

Midterm Progress Report submitted by Semarak Cerlang Nusa to WRRRC at WLUML¹

(English version)

Project Title, SCN CREST - IWE: Developing a capacity building methodology on women's land ownership rights, in contexts of customary laws, Cultures, state laws and religious interpretations

Original Schedule: March - August 2010

Revised schedule requested: March – November 2010

(The letter of request submitted on September 29, 2010)

Project Objectives:

1. Method of enhancing women's awareness and knowledge of Their land ownership rights, Including different modes of ownership;
2. Method of enhancing women's capacity to counter disempowering forces using customary laws, Cultures, state laws and religious interpretations

Semarak Cerlang Nusa - Consultancy, Research and Education for Social Transformation (SCN - CREST) and The Institute for Women's Empowerment (IWE)

Period Of Activities : April – August 2010

Reported : 30 September 2010

¹ Consultation with the Mentor

I. **Which activities have been undertaken During the last six months (this reporting period) by your working group?**

1.1. Translating and communicating SCN's capacity building project (i.e. terms of reference and workplan) to stakeholder in simpler, readable and easily understood Bahasa Indonesia

1.2. Capacity building and planning workshop.

A capacity building and planning workshop was organised with 8 participants, namely Sri Wiyanti, Dini Anitasari, Indry Octaviani, Melly Setyawati and Abi from SCN CREST; Beauty Erawati from LBH APIK NTB; June Warlif from Padang Pariaman; and Najma Mila of Boarding Schools in Jember. (However, for various reasons, Mila Najma is not involved in this project). The results of the workshop were: (1) There is a record of opinions, experience and understanding of participants about WIPR issues, (2) There is increased participants' knowledge about WIPR issues, (3) There was agreement on aligning SCN's capacity building project with the international Capacity Building Workshop of the WIPR Working Group; and (4) There was agreement on the division of labour and participants' respective roles. The scope of this capacity building and planning workshop covered all three of SCN's WIPR projects -- i.e. (1) Developing a capacity building methodology on women's land ownership rights, in contexts of customary laws, cultures, state laws and religious interpretations; (2) Support of selected local groups in exploring and developing strategies for asserting women's land rights in diverse contexts; (3) Compiling database of progressive cultural resources on women's land rights, interpretations, experts, media products.

1.3. Development of project workplan after the planning workshop

Goals to be achieved is **Women and other groups (religious, customary, and paralegals) project target groups have an understanding, awareness and capacity to support women in the community to work collectively and develop coping strategies WIPR case by using the interpretation of values-religious customs progressive-state law and in favor of women.**

1. Lombok - Nusa Tenggara Barat Province

Priority issues: Consciousness and Capabilities by religious leaders, traditional and paralegals regarding the handling of cases of women's right to inheritance and land ownership in the context of progressive interpretations increased

project participants: 15 people consisting of traditional leaders, religious and paralegals in the West.

Indicators of success:

- (1) At least of understanding of 10 of 15 stakeholders on women's to inheritance and ownership of land and other property in the context of progressive interpretation of religious laws, customary laws and state laws increased;
- (2) At least of awareness of 10 of 15 stakeholders awareness on women's to inheritance and ownership of land and and other property in the context of religious laws, customary laws and state laws increased;
- (3) There's Plan of Handling and case assistance Strategic by stakeholders to women who have WIPR cases
- (4) There are 3 religious leaders, 3 traditional leaders and 3 paralegals who help women to resolve hers WIPR cases use Plan of strategic that have been designed and progressive interpretations of religious laws, customs laws and state laws;
- (5) There's Assistance and Consultancy undertaken by the field Coordinator to stakeholders (especially 3 traditional leaders,, 3 religious leaders, and 3 paralegals) regarding of stakeholder experiences to implement of Handling and Case Assistance Strategic to women who have WIPR cases;
- (6) There's assistance and consultancy undertaken by the field coordinator to stakeholders (especially 3 traditional leaders, 3 religious leaders and 3 paralegals) regarding of stakeholders experiences to disseminate the issue on women's right to inheritance an ownership of land and other property in the context of religious laws, customary laws and state laws;
- (7) Assisting and consultation process undertaken by the field coordinator documented

