

ADVANCED DRAFT_RWI RESEARCH PROJECT IN EAST LAMPUNG_2019

TITLE:

IDENTIFYING THE DYNAMIC OF ADOPTION, CHALLENGES, AND POTENTIAL OF HUMAN RIGHT CITY AND SDGs IN EAST LAMPUNG DISTRICT

Main researcher:

Dr HS Tisnanta (Law Faculty – Lampung University)

Co-researchers:

- (1) Dr Rudi Natamiharja (International Law Department, Law Faculty – Lampung University)
- (2) Dr Unang Mulkhan (Business Administration Department, the Faculty of Social and Political Sciences – Lampung University)
- (3) Fuad Abdulgani, MA (Sociology Department, the Faculty of Social and Political Sciences – Lampung University)

A. Research Background

Many studies on contemporary social sciences employ the concept of policy diffusion in many ways, such as in identifying a global policy innovation, and international principles and standards. For instance, many studies discuss how central and local governments have adopted the global policy innovation within a particular period of time, assessing which considerations might have influenced policy makers in adopting international principles and standards (Gilardi & Wasserfallen, 2017; Tosun & Croissant, 2016; Shipan & Volden, 2012; Simmons et al., 2006). For instance, in the area of human rights, UN Charter, the Universal Declaration of Human Rights, and International Human Rights Treaties reflect a form of global policy and instruments. The fact is that human rights are the dominant approach to social justice globally (Goodale & Merry, 2007). More specifically, the concept of human rights city, as stated in “*Gwangju Declaration on the Human Rights City*” in 2011 can be said as a form of global policy framework and innovation. Thus, the diffusion of human rights cities can actually be understood as the product of the increasing popularity of the idea of human rights (David, et al., 2017; Grigolo, 2017).

Furthermore, Human Rights Based-Approach (HRBA) is believed by researchers has a place in the operations of the government in order to maintain good human society and moral culture (David, et al., 2017). The insights of global policy diffusion, especially the role of local governments in human rights protection from new democracies such as Indonesia are essential to be explored on how local governments response towards the implementation of human rights cities. Davis et al (2017) define the human rights city as “*a process of collaboration and competition between different social actors, especially within the field of progressive politics*”. In addition, Grigolo (2017, p. 11), Soohoo (2016), and Goodale and Merry (2007) define the human rights city is a city which is organized around norms and principles of human rights. Based on Gwangju Declaration on Human Rights City in 2011, human rights city is defined as “both a local community and a social-political process in a local context where human rights play a key role as fundamental values and guiding principles”. Consequently, the local government plays an important role to respect, protect and fulfil the human rights of the citizen. In other words, the role of local governments is essential to human rights through their own organization and policy.

Several institutions and researchers establish and put forward the ideal concept of human rights city. There are several frameworks for human rights city: First is the European charter for the safeguarding of human rights in the city which emphasizes the responsibility of cities' administrations to respect and guarantee human rights for all inhabitants without exclusion. Second is the Global charter-agenda for human rights in the city which focuses on local government to build more inclusive, democratic and solidarity-based societies in dialogue with urban dwellers. The third is the Gwangju guiding principle on human rights city which identifies key components of human rights city in terms of values, principles, institutions, and policy implementation. Fourth is the Swedish platform for policy and operational development of human rights at local and regional level which focuses on the actions of local administrations through the principles of non-discrimination and equality, participation and inclusion, and transparency and responsibility. However, these frameworks are universal and general. Therefore, the human rights city concept is flexible to accommodate these differences where there is no 'one-size-fits-all' formula for human rights cities in a particular context and culture (Grigolo, 2017). The human rights city is a practice, interactions between the local government and civil society (Grigolo, 2016), and the product of a particular social context (Goodale, 2007), and often reflecting a mix of tradition and particular innovation (Soochoo, 2016).

Another global policy innovation is Sustainable Development Goals (SDGs) Agenda 2030. In September 2015, UN Member States agreed to adopt the 2030 Agenda for Sustainable Development with a set of 17 goals and 169 targets on social, economic and environmental dimensions of sustainable development. Furthermore, indicators of SDGs could be grounded in human rights: SDGs is grounded in international human rights obligations. Many goals of the 2030 Agenda are inherently linked to UN Member States' human rights obligations as stated in international human rights treaties and instruments. Thus, the Human Right Based-Approach (HRBA) is in line with the human rights cities framework and SDGs. For instance, the SDGs goal number 11, which is "sustainable cities and communities", can be fitted together with the concept of human rights city under the HRBA. Moreover, there are many agendas in relation to natural environmental rights, such as SDG 6 on clean water and sanitation, SDG 11 on sustainable cities and communities, SDG 12 on climate action, SDG 14 on life below water and SDG 15 on life on land include targets relating to the environment. Thus, it is necessary to have a strong accountability framework established at local, national,

regional and global levels, including accountability for non-state actors for achieving SDGs Agenda 2030. Thus, there is a need to understand how human rights and SDGs principles are adopted and implemented in policy and practice from vertical and horizontal levels. The aim to achieve SDGs is also that situations tend to be contextual. The political situation and background in one country may be different from other countries, so the SDGs is sensitive to countries differences. Thus, it is interesting to look at promising practices and challenges of SDGs.

Back to the idea of Human Rights Cities (HRC), as stated in the Gwangju Declaration 2011, a human rights city observes the right of all citizens to fully participate in decision-making and policy implementation processes. Therefore, social actors' engagement is essential in the process of planning, implementing and monitoring of human rights city. Exploring the human rights city in practice needs to look at processes whereby social actors collaborate and compete to define human rights and their meaning, and act towards establishing these human rights as guiding and regulatory principles of cities and districts. It is necessary to explore and understand the role of local governments and involvement in various HRC and SGD-related activities in specific area. Thus, focusing on the process of policy diffusion, case studies in particular countries, cities and districts would be useful to show the relationship between global policy diffusion and the role of policy makers such as local government in a particular country. The flexibility of the concept is perhaps an advantage, given that "actors and mechanisms needed to transform local culture and move toward a human rights orientation may be different" in each city, region and country (Davis et al 2017: 4). In this research, therefore, the question is to how the human rights city and SDGs concepts are adopted along with challenges and potentials of the environmental issue in the context of a district. From a legal and socio-legal viewpoint, it is possible to think of the district as a 'level' and 'context' of human rights implementation as well as the scope of analysis (Grigolo 2010). The reason is that a district is embedded in a vertical and hierarchical system of legal relations while it is also in relation to horizontal group and system.

