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INTER-JURISDICTIONAL GOVERNANCE COORDINATION, COMMUNITY SUPPORT AND COMPLIANCE WITH THE ILO 169 CONVENTION ON INDIGENOUS RIGHTS: FINDINGS OF A CROSS-SECTIONAL STUDY OF THE INDIGENOUS PEOPLE OF THE KALASH VALLEY IN PAKISTAN

SYED TOQUEER AKHTER¹ AND MAHINA GHALIB²

ABSTRACT

This study primarily focuses on the compliance/non-compliance with the ILO 169 Convention, in relation to inter-jurisdictional governance coordination and internal community support. The Convention allows for identity preservation for indigenous communities. Keeping in view the micro-foundation of the proposed framework-of-analysis, a cross-sectional study was carried out on indigenous people from Bumburet Valley of the Kalash region in the form of personal interviews, while sampling units were selected using convenience sampling. Over the past decades, the Kalashi have faced both internal and external threats with regards to exercising their right to self-determination and identity preservation in the society. For modelling purposes Robust Regression, Quantile Regression and the Tobit Model were estimated, all of which rendered coherent results. Estimates of competing econometric models imply that inter-jurisdictional governance coordination, appearing in the form of consultation and functional autonomy, and community support, result in a positive-sum game for the indigenous Kalash, with regards to compliance with the Convention.

Keywords: Inter-jurisdictional Governance coordination, Community support, International Labor Organization 169 Convention, Cultural absorption capacity, Robust Regression, Interaction Model

INTRODUCTION TO THE SOCIO-ECONOMIC PROFILE OF THE INDIGENOUS PEOPLE OF KALASH VALLEY

Indigenous people of any country are a precious part of its cultural heritage. The cultural and social preservation of these people is an integral responsibility of that country. With a unique religion and rich culture, the people of Kalash are distinct from their fellow countrymen in all social aspects. They are found living in the remote valleys of Bumburet, Ramboor and Birir situated in the Chitral District. Their reputation as a distinct civilisation can be traced back long before the birth of Pakistan. While some believe in the local myth of them being the descendants of the great Alexander's army, others think of them as remnants of the ancient civilisation known as Nysaeans (Naqvi, 1996, p 677). During the 1800s it was estimated that the Kalashi ranged from 200,000 to 600,000 in population; however, this number has reduced drastically over the years with only 2500 Kalashi reported today. Earlier, they were looked down upon as an image of servitude until 1972 when slavery was abolished and they were entitled to a set of rights under the Pakistani Constitution. With only 2500 Kalashi remaining, Pakistan faces the issue (though not the obligation) to not only secure their survival but also to preserve their identity as a distinct religious and ethnic group. Legally, they should enjoy privileges and rights like any other citizen of Pakistan; however, in reality their interests are far from protected.

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ILO CONVENTIONS 107 & 169: ASPECTS OF SOCIO-POLITICAL IDENTITY AND POSITIONALITY

Subsequent to its initiation in 1919, ILO has been addressing the issue regarding the welfare and development of indigenous communities³ around the world. Its first major contribution to the field was in 1957 in the form of Convention No. 107, also known as the Indigenous and Tribal Populations Convention. However, the Convention was criticised as an instrument that would slowly integrate indigenous interests into national interests, legitimising the gradual elimination of indigenous identity and culture (Naqvi, 1996, p 707). Because of the criticism it faced, the Convention was revised extensively and in 1989, was renamed to the Indigenous and Tribal Peoples Convention (Convention 169). Today, only 20 countries have ratified the new Convention (excluding Pakistan). The 169 Convention not only incorporates the drawbacks of the 107 Convention, but has also taken a major step in redefining indigenous rights.⁴ The essence of the Convention lies in the two fundamental concepts: consultation and participation. Together, they provide the basis for the provision of right to determination.

However, the 169 Convention is far from perfect. Although it recognises their right to self-determination, it does not give them the power to veto any government decisions (for example, a development project or extraction of resources). Moreover, the Convention acts as a compromise between the government, indigenous people and the society. Governments might not be entirely pleased with indigenous autonomy undermining their governance, especially if they are not aligned with national interests. Similarly, Pakistan is not a signatory of the new Convention (169) as basing its policies on this Convention would undermine the autonomy of the government in terms of the legal, social, and economical structure pertaining to the Kalash region. For example, the current regime is more inclined towards industrial and region-specific infrastructural development as opposed to the protection and preservation of an indigenous community. Furthermore, being an Islamic state, the level of openness in the people of Pakistan towards a pagan religion and culture is particularly low which is why accepting the cultural identity of such an ethnicity is a somewhat gradual process. As a result, providing the right to self-determination to them is not on the government's top priority list.

