of the political realities of the process, especially the bargaining and compromise that is necessary to build support for a policy initiative. Civil society organizations need to recognize that while they generally represent a particular group or issue, government is responsible for, and must balance the needs of, all citizens. In turn, governments must recognize and make an effort to understand the civil society context in terms of whom they represent, how they govern themselves and make decisions, the realities and
challenges of their financial circumstances and the voice they offer in the policy process.

Government and civil society organizations function in different time frames and time horizons, and this is important for both partners to keep in mind because it can present both challenges and opportunities. For example, unlike civil society organizations, governments are subject to electoral cycles, and their opportunities, priorities and commitments can change. On the other hand, governments tend to speak with one voice when they do reach a decision, which is something that the consensus-based nature of civil society organizations often precludes, even though they can usually make decisions more quickly than governments.

The Philippines case study on the Indigenous Peoples’ Rights Act suggests that familiarizing civil society organizations on the formal legislative process and the informal dynamics of Congress was a key challenge to achieving success. The Malaysian case study on women’s rights also argues that civil society organizations need to have a better understanding of the state and how government goes about developing policies and practices, and that an adaptable and multi-pronged approach to engagement is required for success.

At the same time, as the Indonesia case study on the participation of women in local government indicates, government also needs to have a better understanding of civil society and how it functions, as well as what civil society can contribute to the social policy development process.

**Find the Common Ground**

Diversity is the hallmark of a flourishing civil society, and many civil society organizations compete for the same sources of funding, which can create some rivalries. Different organizational cultures, governance processes, mandates and agendas can also put a damper on potential collaborations. In the end, however, civil society groups may experience greater success in pushing their agendas forward if they can develop some common ground. This does not mean a civil society organization needs to relinquish its goals and objectives, but rather to find common ground with other organizations on specific issues and initiatives.

Lessons learned from the multi-stakeholder forums in Surakarta demonstrate the challenges and opportunities that can arise from collaboration between civil society organizations. Different mandates, histories of engagement with government, and previous experiences in collaboration with other civil society actors (or lack thereof) can all have an impact on the ability of any particular stakeholder to work with other civil society groups to move a social policy issue forward. As the Indonesian case study indicates, reaching consensus among such a diverse group of organizations can be difficult and sometimes impossible. Indeed, there is some question as to whether or not a single common voice on a particular issue is even desirable. One of the strengths that civil society organizations bring to the table is a diverse range of thinking on a particular issue, which adds depth and veracity to the policy debate. On the other hand, if a group of civil society organizations can find common ground on a particular issue and collaborate in moving that issue forward, their larger, more unified voice can have a greater impact both on government and the general public. And, if collaboration is maintained over a longer period of time, and perhaps on more than one specific issue, a shared sense of common purpose and history may lead to even greater influence.

Collaboration among civil society organizations has other benefits as well, as the Malaysian case study on children demonstrates. The NGO Forum is a coalition of NGOs that form strategic alliances in a spirit of inclusiveness to address the complex realm of children’s issues. The structures and systems of the Forum are aimed at pulling together the broad mix of capacities and resources, expertise, experience and commitment that are needed to address increasingly complex issues. While no one organization can provide all of the resources and expertise required to address any particular issue, together, their combined knowledge, resources and expertise have been used to greater effect when working together to engage with government on children’s issues.
Finally, from a government perspective, the ability to engage civil society organizations effectively on policy issues can often be challenging because of the number and diversity of civil society organizations working on any particular issue. Limited time and resources can restrict the number of organizations consulted. The question then is – which civil society organizations to engage? When civil society organizations collaborate on a particular issue, and therefore have a larger, more representative voice, government is more likely to engage with them in the policy process. An example comes from the Philippines case study on children’s rights. In that case, a Technical Working Group, was asked to pull together all of the proposed bills on children’s rights and draft a consolidated bill. The case study indicates that the consultation process in the drafting of this bill was made easier because a network of civil society organizations and government agencies already existed.

Another Voice at the Table

The nature of the role played by academics in government-civil society relationships differs significantly in various countries. For example, in Thailand, academics often sit on consultative bodies. They are generally seen by government as neutral and reasonable resources with strong technical capacities who, often, have been the teachers of government officials. They can serve as an intermediary between government and civil society, used by both sectors to fill gaps and create synergies. In contrast, a strong link between academics and civil society is only starting to emerge in Malaysia. In some other countries, the ability of academics to offer criticism is limited by the “official vetting” of papers.

Academic research can be used to add strength and legitimacy to the policy positions of government and/or civil society organizations, by providing both with the data they need to make better decisions on social policy. For academics to be effective in this role, however, they must build partnerships with civil society, and civil society must, in turn, commit to reviewing information they have and to sharing this information with academics.

For example, in Indonesia, the Faculty of Social and Political Sciences at the National University of March Eleven (FISIP-UNS) supported civil society organizations in their efforts to rebuild the traditional market of Pasar Gede. The University conducted a survey of all former vendors of the market, and the results clearly indicated a desire to rebuild the market as it had been. In Canada, an expanding body of research by such organizations as The Canadian Institute for Advanced Research, supported investments in early childhood programs. In Thailand, two committees of the National Commission on Women’s Affairs had members representing government, civil society organizations and academia.

Will It Make Waves?