This study considers East Lampung district as an important place in conducting a study in identifying the dynamic of adoption, challenges, and potential of human rights city and SDGs with several reasons. First, it is interesting to see a different context and political background, especially in new democracies such as Indonesia for the adoption

of HRC and SDGs. Second, the local government of East Lampung has declared and promoted Human Rights Cities (HRC) since 2016. Third, East Lampung district has a high rate of child abuse¹ and human trafficking². This fact led the former Mayor of Lampung Timur, Chusnunia Chalim, to launch Local Government Regulation (*Peraturan Daerah*) Number 5, Year 2016 on Child-Friendly City. Fourth, one of potential natural resources in East Lampung district is sand includes quartz sand (material for making glass) and building/concrete. The highest reserves of sand material are found in Maringgai harbor and sub-districts of Pasir Sakti. Thus, sand mining becomes an important issue for the district in the sense of environmental damage and hazard.

In sum, this research paper is structured as follows: first is the introduction of the study, explaining the reason behind this study in relation to HRC and SDGs; second is the explanation of East Lampung district as a place of the study; the third is the research finding and discussion in answering research question; the fourth is conclusion and recommendation.

B. Context of East Lampung District

East Lampung is a multi-ethnic district consisting of several tribes: Lampungnese, Javanese, Sundanese, Balinese, Palembang/South Sumatran, and Batak, with various religions: Islam, Protestant, Catholic, Hindu, Buddhism, and also local beliefs. The area was originally settled by indigenous people of Lampung, and then other ethnic groups, mostly Javanese and Sundanese, came to East Lampung mainly through the transmigration program from 1950 to 1968, coming from Java and Bali Islands. Therefore, it can be said that the rural areas of East Lampung are characterized by multi-ethnic and religions.

Geographically, East Lampung is located in the lowland area of southern end Sumatera Island, with a total area of 5.325 km². The landscape of the area is characterized by forest areas which are divided into national park, protected forest, and production forest;

¹ In 2016, the rate of child abuse in East Lampung was the highest in Lampung province. This fact forced the local government to formulate and publish Local Government rules No. 5 2016 on Child Friendly City.

² Media reported that East Lampung was haunted by human trafficking both related to migrant workers or not. In 2018, Police found 10 girls were sold to the prostitution business in Sorong city, West Papua (lampung.tribunnews.com, 19 September 2018).

agricultural lands which are wet irrigated fields and dry fields; and plantation both owned by people and corporation/firms; swamp, settlement, and coastal areas. Ecologically, the area consists of 24 sub-districts with 1 district capital, named Sukadana city. The total population of East Lampung 1.027.476 people, consisting of 525.169 male and 502.307 female, with a population growth of 0.89% and population density of 193/km².



Map 1 Location of East Lampung

*The economy of East Lampung*³

The economic growth of East Lampung is relatively low at around 4,64% growth. The fact is that the Province of Lampung is the position at number 10 of the poorest provinces in Indonesia. Comparing the poverty rate between national and provincial levels, the national poverty rate is at 9,66% and Lampung poverty rate is at 13,01%. Specifically, East Lampung has the highest number of poor people in Lampung with around 167.640 poor people or at around 15,76% of the total population.

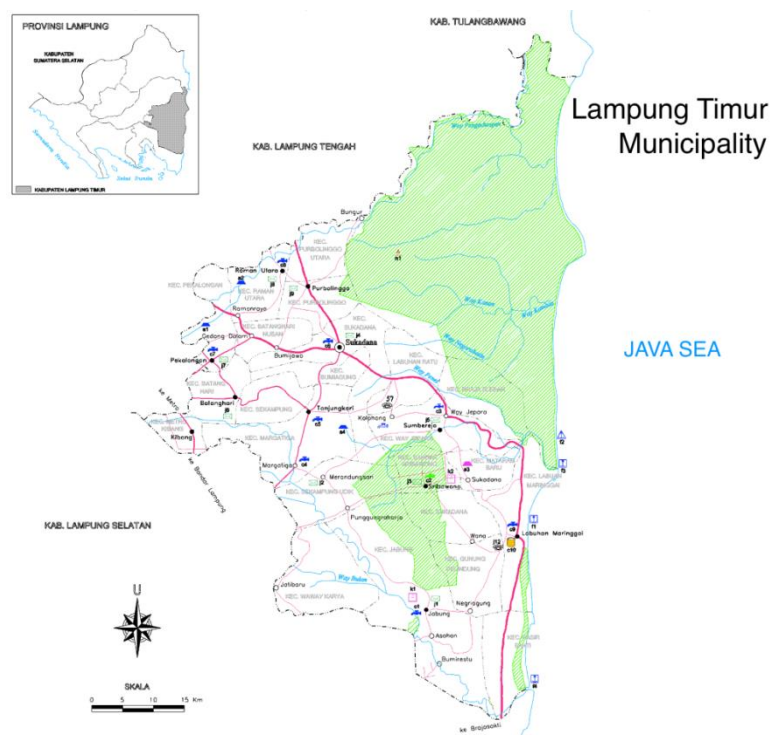
Table 1 Distribution of people's jobs in East Lampung

| Type of Works | Percentage |
|---|------------|
| 1. Agriculture, Forestry, Hunting & Fishing | 49,9 % |
| 2. Wholesale & Retail Trade, Hotels & Restaurants | 15,3 % |
| 3. Services | 12,1 % |
| 4. Manufacturing Industry | 9 % |

³ Data was compiled from Statistical data from the National Bureau of Statistics, *East Lampung in Numbers* in 2018, and BNP2TKI on the Data of Penempatan dan Pelindungan Buruh Migran in 2018.

| | |
|---|--------|
| 5. Transportation, Warehousing & Communication | 5,85 % |
| 6. Financial, Insurance, Business Services, and Real Estate | 1,2 % |
| 7. Mining & Excavation | 0,1 % |
| 8. Electricity, Gas and Water | 0,1 % |

Lampung province is the 5 biggest areas in Indonesia for sending migrant workers to other countries at around 18.843 domestic migrant workers in 2018 with East Lampung as the major area for supplying the workers in 2018 which the majority of the workers are female.