OUTSIDE COMMUNITY PROVOCATION, VICTIMISATION AND COMPLIANCE WITH ILO 169 CONVENTION

The rich cultural heritage of Kalash attracts a lot of local and international tourism in that region. Ironically, it is not the indigenous population that benefits economically from this influx of tourists. The hotels, jeeps and shops are owned by the non-Kalashi Muslim population. Hence the Kalashi, despite being the reason for bringing tourism to that region, do not benefit from it (Naqvi, 1996, p 692). Also, increased tourism is actually leading to more subtle social issues. For example, many Kalashi women are photographed and perform ceremonial dances for tourists in exchange for monetary compensation thus serving as a source of income. But since these ceremonial dances have a deeply-rooted religious significance for the Kalashi people, the elderly Kalashi have denounced it as a "form of prostitution" (ibid, p 691-692).

The cultural and religious values and practices⁵ of Kalash also make them a target of Muslim missionaries coming to the region for the purpose of coercing the local Kalash to convert to the

³ Although the term, 'indigenous people', has been described in various ways across literature, ILO identifies it as a group of people or community living in historical continuity with their own unique and traditional lifestyles, distinct culture and customary ways of life. Alongside they have their own social association and political foundations regardless of their legal status in the society.

⁴ It addresses a wide range of issues such as defining land and property rights, access to basic needs such as food, shelter, education, health, sanitation etc., preservation of natural resources, access to employment opportunities and vocational training.

⁵ Particularly in terms of relaxed extramarital affairs, consumption of wine and idolatry.

Muslim faith. Recently, militant Muslims have posed a more blatant threat to the already dwindling population of Kalash in the form of unconcealed coercions to convert to Islam. Furthermore, owing to the contrasting nature of the Kalash customs and values with those of Pakistan in general, the Kalash do not openly celebrate their festivals with ardent passion, in fear of retribution by Muslim extremists. In light of the Conventions 107⁶ and 169, Pakistan still has a lot of ground to cover when it comes to giving rights to the Kalash people. Article 4 of the 169 Convention talks about safeguarding the people and their institutions, while Article 5 states that policies, which aim for alleviating difficulties faced by the indigenous people, should be implemented with their consent and involvement. However, in reality, the situation is much grimmer. The Kalash have little protection against outside forces, while consultation in policy and decision-making to counter such forces is minimal.

COLLABORATION OF COMMUNITY WITH STATE INSTITUTIONS FOR NEEDS ASSESSMENT OF DEVELOPMENTAL PROJECTS

State institutions play a vital role in the development and policy-implementation of a country. Participation and collaboration are crucial if state institutions mean to effectively cater to the needs of the indigenous population. The current state of Pakistani institutions has deteriorated over the years owing to factors such as corruption, illiteracy and overpopulation. State institutional failure has rendered them incapable of providing the Kalash people with adequate facilities and development in the region. For example, in 2013 Mahmood Khan⁷ collaborated with the members of the Kalash community to discuss their problems and even allocated Rs.10 million in an Annual Development Program for carrying out developmental projects in the region. However, to this day, no signs of such developmental projects have been seen. Unfortunately, the contributions made by foreign institutions towards infrastructural and social development in the Kalash Valley surpass those made by the state institutions. For example, the sole hospital in the Bumburet Valley exists due to efforts made by the German Red Cross Foundation. Out of the local contributions, non-state actors such as Non-Governmental Organisations (NGOs) make the majority of them. In the 1980s, the Agha Khan Rural Support Programme (AKRSP) carried out infrastructural development projects that included laying out irrigation channels throughout the Valley. The success of developmental projects relies on a mutually dependent symbiotic relationship between the indigenous community's collaboration with state institutions rather than one entity benefitting the other. In case of Malaysia, it was found that the indigenous community should be given vocational education as well as financial support in order to attract more tourism (Ab.Hadi, 2013, p 1843).