Government is often more open to consultation, dialogue and even partnership with civil society on what are perceived to be “low politics” issues. Often, matters such as women’s issues or children’s rights are perceived to be non-threatening to the overall mandate and power of the government, and may not attract significant media glare. Yet governments often appear to be less interested in consulting civil society on other issues, such as the economy or human rights, where there is less consensus among all of the stakeholders, and where there are more pressing political concerns.

The Philippines case study on children indicated that it was relatively “easy” for legislators to respond to a call to develop a law on children’s rights because children’s issues are considered to be less contentious and controversial than other areas of social policy. In contrast, it took considerable time and effort to build support for the Indigenous Peoples’ Rights Act.

Taking the Accountability Challenge

While the demands on governments to be more transparent and accountable are well-recognized, civil society organizations need to demonstrate greater commitment to accountability, transparency and integrity, and to ensure that they are well-governed themselves. This is particularly important as civil society organizations take on an increasing role in governance through partnerships with government and the private sector.
Lessons learned from the Philippines case study on the Indigenous Peoples' Rights Act (IPRA) suggest that, just as civil society organizations continue to call for greater participation in the policy process, they must also practice participatory decision-making, transparency and accountability themselves. The Malaysian case studies indicate a similar set of issues facing civil society organizations in that country. As indicated in previous reflections on the diversity of the civil society sector, any policy or law that is put in place through a consultative and democratic manner is more likely to be positively received, as it will be perceived as being reflective of the many interests and voices of civil society organizations.

A Voice for Change

Public attitudes and beliefs about certain social issues, such as prostitution in Thailand, can often limit the ability of civil society organizations trying to address the problems. Without broad public support, governments are unlikely to see why they should engage civil society in policy change. Public education (through media, government programs, etc.) is one tool for encouraging a shift in attitude, but this takes time.

In contrast, in Malaysia, a growing middle class and increasing urbanization have resulted in unprecedented levels of affluence for many in Malaysia. This new middle class is becoming increasingly consumer-oriented and concerned about product quality and pricing. The strength of this new middle class, and the pressure it can put on government, has driven the movement toward more consumer rights, to which less attention was paid in the past.

Beyond Policy Development

Many struggles that are won at the policy development and design level fail to achieve the anticipated impact because of weak monitoring, enforcement and implementation. While civil society organizations are, on the whole, becoming more actively engaged in the policy-development process, including issue identification, agenda setting and policy design, in many countries they are not engaged in the remainder of the policy cycle.

For example, in 1994, following many years of advocacy by women’s groups and a collaborative effort in the policy-development process, Malaysia became the first country in the Asia-Pacific region to pass a law on domestic violence. However, delays occurred in the implementation stage, and, several years later, the Domestic Violence Act (DVA) had still not been implemented. This set into action another round of advocacy activities, including demonstrations, that led to the Government of Malaysia announcing that the DVA would come into effect on June 1, 1996.

Another example is the case of the Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act in the Philippines. One of the key issues surrounding the implementation of R.A. 7610 was the lack of funds to meet the financial requirements of the mandated programs. Several initiatives were eventually undertaken to try and remedy the situation, including the formation of a Special Committee (that conducted community training to ensure proper implementation) and the provision of funds through the President’s Social Fund. However, adequate ongoing funding for the programs continues to be an issue.

Civil society organizations have a role to play in keeping up the pressure throughout the implementation phase, especially when budgets are formulated. Civil society organizations can also play a particularly useful role in monitoring and policy evaluation, but are not generally engaged in these steps of the policy cycle. Government can help by setting up clear frameworks and operational guidelines, so that civil servants, who do most policy implementation, have the space to engage civil society. Civil society organizations, for their part, must develop a better understanding of how government works, and develop their own capacities in the policy implementation and evaluation areas in order to effectively contribute to the these latter stages of policy.
Chapter 10
On Reflection

This project has helped increase understanding of the opportunities and challenges that arise when civil society and government work together in the policy process. In particular, this project has

- fostered dialogue between civil society and government on policy issues;
- provided an opportunity to learn from case studies that outline practical approaches for strengthening the role of civil society in the policy process;
- helped build a network of government officials and civil society organizations in participating countries and across the region (and internationally), through which dialogue and relationship-building can continue;
- suggested lessons that can be picked up in other countries and settings; and
- helped participating government officials and civil society representatives to build a better understanding of each other and the opportunities and constraints of social policy partnerships.

The research to date has also indicated additional questions and areas of research that could be undertaken, including:

- How can civil society-government partnerships extend to policy implementation, monitoring and evaluation?
- What impact can improved governance have on the policy capacity of civil society organizations?
- Are civil society networks more effective in changing social policy than single organizations?
- How does the representativeness of any civil society organization affect its ability to engage with government and other civil society organizations?
About this book

_Strengthening Social Policy: Lessons on forging government-civil society policy partnerships_ analyses a series of innovative experiences in Southeast Asia and Canada, which succeeded through the joint efforts of government and civil society. The focus is on lessons learned that can help foster social policy partnerships across the world.

This book is based on case studies developed by experts in Indonesia, Malaysia, the Philippines, Thailand and Canada that were presented at an international conference in Kuala Lumpur in June 2004. In this book we also explore what partnership means and look at the challenges and opportunities involved in partnership across the globe.

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