Aktivities	Linkages between activities and indicator of success
1. Discussion with potential stakeholders in Nusa Tenggara Barat Province	(1); (2)
2. Discussion on women' rights to inheritance and ownership of land and other property in the contexts of progressive interpretation of religious laws, customary laws and state laws issues. Discussion invited some expertise – i.e. expertise on customary laws, religious laws and state laws;	(1); (2)
3. Workshop on conduct of strategy of WIPR case handling; the strategy will practice by stakeholders. The strategy will use the progressive interpretation on contexts of customary laws, religious laws and state laws	(1); (2); (3)

4. Assisting and consultation by stakeholder to women who have WIPR cases;	(1); (2); (3); (4)
<p>5. Assisting and consultation by field coordinator to stakeholders who are helping the women who have WIPR cases that came to stakeholders. Furthermore, the field coordinator are documenting all progress that have been made by stakeholders (especially, 3 customary leaders, 3 religious leaders and 3 paralegals).</p> <p>Some information that very important to be noted from each stakeholders are:</p> <p>(1) Which strategies have been implemented?;</p> <p>(2) How did it go?;</p> <p>(3) Which Strategy which has not been implemented?; Why is not implemented?;</p> <p>(4) Are there are obstacles in implementing these strategies?. If there are any obstacles?; How to address these obstacles?; How the proposed improvements to the front?</p> <p>All question relation with the strategy of WIPR case handling</p>	(5); (6)
<p>6. Field coordinator to document all the stakeholders activities (experiences) during the socialization on women's right to inheritance and ownership of land and other property in the contexts of religious laws, customary laws and state laws. Some important information that should be noted from each stakeholders are:</p> <p>(1) When socializing done?;</p> <p>(2) In any event socialization done?;</p> <p>(3) Who is the audience who listened the socialization?;</p> <p>(4) What is the Topics / themes of socialization?;</p> <p>(5) What's in the socialization?;</p> <p>(6) How the response from the audience?;</p> <p>(7) Are there any constraints? If any, please specify constraints?; How to address these obstacles?;</p> <p>(8) How to repair the socialization strategy for better socialization forward?</p>	(5); (6)

Until the 3rd week of September the activities already carried out are activity number 1, and activity number 2. While the activity of (3), (4), (5) and (6) was conducted by 4rd week of September to early November. Activities (3), (4), (5) and (6) will be reported at the time of final project report.

2. Padang - West Sumatera Province

Priority issues: Mobilizing women to strategize and take collective action in order to resolve the WIPR cases

: 15 women who have cases on inheritance and ownership of land and other property in the contexts of religious laws, customary laws and state laws.

Indicators of success:

- (1) At least of understanding of 10 of 15 stakeholders on women's to inheritance and ownership of land and other property in the context of progressive interpretation of religious laws, customary laws, and state laws increased;
- (2) At least 6 stakeholder reported their cases to the relevant parties and other authorities (i.e. Village leader, Customary leader, Religious leader, police, etc);
- (3) There is a Collective strategies design of handling WIPR cases; ~~t~~he substances of strategies should be contain in progressive interpretation on contexts of religious laws, customary laws, and state laws.
- (4) The collective strategies design is practiced in 3 selected cases by the stakeholders. The field coordinator assisted them.
- (5) The whole process of handling cases by stakeholder which use the collective strategies design is documented;
- (6) The Comments and suggestions by women related with the draft of local regulation (Rancangan Peraturan Daerah Tingkat Kabupaten _ Raperda Kabupaten) regarding on communal land issue is delivered to the member of Pariaman District legislator. The comments and suggestion based on the experiences of women dealing with cases in WIPR cases, especially the inheritance of Pusaka land
- (7)

No	activities	Linkages between activities and indicator of success
1	Discussion with potential stakeholders in Padang – West Sumatera	(1)
2	Discussion on women's right to inheritance and ownership of land and other property in the contexts of progressive interpretation of religious laws, customary laws, and state laws. Discussion to invite some expert – i.e. expertise on religious laws, customary laws and state laws. The meeting produced the collective strategies design of handling WIPR	(1); (3); (4)