*Social, Education, Ethnicity*⁴

It is only 18,42% of young people at the age of 19 to 24 in East Lampung have access to higher education. Mostly, youth only has education until high school, where the participation rate of it is 73,10% from the total population. Thus, most jobseekers in East Lampung are graduated from high school. East Lampung famous as an area of a crime called *Begal* or motorbike robbers with violence. *Begal* is one of the crimes which focuses on vehicle robbery (mostly motorbike). The Head of the Indonesian Police, Mr Tito Karnavian stated that *Begal* is the one of the biggest crime in Lampung

⁴ Statistical data collected from the National Bureau of Statistics, *Lampung Timur in Numbers*, 2018.

and asked all of the Head of Districts Police Office must deal with the problem (Kompas, 2018). Data from the police office said that *Begals* mostly come from East Lampung and therefore *Begals* often operate in East Lampung. The Head of National Commission on Human Rights (KOMNAS HAM) also stated that East Lampung as the home of motorbike robbery; further, the Head of Crime Department in Regional Police Office in Lampung explained that it is around 50% of motorbike robbery with violence in Lampung province, coming from East Lampung. Thus, there is a stereotype of Lampung as a dangerous area and a source of criminals. Minak Radin, an ex-*Begal* who was interviewed by Tempo magazine, explained that most of the people involved in this practice of *Begal* graduated from high school, but they are jobless.

Historically, in the context of human rights, East Lampung has experienced in human rights violation, called *Talangsari case*. Talangsari is the name of a village in East Lampung. In 1989, military troops attacked a religious community called Jamaah Warsidi, which lived in Talangsari village. This religious community was accused by the government of Indonesia as a terrorist group or anti-nationalism, aiming to establish an Islamic state in Indonesia. National Commission on human rights reported that approximately 130 people were killed, 77 evicted, 53 people arbitrarily detention, 46 people tortured (KOMNASHAM, 2008) and 246 people are still missing (KONTRAS, 2011). The Talangsari case, however, is still unfinished where the report on this case has been neglected by Indonesia Attorney General, on 16 September 2008 (KOMNASHAM, 2016). The former Mayor of East Lampung, Chusnunia, said that it is not the authority of local government to resolve the case but it is at the level of national government. However, the local government of East Lampung commits to provide equal public services in health and education for Talangsari people⁵.

C. Research Questions

For this study, three research questions can be drawn as follows:

- 1) How does the local government of East Lampung adopt the concept of Human Rights City (HRC) especially for the environmental issue, what are the challenges and potentials of the development on the adoption?

⁵ “Chusnunia Chalim: ‘Nekat’ Jadikan Lampung Timur Ramah HAM - Bagian 1”. Accessed on 25 March 2019, <https://www.suara.com/wawancara/2017/12/18/070000/chusnunia-chalim-nekat-jadikan-lampung-timur-ramah-ham>.

- 2) Which is the contribution of the local government in the realization of Human Rights City (HRC) and Sustainable Development Goals (SDGs), especially on the issue of the environment at the local level?
- 3) How does the realization of HRC and SDGs at the local level contribute to the enjoyment of a safe, clean and healthy environment in East Lampung?

D. Research Methodology and Method

Data collection was conducted through two different methods: desk research and interviews. Desk research was employed in order to collect and to analyze documents on regulations and policies related to Human Rights Cities (HRC) and Sustainable Development Goals (SDGs) of national and local levels. The purpose of analyzing rules and regulations is to understand SDGs and HRC are planned and implemented especially at the local context. Thus, related documents at the local level were analyzed in order to see how each level of policy and regulation is synchronized with international guiding principle and standard on HRC and SDGs.

This research also employed interview technique to gather data from the government officers who are in charge of the issue of district planning and environmental issue. Researchers interviewed government officers: Local Development Planning Agency; the Department of Environment, Settlement and Land; and the Department of Tourism. Researchers also interviewed Members of Parliament of House of Representative of East Lampung, NGOs and people in the community. For this research, data were managed and analyzed through NVivo software to find appropriate and relevant themes for this study.

E. Research Findings

E.1. The Adoption of the Concept of Human Rights City (HRC) in East Lampung

Chronological Order of East Lampung Mayor Decree No 48 Year 2016 on Human Rights District

The local government of East Lampung through its Mayor enacted district regulation under the East Lampung Mayor Decree No 48 Year 2016 on Human Rights District. This regulation contains of the statement and commitment of the local government of East Lampung to protect, respect and fulfill its citizens' rights through 9 principles of human rights districts of East Lampung. In this section, the roadmap of law and regulation which underpin the East Lampung Mayor Decree No48/2016 on Human Rights Districts will be discussed.

Two national regulations can be highlighted in relation to the role of local governments in realizing human rights in Indonesia. Regulation of Minister of Law and Human Rights in Indonesia No 25/2013 and Law No. 23/2014 concerning Regional Government form legal basis for determining human rights cities or districts in Indonesia. Minister regulation No 25/2013 consists of the assessment category and steps to see whether a district/city meets or does not meet human rights-friendly criteria. Whereas Law No. 23/2014 regulates the role of local governments in implementing human rights through service functions as the obligation of local government. Through the above legal documents and the encouragement from the Indonesian President, Mr Jokowi, in implementing human rights cities or districts, several cities and districts have declared themselves as human rights cities or districts such as the district of Wonosobo in 2014, the district of Bojonegoro in 2015, and the city of Bandung in 2015. Thus, the concept of Human Rights Cities or Districts to some extent results from the implementation of Law No. 23/2014, specifically with regard to articles governing the authority of local government.

However, in the process of realizing human rights-based policies, the role of the non-governmental organization such as International NGO Forum on Indonesian Development (INfID) needs to be emphasized. In the context of Human Rights Cities or Districts, INfID helps various local governments to incorporate human rights criteria into a directed and measurable framework. The institutionalization effort embodied the issuance of local regulations as a form of commitment to human rights. INfID also

draws inspiration and lessons from other countries that have implemented principles of human rights cities, including from international human rights forums such as the World Human Rights Cities Forum (WHRCF) which is held annually in Gwangju, South Korea.

The starting point of East Lampung to be human rights district was from the implementation of the policy of child-friendly district. Former mayor/the district head of East Lampung, Mr Tauhidi, issued District Regulation of East Lampung No. 05/2016 concerning the child-friendly district. This policy had significance for the East Lampung context since there was high number of children violence. One of cases reported by the media was sexual violence and the murder of Mistianah (10 years old girl) that occurred in Way Jepara sub-district, East Lampung in 2016. Data from the Integrated Service Center for Women and Children Empowerment or *Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A)* in Lampung Province, as of May 1, 2016 there have been 85 cases of violence against women and children.

Policy on child-friendly district was then realized by the newly elected mayor, Chusnunia Chalim in 2016. The implementation of child-friendly district was a first priority agenda of the mayor. She said that *“I started from the 24 villages where we assisted them with focusing on the implementation of child-friendly villages. Especially, villages were recorded with child abuse with cases of child abuse with dead. We found that those vulnerable villages are located near the forest with minimum public facilities. Thus, we work together with the Ministry of Women’s Empowerment and Child Protection and with Lampung Province. Therefore, there are many events or activities in villages, providing facilities and equipment for implementing child-friendly district”*. To facilitate the implementation of child-friendly district, the mayor initiated the formation of the Local Children Forum through District Regulation No. 7/2017. Local children forum is a social institution with the purpose for children participation of who are under 18 years old. This social institution is fostered by the district government with the institution’s role is to guarantee and protect children and their rights to live, grow, develop, and participate in society optimally. In practice, the institution can channel aspirations in MUSREMBANG, in order to socialize children’s rights, and also facilitate cases affecting children to be communicated with other local government authorities and accommodate strategic issues for children. Thus, through this regulation,

the local government of East Lampung has provided an institutional platform to realize human rights, especially in relation to children's rights.

The local government as the closest to state plays a role to carry out the obligations of fulfilling the rights of citizens which is guaranteed by Law Number 39/1999 concerning Human Rights. In the first year of her leadership, the Mayor of East Lampung district conducted a comparative study of human rights friendly districts to Bojonegoro district in East Java. From a series of discussions and internal focus group discussion, the local government of East Lampung considered that the district does not only need to implement child-friendly district but also to be human rights district. Puji Riyanto, the Head of Local Development Planning Agency of East Lampung, explained the reason for this, that it is because of the interest of the local government to remove the stigma of East Lampung as unsafe area and a source of criminals, especially due to many vehicle robbery cases.

After presenting the efforts of the local government of East Lampung in designing and implementing Human Rights Cities/Districts as a part of local government development planning to National Commission of Human Rights (KOMNAS HASM) in Jakarta HAM in Jakarta, in 2017, the district of East Lampung and KOMNAS HAM agreed to have Memorandum of Understanding (MoU). The MoU contains cooperation related to the implementation of tasks and functions of the local government of East Lampung in the fields of promotion, protection, enforcement and fulfillment of human rights.

An important aspect in advancing the realization of human rights in the district is through education on human rights to the wider community. This is claimed by the Mayor as an innovation in the district. Festival on human rights was held since 2017 in the villages of Pogung Raharjo, Talangsari, and Way Jepara villages. The first festival, entitled Human Rights camp, was held in the village of Pogung Raharjo, in collaboration with Komnas HAM and INFID. In this festival, socialization on human rights was carried out through attractive media such as music, art, and open dialogue. In addition, participants were also invited for dialogue with the victims of the Talangsari incident.

In the same year, the East Lampung Mayor joined the World Human Rights City Forum (WHRCF) in Gwangju, South Korea. She gave speech and stated her commitment to implement human rights through the local government policies. The following year in 2018, the Mayor of East Lampung joined the WHRCF in Gwangju, South Korea to present her paper titled “East Lampung district as the Human Rights Friendly District”, she emphasized that the application of human rights in local government policy is not only to get awards, but is an obligation for the local government. Those series of regulations and involvement at the national and international levels on human rights demonstrate the commitment of the local government of East Lampung in implementing human rights in its local development policies.

Adoption of International Framework on Human Right Cities

There are several frameworks for human rights city: First is the European charter for the safeguarding of human rights in the city which emphasizes the responsibility of cities’ administrations to respect and guarantee human rights for all inhabitants without exclusion. Second is the Global charter-agenda for human rights in the city which focuses on local government to build more inclusive, democratic and solidarity-based societies in dialogue with urban dwellers. The third is the Gwangju guiding principle on human rights city which identifies key components of human rights city in terms of values, principles, institutions, and policy implementation. Fourth is the Swedish platform for policy and operational for policy and operational development of human rights at local and regional level which focuses on the actions of local administrations through the principles of non-discrimination and equality, participation and inclusion, and transparency and responsibility. Since the frameworks on human rights cities are universal and general, it is therefore flexible for East Lampung district to consider principles of human rights cities.

Table 2 Comparison of Gwangju Principles and East Lampung Principles on Human Rights Cities and Districts

| Gwangju Guiding Principles for a Human Rights City | Mayor Decree No 48 Year 2016 on Human Rights District |
|--|---|
| <p><i>10 Gwangju Principles:</i></p> <ol style="list-style-type: none"> 1) The Right to the city 2) Non-Discrimination and Affirmative Action 3) Social Inclusion and Cultural Diversity 4) Participatory Democracy and Accountable Governance 5) Social Justice, Solidarity and Sustainability 6) Political Leadership and Institutionalization 7) Human Rights Mainstreaming 8) Effective Institutions and Policy Coordination 9) Human Rights Education and Training 10) Rights to Remedy | <p><i>9 Principles of Human Rights Districts of East Lampung</i></p> <ol style="list-style-type: none"> 1) Society participation 2) Non-Discrimination 3) Accountable of Local Governance 4) Human Rights Mainstreaming 5) Democratic 6) Social Justice, Solidarity and Sustainability 7) Political Leadership and Institutionalization 8) Effective Institutions and Policy Coordination 9) Right to Remedy |

The Mayor of the Regency, Chusnunia, has recognized that it was hard to promote the human rights framework into local government. The reason is that it is a challenge to talk about human rights when people in the area are still facing high poverty and inequality⁶.

E.2. The Contribution of the Local Government of East Lampung District in the Realization of HRC and SDGs

According to Grigolo (2017), human rights city is a matter of practice, rather than adoption of any particular legal framework. However, in East Lampung, there is an institutionalization of HRC and SDGs within the local government through local regulations. The local government has set up implementation plans for SDGs derived from relevant national and provincial laws and regulations on SDGs. The Presidential Decree No 59/2017 concerning SDGs implementation in Indonesia is the main legal consideration and backing for the local government of East Lampung district on SDGs.

⁶ “Chusnunia Chalim: ‘Nekat’ Jadikan Lampung Timur Ramah HAM - Bagian 1” Accessed on 25 Maret 2019. <https://www.suara.com/wawancara/2017/12/18/070000/chusnunia-chalim-nekat-jadikan-lampung-timur-ramah-ham>.

This central government regulation on SDGs requires all levels of the government: central and local, to have coordination and collaboration among stakeholders and therefore it needs for a national action plan on SDGs 2030 Agenda.