	cases which use progressive interpretation of customary laws, religious laws, and state laws contexts. .	
3	The stakeholders are reporting their WIPR cases to the relevant parties and authorities.	(2)
4	The process of handling WIPR cases, especially 3 selected cases by the stakeholders. The process was accompanied by field coordinator, using the collective strategies of WIPR handling cases that had been developed previously.	(2); (3); (4)
5	Records every reporting activities by stakeholders to relevant parties and authorities regarding to handle their WIPR cases. Some important information that should be documented are: <ol style="list-style-type: none"> (1) What cases faced?; (2) Who the relevant parties and authorities found (name and position if any)?; (3) With whom went to the parties? (4) Do it yourself? Or the company? (5) Accompanied by whom?; (6) What was communicated to the parties?; (7) What do these parties?; (8) What next action plan that will be done after the meeting the parties?; (9) How do you feel after seeing these parties? 	(2);
6	To take a note every entire process WIPR Case Handling, in particular 3 selected cases Some important information that should be documented associated with this is: <ol style="list-style-type: none"> (1) Which strategies have been implemented?; (2) How did it go?; (3) Strategy which has not been implemented?; (4) Why is not implemented?; (5) Are there any constraints in implementing these strategies? , if there are any obstacles?; (6) How to address these obstacles?; (7) How the proposed improvements to the front, especially in relation to the draft strategy? 	(2); (3); (4)
7	Hearing to Local Government to provide the inputs on the draft of Local Regulation on 'Communal Land' issues	(7)

8	The process of communication and consultation between field coordinator with SCN CREST in order to stage a collective strategy of case handling was done via telephone, email, chat, skype	(1); (2); (3); (4)
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Until the week 3rd of September activities already carried out are activities (1) and preparation for activities (2). Activities (2) will be held on 9-10 October. After that continuing with the activity (3) until activity (7).

3. SCN CREST

Priority issues: Analysis of the capacity building methodology process which conducted in Padang and NTB. Furthermore, the results of this analysis was developed into a guide/ methodology capacity building. The guidelines / methodologies expected be used by other women.

Stakeholders : 2 local groups in West Nusa Tenggara and West Sumatra and at least one other support model

Indicators of success:

- (1) There is a 'draft Methodology Capacity Building' based on experiences and lessons conducted by two groups of target group (NTB and Padang)
- (2) There is input to the draft 'Methodology Capacity Building'

No	Activities	Linkages between activities and indicator of success
1	Doing analysisi whole methodology capacity building process in the contexts of progerssive interpretations of religious laws, customary laws and state laws	(1)
2	Workhop draft of 'Metodologi Capacity Building'	(2)
3	Midterm and final report	

- 1.4. May – June 2010: A series of discussions was conducted with potential stakeholders in the selected project sites -- i.e. Nusa Tenggara Barat Province and West Sumatra Province. In West Sumatra, these discussions helped our project to build on the previous work done by the program Women's Empowerment in Muslim Contexts (WEMC), in which SCN was also involved. In Nusa Tenggara Barat Province, there was no bridging with the previous work of WEMC as WEMC was not active in this part of Indonesia. However, SCN built on its existing relationship with the organisation Lembaga Bantuan Hukum – Asosiasi Perempuan untuk Keadilan (LBH APIK - Legal Aid Association for women survivors), which is active here..

These discussions were organized for the following purpose:

- (1) To Build on the previous work of the programme Women's Empowerment in Muslim Contexts, in which SCN was also involved (in the case of West Sumatra) and Lembaga Bantuan Hukum – Asosiasi Perempuan Indonesia untuk Keadilan (LBH APIK NTB – Legal Aid Association for Women Survivors);
- (2) To identify gaps in the previous work done by WEMC and LBH APIK NTB
- (3) To identify influential actors who either impede or support women's right to inheritance and land ownership;
- (4) To engage with local experts on women's right to inheritance and ownership of land and other property in the context of religious laws, customary laws and state laws;
- (5) To explore the capacity building needs of local women on WIPR issues;
- (6) To identify specific stakeholders – 15 in Nusa Tenggara Barat (religious leaders, customary leaders and paralegals) and 7 in West Sumatra (village women, including some women leaders)
- (7) In the other selected project site in Nusa Tenggara Barat Province, a similar process of discussion was organised with potential stakeholders. Here there was no bridging with the previous work of WEMC as WEMC was not active in this part of Indonesia. However, SCN built on its existing relationship with the organisation Lembaga Bantuan Hukum Asosiasi Perempuan untuk Keadilan (LBH APIK – Legal Aid for women survivors), which is active here.