Ministry of National Development Planning / National Planning and Development Agency (BAPPENAS) in synchronizing Medium Term Development Plan (RJPMD) of Local Government with Regional/Provincial Action Plan (RAD) for Sustainable Development Goals (SDGs) enacted Minister of National Development Plan/Head of National Development Planning Agency Decree No 7/2018 concerning Coordination, Planning, Monitoring, Evaluation, and Reporting of the Implementation of SDGs. This ministerial regulation emphasizes more on the importance of coordination and collaboration, as well as the role of local government. Furthermore, Minister of Home Affairs Decree No 7/2018 on the Design and Implementation of Strategic Study on the Natural Environment.

At the provincial level, Lampung Governor enacted the Governor Regulation No 19/2018 concerning Provincial Action Plan on Sustainable Development Goals (SDGs) Year 2018 – 2019. This governor regulation emphasizes an understanding of SDGs as the global agenda and recognizes the importance of coordination and collaboration at the local level: provincial, cities and districts in relation to have collective SDGs action plan and implementation.

At the district level of East Lampung, Local Regulation of East Lampung No 15/2016 concerning Medium Term Development Plan (RJPMD) of East Lampung has been enacted. Through this regulation, the local government of East Lampung claimed that 17 goals of sustainable development agenda 2030 have been accommodated in the Local Development Work Plan (RKPD). As a result, programs on the implementation of SDGs at the local level can be put to local government budget or Local Revenue and Expenditure Budget (APBD) for funding. Puji Riyanto, the Head of District Development Planning Agency (BAPPEDA), explained that at the first, local government did not have enough financial budgets in realizing program to support the government's commitment to human right friendly city.

The local government of East Lampung claimed that the district's effort on SDGs agenda is supported by its commitment towards human rights under the local

government regulation No 05 Year 2016 concerning child-friendly district and the regulation of the Mayor of East Lampung through Mayor Regulation No 48 Year 2016 on Human Rights District. These two regulations contain of statements and commitments of the local government of East Lampung to protect, respect and fulfill its citizens' rights through 9 principles of human rights districts of East Lampung as listed at table 3 below:

Table 3 Human Rights Principles at the Local Level Reflected on Local Regulation and Policy Instruments

| Mayor Decree No 48 Year 2016 on Human Rights District | Local Regulation of East Lampung No 15 year 2016 on Medium Term Development Plan (RJPMD) of East Lampung | Local Action Plan on SDGs of East Lampung which is integrated and compiled in the Governor Decree No 19 Year 2018 |
|---|---|---|
| <p>9 principles of human rights districts of East Lampung:</p> <ol style="list-style-type: none"> 1) Society participation 2) Non-Discrimination 3) Accountable of Local Governance 4) Human Rights Mainstreaming 5) Democratic 6) Social Justice, Solidarity and Sustainability 7) Political Leadership and Institutionalization 8) Effective Institutions and Policy Coordination 9) Right to Remedy | <p>The vision of Medium Term Development Plan (RJPMD) of East Lampung is that “the realization of the East Lampung as safe, self-sufficient, prosperous, noble moral, through improving economy based on sustainable agriculture and quality of human resources in favor of the interests of the people in East Lampung”.</p> | <p>Local Action Plan of East Lampung on SDGs is derived from Provincial Document on SDGs Action Plan where the aim of SDGs Action Plan Document is to be the basis for implementing programs and activities in achieving SDGs 2030. The principle of the Action Plan Document is “to maintain an the increase of sustainable economic prosperity of people through sustainable social life of the community, good quality of the environment, the inclusive development, and good governance in order to improve and maintain the quality of life for future generation”.</p> |

From the above table, it can be found that there is an opportunity of an effective way to get action on the goals and targets in the 2030 Agenda; the strategy is to link them to existing commitments of governments that address the same issues. It can be seen above that three regulations and policies: Mayor Decree No 48 Year 2016 on Human Rights District, Local Regulation of East Lampung No 15 year 2016 on Medium Term Development Plan (RJPMD) of East Lampung, and Local Action Plan on SDGs of East Lampung which is integrated and compiled in the Governor Decree No 19 Year 2018 are set to be inter-connected. Through this linkage, the local government support several principles of human rights in contributing the SDGs through the principle of good governance integrating human rights into municipal policies, supporting gender and protection to all inhabitants, as well as showing the policy-making process.

The Mayor Decree No 48 Year 2016 on Human Rights District reflects the international framework and standard on Human Rights City (HRC) Gwangju Principles. It is seen that provincial regulation on local action plan on SDGs help to breakdown and make the local commitment of East Lampung district on human right district is more practical and measurable. For instance, the local action plan at East Lampung is dominated by the issue of health with 59 programs, of education services with 20 programs, and of women empowerment services department with 16 programs. However, the challenges are on how to integrate the plan made into the Regional Government Work Plan and Budget for financial support from the government budget. In sum, human rights district in East Lampung is more on political process and leadership.

This study found that there are two ways of the local government of East Lampung engage with human rights are: actors inside local governments who aim to establish their vision and meaning of the human rights district; other actors participate outside the local government; and the institutionalisation of human rights within the local government. Thus, the contribution of local government is more on a process within policies and practices in governing the district from human rights perspective. In this sense, when human rights based-approach is institutionalized through policies and practices, the local government has a stronger control over them. Thus, the local government establishes rules and regulations to ensure HRC and SDGs is interconnected and implemented.

However, there is a still big challenge on the implementation of HRC and SDGs at the context of East Lampung where the local government is encouraged to play the role of a mediator between the interests of different stakeholders in particular areas. This study found that there is a different understanding of actors in the context of human rights and SDGs. As a result, actors work in silo. Especially, institutions or departments under local government often work in silos, focusing only on their departments or institutions rather than through mainstreaming human rights and SDGs in a systematic and collaborative way. This happens also between the local government and NGOs in the context of East Lampung.

E.3. The Realization of HRC and SDGs to the Enjoyment of a Safe, Clean and Healthy Environment in East Lampung

This study found that the link of SDGs and human rights instruments can be seen from key environmental instruments which have human rights dimensions. Thus, from analysing indicators of SDGs and instruments of human rights cities, both are linked and a mutually-reinforcing way. For instance, the principles of accountability, participation and non-discrimination are at the core of the Human Rights-Based Approach (HRBA) to development which also strongly emphasized in the environmental aspect. Access to clean and safe environment is essential in East Lampung. Thus, this study focusing on environmental dimension found that there is intervention of Local Government through Local Action Plan as follows:

Table 4 Intervention / program on environmental issues in RAD Sustainable Development Goals Prov. Lampung

| The scope of human rights | points SDGs | SDGs indicator | Program | Activity | Indicators of activity | Trends Budget | Implementer |
|---------------------------|---------------|--|------------------------------------|--|--------------------------------------|----------------------------------|----------------------|
| (B) Right to health | 1 No. Poverty | 1.4.1. (D) Percentage of households with access to improved drinking water source services and sustainable | Development of Healthy Environment | Implementation of environmental health | Number of villages implementing STBM | Budget 2017 - 2019, rising graph | Public health Office |
| (B) Right to health | 2 No Hunger | 2.2.1 (a) The prevalence of stunting (short and very short) | Healthy Environment Development | Implementation of environ | Number of villages implementing | Budget 2017 - 2019 | Public health Office |

| | | | | | | | |
|--------------------------|---|--|---|---|--|----------------------------------|---|
| | | in children under two years | Program | mental health | STBM | | |
| (B) Right to health | 6 Clean Water & Sanitation | 6.2.1. (B) Percentage of households who have access to proper sanitation services and sustainable | Healthy Environment Development Program | Implementation of environmental health | % Population with access to adequate sanitation facilities | Budget 2017 - 2019 | Public health Office |
| (B) Right to health | | 6.2.1 (c) The number of villages / sub implementing Community Based Total Sanitation (STBM) | Empowering communities to support the movement of water saving through capturing, storing and reusing water | Number of community empowerment location | | | |
| (G) environmental rights | | 6.5.1. Total Flow River (DAS), which increases the amount of water and the amount of watershed which has MOU Cross Country | Protection and Conservation of Natural Resources | Water Resources Conservation and Control of water sources | Identified and maintenance of Water Resources | Budget 2017 - 2019, rising graph | Environment Agency, Settlement and Land |
| (G) environmental rights | 11 Sustainable City and Community | 11.6.1. (B). The number of green city to develop and implement | Number of Green City who Developing and Implementing Green Waste in Urban Area Metropolitan | Management and Development RTH | Green Open Space (RTH) | Budget 2017 - 2019 | Settlement and Land |
| (G) environmental rights | 12 Responsible Consumption and Production | 12.5.1. (A) Number of Waste Dumps which in recycled | Development of business performance Waste | Institutional capacity business | Bank Trash | Budget 2017 - 2019 | Settlement and Land |

Based on RAD TPB districts made by Bappeda Province, intervention in environmental issues contained in 7 of the 87 programs with the most in the allocation of water and sanitation issues this issue is an important issue to be prioritized in UNDP study analysis (see the study results UNDP). There is no program associated points 7 Clean and Affordable Energy, Climate Action 13, 14 Life Below The Water, and 15 Life on Land are a very environmentally point.

Table 5 Intervention / program on environmental issues in RPJMD District East Lampung 2016-2021

| The scope of human rights | Points TPB | Mission RPJMD | Program | Program performance indicators | Trends Budget | Implementer |
|----------------------------------|-------------------|--|--|---|----------------------------|---|
| (B) Right to health | 6 | Mission 1 to increase the quantity and quality of physical infrastructure and social economy | 1. Program performance of the management of drinking water and wastewater | The number of customers drinking water | from 2016 - 2021 increased | Department of Public Works and arrangement of space |
| (G) Environmental rights | 15 | | 2. Program development, management and conservation of rivers, lakes and other water resources | Well-organized riparian area (m) | from 2016 - 2021 increased | Department of Public Works and arrangement of space |
| (G) Environmental rights | 6 | | 3. Program the provision and management of mangrove water | Increased community participation in water management | from 2016 - 2021 increased | Department of Public Works and arrangement of space |
| (G) Environmental rights | 11 | | 1. Program management of green open space (RTH) | RTH creative in every district (%) | from 2016 - 2021 increased | environmental services |
| (G) Environmental rights | 11 | | 2. Program the development of waste management performance | Bank ragtag facilitated (%) | from 2016 - 2021 increased | environmental services |
| (G) Environmental | 15 | Mission 3: Improving Community | 1. Increased Community Participation | the number of trees planted (fruit) | from 2016 - 2021 | environmental services |

| | | | | | | |
|--------------------------|--------|--|---|--|----------------------------|------------------------|
| rights | | Wellbeing Through Resource Optimization Based Community Empowerment, Sustainable Development and Environmental | In the Protection and Conservation SDA | | increased | |
| (G) Environmental rights | 15 | | 2. Pollution Control Program and the Destruction of the Environment | The river that meets the standard level B (%) | from 2016 - 2021 increased | environmental services |
| (G) Environmental rights | 15 | | 3. Protection Program and Natural Resources Conservation | Coverage of water resources are maintained quality (%) | from 2016 - 2021 increased | environmental services |
| (G) Environmental rights | 15 | | 4. Rehabilitation and Recovery Program Reserves of Natural Resources | Availability of data and information coverage control of natural resources and environment | from 2016 - 2021 increased | environmental services |
| (G) Environmental rights | 15 | | 5. Quality Improvement Program and Natural Resources Information Access and the Environment | book environmental status report area available (%) | from 2016 - 2021 increased | environmental services |
| (G) Environmental rights | 14, 13 | | 6. Program management and rehabilitation coastal and marine ecosystems | Mangrove center functioning properly (%) | from 2016 - 2021 increased | environmental services |

In the context of human right education program, one of the programs is to a set series of cultural festivals in the district as part of promoting human rights. Surprisingly, even there was a minimum budget to run festivals, many districts, sub-districts and villages were very appreciated by the success of the event. This was because people in the community allocated their money to help organizing the event as well as to support the

event technically. Puji has said that the program was in line with the spirit of *Gotong Royong* which is the Indonesian spirit of togetherness and cooperativeness in the community. Consequently, from 2017 the rate of domestic tourists visiting Lampung Timur has increased. Several tourism sites such as *Pogung Raharjo* (archeological park) have received a significant visit from tourists. The local government claimed that this can be a proof to change public perception on East Lampung from bad image to become good image⁷.

People, Environment, and Regulations: Environmental Degradation from Sand Mining Practices in East Lampung

Pasir Sakti is a sub-district which is located nearby the sea of East Lampung Since 2000, there are sand mining activities run by several international, national and local mining companies that received permits to mine from the Provincial Government of Lampung. Thus, the local government of East Lampung does not hold the authority related to permits of mining operations. However, the role of the local government of Lampung Timur is only to give recommendation to the Provincial Government whether a company has to comply with Environmental Impact Assessment under the Local Environmental Board Assessment Agency.