- 1.5. June: The WIPR International Workshop

SCN WIPR personnel (including those involved in the capacity building project) are very involved in organising the WIPR Working Group's Capacity Building Workshop, held on 14-17 June 2010 in Jakarta. SCN's gave presentations of its 3 WIPR projects. An evaluation of SCN's projects was conducted by the WRRRC Programme Manager on 18 June 2010. At the WIPR Working Group meeting on 18 June 2010, SCN also learnt that the WIPR Working Group was going to appoint Vivienne Wee as mentor for SCN's 3 projects.

- 1.6. July:

- (1) Doing an organisational review of NGOs working on land rights issues, they are only concerned with 'indigenous people' with no focus on women, including indigenous women;
- (2) Identified potential allies among other NGOs that can work together on WIPR issues, especially to build capacity to assert women's right to inheritance and property;
- (3) Contacting some women leaders, religious leaders and customary leaders to mobilize their support of the project.

1.7. August:

- (1) Compilation of different capacity building methods;
- (2) Development of capacity building materials. In August, we also started to organize training workshops that were supposed to be held that month. That was when we learnt that during the fasting month of Ramadan, at the two project sites in NTB and West Sumatra, people are not supposed to undertake any non-religious activities. As a result, no workshop could be held from 9 August to 9 September;
- (3) In August, Vivienne Wee became mentor of SCN's projects. Consultations were held with her by Dini Anitasari Sabaniah. In response to her comments, this mid-term report was revised twice.

1.8. Sept:

- (1) Continuation of interviews in W. Sumatra;
- (2) Continuing compilation of capacity building methods;
- (3) Continuing development of capacity building materials;
- (4) Drafting and revising the mid-term report in consultation with the mentor

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II. **What measures have been taken to ensure That the achieved results will be sustained?**

- 2.1. A key achieved result of SCN's capacity building project is the formation of committed local teams in the two project sites -- NTB and W. Sumatra. Measures taken by SCN to ensure sustainability of this achieved result are:
 - a) Nusa Tenggara Barat, this project has built their capacity to handle cases concerning women's inheritance and property rights that come to LBH APIK in NTB;
 - b) In West Sumatra, SCN is supporting the local field coordinator and her colleagues to set up their own NGO which will be concerned about WIPR issues.
- 2.2. Another achieved result is mobilizing project beneficiaries to engage collectively on WIPR issues. Measures taken by SCN to ensure sustainability are: (a) In NTB, SCN has catalyzed religious leaders, customary leaders and para-legal activists to be

concerned about women's inheritance and property rights, so that they have themselves formed a religious-customary group to address this issue that did not previously exist. (b) In W. Sumatra, SCN is building long-term relationships with village women in their struggle for land rights.

- 2.3. A potential achieved result that may be sustained to some extent is -getting support for the project from other local authorities who are not directly involved in the project, such as village head and other village officials, religious leaders, customary leaders, policy makers, decision makers. The measure taken to develop sustainability is that local field coordinators are communicating regularly with these leaders to ensure that they are well-informed of the issues.

III. **Are these activities according to the annual budget and plan approved in June 2009 meeting? If the answer is No please answer the following questions:**

No,

- a. What changes have occurred?
- b. Why did these changes occur?

Some activities were not conducted according to the original workplan. In particular, a key lesson learnt was that the work plan cannot be based on urban experiences if the project is going to be conducted in villages.

As a result, SCN's workplan, drafted in Jakarta, did not take into consideration that villagers cannot participate in non-religious activities during Ramadan (9 August - 9 September) and Lebaran (10 - 20 September). This caused an unexpected delay in project implementation because no meetings or workshops could be organized in the two project sites in NTB and W. Sumatra. SCN and the local field coordinators have had to reschedule the two training workshops that are needed to complete the project to October and November.

Although this was not done consciously to exclude rural experiences, but assumptions about the applicability of urban experiences were not questioned. Because of the unexpected delay caused by the mismatch between urban and rural experiences, SCN has made a request to the WRRRC Program Manager for an extension to complete the project by 20 November with the final report to be submitted on 30 November.