The practice of sand mining operations in East Lampung is that mining companies, at first, need to get local people who can lease their land to companies for particular years. In this case, the problem occurs when there is the dilemma of the economy and the environmental awareness of local people on the impact of sand mining activities. Mostly, local people agree to lease their land although at the end of the contract there is environmental degradation and ecological damaged resulting from mining operations. Several instances of environmental and ecological degradation are land becoming dry, difficulties in getting clean water, a high on air pollution, as well as problems on roads because of trucks' activities in transporting mineral from mining areas.

Exploitation sand material can be done by investors based on permits from provincial government. Before the enactment of Law No. 23 of 2014 concerning Local Government, the provisions on mining business licensing are regulated in the East Lampung district under regulation No 15/2007 concerning Technical Guidelines for the

⁷ From the interview with Puji Riyanto on 19 June 2019

Implementation of Mining Permits for Mining Group of Class C. Permits can be applied by individuals or business entities, so that there are two types of permits, namely (a) SIPD (regional mining permit), (b) SIPR (small holder mining permit). As a result, all exploitation / production of mining materials produced, processed, transported out of the mine site and utilized must pay excavation tax C in accordance with laws.

Mining areas carried out by the company generally are from leases agricultural land owned by people in the community. The company utilizes and exploits material (sand) that is on land owned by people in the community based on rent. This leasing agreement makes it difficult for local governments to supervise and realize the fulfillment of the companies' obligations to rehabilitate ex-mining land. Weak supervision and not carrying out the obligation to rehabilitate ex-mining land result environmental damage to over 2000 hectares of agricultural land that cannot be utilized. The ex-mining land is a pool / puddle with a very high level of acidity that cannot be utilized. On the other hand to carry out rehabilitation requires effort and energy that is quite expensive, so that landowners do not have the ability. The issuance of Law No 23/2014 concerning Local Government regained the authority of mining management by the district government. The provisions for granting permits for mining materials are regulated by Minister of Energy and Mineral Resources Regulation No. 34/2017 concerning Licenses in the Mineral and Coal Mining Sector. The authority to grant mining permits also lies with the governor, who is based on governor regulation No. 7/2017, concerning the process of giving permit to mine. Permits can be given to legal entities, cooperatives and individuals with various requirements which include the Environmental Impact Assessment (AMDAL). The existence of an AMDAL document is very important with regard to the environmental management plan and the environmental monitoring plan which is very important as an monitoring instrument. The presence of AMDAL documents cannot also be released with good mining principles as regulated in Minister of Energy and Mineral Resources Regulation No. 26/2018 concerning Implementation of Good Mining Rules and Supervision of Mineral and Coal Mining.

Licensing requirements involve various agencies to obtain permit recommendations, including the National Land Agency for location permits, the Environmental Service for AMDAL recommendations, the Energy and mineral resources office for permit recommendations, etc. The granting of a permit must be guided by the Lampung Province Regional Regulation No. 1/2010 concerning the Spatial Planning for the Province of Lampung in 2009 - 2029 and Local Government Regulation No. 1/2018

concerning the Zone Plan for the Coastal Region and Small Islands of Lampung Province in 2018-2038.



The main problem of sand mining operations in East Lampung is that companies do not reclaim their post-mining areas after they stop their operations. As a result, the environmental and ecological degradation impact on people and the community. However, the community does not have a strong bargaining position to the companies since the business contract between companies and people who leased their land has been ended or terminated. Consequently, there is no further responsibility of the companies toward the environment and the community. The situation in Pasir Sakti is contradicting with the regulation of Minister of Maritime and Fisheries Number 35/kepmen/KP/2013 on 13 July 2013 where the Minister has decided Pasir Sakti as central for fish production within the area of 159 ha in villages called Rejo Mulyo, Gedung Ringin as *Minapolitan* area.



Several actions have been conducted by the community in the area of mining operations involving local environmental and social activists such as Mr Samsudin from the Tunas Rimba group. As a local NGO in East Lampung, *Tunas Rimba* forces companies to close their mining operations, especially of mining operations near the coastal areas and the community demands the companies to reclaim their ex-mining areas. Actions like mass-protests and road blockade in the mining areas often occur. However, the problem ex-mining areas is still unresolved since actors who have responsibilities to tackle of this environmental and ecological degradation on post-mining closure are still unclear. There is still a lack of participation of the community near mining areas in the process of mining permits, policy and regulations, and program after mining closure decision-making and policy-implementation processes.

Mr Wahyu, the Head of Regional Department of Environment, Settlement and Land together with Mr Andika, Mr Sigit and Mrs Tina from the same department explained that the Local Government of East Lampung does not have strong authority in overcoming problems in the situation of that there are more than 2,000 ha of unproductive of ex-mining land. The case of Pasir Sakti shows that there is in-effective regulation concerning the permit to mine in East Lampung. It is problematic when the environmental impacts of the mining operation cause safer on the local community and local government of East Lampung but the permit of the mine itself is under the authority of Provincial Government. Further, Mr Dibyo, Member of Parliament of East Lampung from Golkar party also claimed that the rehabilitation of the ex-mining site is very crucial. He added that there is the practice of illegal mining where some companies do not hold permits to mine. Similarly, Mr Kadek Member of Parliament from PDIP

party considered the idea of human rights city in East Lampung can be a breakthrough. What both of them can do is to support politically on the local government planning and budgeting in order to implement a program on human rights and SDGs.

Conflicts over sand mining permits which are under the authority of the Lampung Provincial happened in the case of the company PT Lautan Mineral Persada (PTLMP) in Sriminosari Village and the case of the company CV Mineral Alam Sejahtera (CVMAS) in Labuhan Maringai Village. In these two cases, villagers rejected the companies' mining operations. Two national NGOs: WALHI and WATALA also involve in assisting the villagers and also in monitoring the cases. The villagers complain over sand mining operations since the impact of the operations on Mangrove trees in the coastal areas resulting in the problem of fish production in East Lampung. Fishermen who receive bad impacts from the operation of mining companies are not only from East Lampung but also fishermen from Central Lampung, Tulang Bawang, and Java who are catching fish in the sea of East Lampung.