The fall in the value of the Euro caused a delay in team formation as local field coordinators did not think that the amounts allocated to their project sites were adequate

for the planned activities. As a result, a longer time than expected was taken with negotiations about the budget.

This led, in turn, to a delay in the contracting of the local field coordinators who also had to do a lot of multi-tasking as the budget was not enough to recruit as many people as they wanted. Another difficulty caused by the fall in the value of the Euro is that there is only a small amount available for producing capacity building materials. This has caused delays because SCN now has to think of more economical ways to produce materials that are useable by village women.

Another unexpected delay caused by the fall in the value of the Euro means that the human resources who could be paid to work on the project were also reduced, which lengthened the time needed to carry out some activities, as they needed to do a lot of multi-tasking. For example, instead of hiring a professional illustrator or audio-visual technician, the work of producing capacity building materials that are user-friendly now has to be done by SCN personnel themselves. This requires more multi-tasking by them, as they also have to handle many other projects, and therefore has needed more time to complete the work.

IV. **What have been the impacts or outcomes of these activities?**

- 4.1. One visible impact is the change in thinking on the part of the local field coordinator in West Sumatra as a result of her participation in the 28-30 April workshop. At this workshop, SCN member gave an example of influential advocacy whereby networking among activists led to a judicial review of the Law on Pornography. This example inspired Juni Warlif to think of organising a hearing among legislators in West Sumatra, Padang District, about women's inheritance and property rights. Although this hearing is not yet organised, there was an impact on Warlif from the workshop, which may lead to a larger outcome.
- 4.2 According to the NTB local field coordinator, at a workshop organised by the project, a woman participant shared her experience of how even though her father had given her land through hibah (*hibah* means bestowing land on people who may not be your legal heirs. In order words, one can give land to any one through hibah) when he was alive, he did not have this legalised. As a result, when he died, the land he had given her through hibah was claimed by someone else and she (the daughter) was not able to do anything about it. This sharing of information led Damiras (a customary leader) to come to LBH APIK after the workshop to tell the field coordinator that he was handling a case of hibah where an old man wanted to give his land to his five daughters. After the workshop, Damiras said he recommended to this old man that the land should be divided equally between the five daughters and that the hibah letter should be endorsed officially by a notary in order to have the force of law, which cannot be disputed or questioned by others.

V. **What have been the challenges? Did you have to change your implementation plan due to these challenges?**

The challenges include the following:

1. As mentioned about the local field coordinators, it is sometimes not easy to maintain the morale of project participants and to keep encouraging them to fight for their rights. Some women have court cases that have dragged on for years with no useful results at the end of the legal process. So they may feel that it is hopeless to keep struggling for their land rights.
2. To keep up the spirits of the village women, it is necessary for the field coordinator and other team members to maintain communication and good relations with them, including visiting their homes. In other words, the relationship of trust has to be fostered continuously. However, this takes time, energy and financial resources. So even though the team members are trying their best, they also face constraints because of the lack of time, the need to do multi-tasking, and the limitation of financial resources to hire sufficient people to do different things.
3. The field coordinators also need to have their morale kept up with communication by the project coordinator and other members of SCN from Jakarta through email, online chatting and telephone calls. In addition, the capacity of the field coordinators also needs to be developed through the contribution of information and readings about women's inheritance and property rights, including discussions about such issues.
4. Because the project is coordinated in Jakarta, certain assumptions about urban experiences shaped the development of the workplan, which was then found to be inappropriate for the villagers in the two project sites. This caused a delay in project completion because the villagers could not attend any WIPR meetings or workshops during the fasting month of Ramadhan (9 Aug - 9 Sep) and the celebration of Lebaran (10 - 20 Sep). Even the last 10 days of September were not possible for them, because they themselves had so many work duties and other responsibilities to attend to after Ramadhan and Lebaran. As a result, SCN was forced to delay the training workshops to be organised in the two project sites to October or November. SCN has thus made a request to the WRRRC Program Manager for an extension to complete the project.
5. The fall in the value of the Euro limited financial resources available to hire a sufficient number of fieldworkers for implementing the project in the villages and also professional technicians for producing capacity building materials. As a result, a few people now have to do many things, which also slows things down. However, SCN is nevertheless trying its best to fulfill all deliverables, including developing a capacity building methodology and producing capacity building materials, by having its own members and associates do all the necessary tasks by themselves.