The issue of sand mining operations in East Lampung raises the concern of access to clean water. For this matter, the local government and central government work together in executing national government budget allocation for tackling the issue of access to clean water. A research conducted by UNDP in 2018 explained that people and the community in Lampung Timur are still lack of access to clean water. Mr Fadli Febriansyah, an officer at the Infrastructure Department at Development Planning Board Agency of East Lampung, spotted that before the year 2016, infrastructure related to access to clean water was lack of development because of a limited budget of the local government. Thus, in 2016, the Ministry of Infrastructure and Development invited local governments in Indonesia to access central government fund on clean water infrastructure issues. This included the local government of East Lampung receiving the fund resulting in 20 villages under the program although in reality it was only 16 villages was covered by central government fund and the rest of villages received funding from the local government of East Lampung.

The fund from the central government is still underway until 2019 with the name of the program is “the Drinking Water and Sanitation Community Based Program” or *Program penyediaan Air Minum dan Sanitasi Berbasis Masyarakat (PAMSIMAS)*. This program requires the community to play an active role. The community should

apply, monitor and evaluate PAMSIMAS project. This reflects the active participation of the local community in every step of development on drinking water access and sanitation. In other words, the community can organize itself in the development and maintenance of the access and facilities to clean water. Under the program of PAMSIMAS, it shows how local government plays an active role in realizing and increasing access for the community to clean water and sanitation. However, this program would be problematic in a situation where resources to clean water are degraded by sand mining operations.

Table 6 Mapping Out of Actors and Roles

| Actor | Role and authority | Analysis of Power |
|----------------------------------|--|--|
| Sand mining companies | Through permit or license to mine in the agreed areas, companies have roles and authority in taking minerals or natural resources. | Having strong legal power during mining operations when they hold permits to mine. |
| Provincial government | The provincial government has role and authority to give permits or license to mine for companies. | There is the dominant power of the provincial government when its role also includes reviewing and whether it accepts or rejects a company's documents on environmental impact analysis of the company as a requirement of getting a permit to mine. |
| Local government of East Lampung | The local government has a function in coordination with the provincial government in the issue of environment | The situation of without authority in giving permits and monitoring permits of the companies to mine is often problematic and leads the local government |

| | | |
|--|--|---|
| | | has a weak bargaining position towards companies. |
| Member of Parliament | Strong roles and authorities of Members of Parliaments at the level of province and regency include the function of proposing regulations to executive/government, budgeting and monitoring functions in the sense of politics. | Through the functions of regulating, budgeting and monitoring, these actually provide good bargaining position of Members of Parliament to raise and assist the issue of sand mining in East Lampung. |
| People in the community | The role of people in the community has two different patterns in relation to the existence of sand mining companies: first is in cooperation with companies in the context of leasing their land to companies; second is in against sand mining companies when the companies operate their mining close to coastal areas since people in the community work as fishermen. | The first type or pattern of people in the community has a weak position after mining companies closing down their mining operations; for the second type or pattern of people in the community has a relatively strong bargaining position to have movement against companies. |
| Local and national NGOs on the environment | There is the role of national and local Non-Government Organizations to help assist people in the community in dealing with environmental degradation including to increase the awareness of people in the community in respecting and protecting their natural environment. | Through the function of NGOs, they can have more power to raise the issue of environmental degradation in the area, to raise the awareness of local people, as well as to get more support from other stakeholders. |

| | | |
|---------------------------------|---|--|
| Village and the Head of Village | Village has a role in providing information and in helping actors from companies to seek potential areas to be leased. However, villages can also play roles in protecting their natural environment. | Villages have a strong position since they have special fund from the central government called <i>Dana Desa</i> or Village Fund. Through this fund, a village can manage its development. |
|---------------------------------|---|--|

Thus, from mapping out the actors who involve in the case of Pasir Sakti, it is necessary to look at processes whereby actors collaborate and compete to define human rights and their meaning, and act towards establishing human rights and Sustainable Development Goals (SDGs) as guiding and regulatory principles at the local level. However, it can be seen that there is still a challenge in the roles, authorities and power of actors towards the environmental issues in East Lampung. Moreover, the local government has recognized that promoting human rights concept into local government is a tough job in the situation of high poverty and inequality in East Lampung. Financial budget for realizing program in supporting the human rights friendly city and SDGs is still in a question and be a constraint. Problems in the adoption and implementation of HRC and SDGs at the local context from the environmental issue perspective are also in relation to the capacity of government actors in creating an action plan and in putting them into the local government budget. This contradicts with human rights cities concept where there should be a commitment to implement and give expression to their commitment through mechanisms of political structures and the capacity of decision-makers to adopt and execute the concept of human rights city into government structure and processes.

However, there is some potential in adopting and implementing human rights city and SDGs in East Lampung when there is a big issue on the environment or natural resources. The team of Development Planning Board Agency in East Lampung, Mr Puji Riyanto and Mr Endang explained that the role of the government is to facilitate in mobilizing community cooperation. There are some local NGOs actively have involved in East Lampung such as *Damar* and *Perempuan Timur* – two NGOs for women advocacy, and a religious-based NGO called IPPNU. Another potential of the development of East Lampung which can be in lined with HRC and SDGs is that there

should be a connection between development planning documents and Middle and Long Term Local Planning, Action Plan of Local Government and Department, and Government Budget. Members of Parliament at House of Representatives in East Lampung can monitor and evaluate the plan and action of the government. There is also a culture that is currently campaigned in East Lampung. Thus, this is a form of structure that is based on Gwangju Declaration on Human Rights City in 2011 where there should be both a local community and a social-political process in a local context and human rights play a key role as fundamental values and guiding principles.

Conclusion and Recommendation

This study has shown the importance adoption of international framework and standards for Human Rights City (HRC) and Sustainable Development Goals (SDGs) at the local government with the case study of East Lampung district in Indonesia. Although it is important in adopting and strengthening the realization or implementation of a clean and safe environment as part of human rights principle and SDGs, the notion of Human Rights City (HRC) in East Lampung is still far when it is compared to those international frameworks, especially in the case study of environmental issues. The study revealed environmental problems as big challenges for East Lampung. Thus this study suggests that it is necessary for the local government to take into account the environmental issue in implementing the HRC concept and in achieving SDGs agenda 2030. Specifically, the case of sand mining operation in East Lampung has reflected the environment and ecology issues that are relevant to the SDGs goal number 15 on 'land ecosystem'. This situation contradicts the Human Rights City principle concerning how people can fulfill their ability to enjoy healthy environment and accessing natural resources and to fulfill their means of life. Thus, there is there is no doubt that implementing human rights at district level is challenging involving more complex actors, political and cultural background. However, it is necessary to continue growth and opportunity of the human rights project to benefit district and the community. This research also suggests the essential of understanding the human rights city at the different processes of the collaboration and competition of actors.

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