RESEARCH CONCERNS AND STUDY OBJECTIVES

The study aims to find out how state institutions can play a role in preserving and protecting the people of the Kalash Valley, in accordance with the rights put forward by the 169 Convention. Moreover, it aims to find out how community participation, both within and outside the indigenous boundaries, can play a vital role towards the development and better standard of living for the people of Kalash. The objective is to highlight the factors that are in compliance with the Convention and point out those that show non-compliance. Most studies in Pakistan, regarding the Kalash Valley, have emphasised their rights using qualitative measures, whereas this study looks at both qualitative and quantitative aspects by using different econometric models (an area which lacks in-depth research pertaining to the topic). Hence, the study aims at testing the proposition that whether inter-jurisdictional governance

⁶Article 2(3) of the Convention 107 excludes the option of use of force and coercion to stimulate integration of the indigenous population into the national community while Article 7 allows for them to hold their own customs and institutions if they are not discordant with the legal system of the nation.

⁷ Khyber Pakhtunkhwa (KPK) minister of sports, culture, tourism and museums.

coordination and community support affects compliance with the 169 Convention, in a cross-sectional setting for the Kalash Valley in Pakistan, significantly or insignificantly.

COMMUNITY INTERNALISATION, CULTURAL ABSORPTION CAPACITY AND COMPLIANCE WITH ILO 169 CONVENTION

Globally, indigenous people in most countries are relatively deprived of economic resources. This might directly shape perceptions of the community regarding the strength of their cultural and religious identity, thus affecting their cultural absorption capacity. By having a low cultural absorption capacity, the indigenous population might not be receptive to changes in their social and physical environment. The level of cultural absorption capacity also has a significant impact on the extent of community internalisation within the people as a means of integrating with other communities. Having a high level of community internalisation, the indigenous people would be more open to outside cultures and societies. Thus cultural absorption capacity reflects how amenable the local population is towards any outside changes that directly affect their distinctiveness which in turn plays a vital role in determining the extent of community internalisation in the people. For example, in Northeast Arnhem Land in Australia, the indigenous community discussed the vitality of using traditional practices to deal with their troubles in order to maintain cultural, physical as well as emotional health (Petheram, 2010, 686).

A high level of cultural absorption capacity and community internalisation would thus certainly depict fulfilment of rights to religious, cultural, and social security. The 169 Convention clearly describes the rights of indigenous people to preservation of their religious identity and cultural heritage. Therefore, a high degree of cultural absorption capacity and community internalisation illustrates high level of compliance with the ILO 169 Convention.

NEEDS ASSESSMENT OF DEVELOPMENT PROJECTS WITH INSTITUTION: INTER-JURISDICTIONAL GOVERNANCE COORDINATION

The effectiveness of the developmental projects in any region depends heavily on the level of inter-jurisdictional governance coordination present in decision-making. Compliance with interests of the indigenous people will result in better social and economic prospects. In Malaysia, it was found that the indigenous population is ready to be more involved in the tourism sector given that the tourism activities serve its best interests, viz.: employment, infrastructural development, maintenance of health, and contribution to additional revenue (Ab.Hadi, 2013, p 1842).

It is crucial that consultation be used to mutually outline the benefits of developmental projects to be gained by both the government and the indigenous people. If any project serves national interests but proves to be detrimental for the local community, the local people may not accept that the projects to be carried out. For example, in 1989 landowners on Bougainville Island in Papua New Guinea launched a rebellion owing to the immense impact of mine pollution on their livelihoods and inadequate compensation. The rebellion caused one of the largest copper mines in the world to be completely closed down (O'Faircheallaigh, 2013, p 22).

Involvement of indigenous people in the needs assessment and decision-making of developmental projects is critical if governments want to ensure successful commencement of their activities. Involving the local community not only employs the use of local expertise, thus boosting the efficiency and effectiveness of activities, but also helps keep at bay obstacles raised by local communities due to a lack of consultation and involvement. In the case of Australia, the indigenous people have been able to develop governance activities like developing a partnership with government and non-government institutions that work on environmental and natural resource management (Maclean, 2015, p 143).

COMMUNITY SUPPORT, COMMUNITY PARTICIPATION AND COMPLIANCE WITH 169 CONVENTION

Community support characterises participation within as well as outside of a society. The members of any indigenous population depend heavily on the support that they receive from other members within their community. According to Richmond et al., Social support behaviour can be classified into four different classifications. Positive interaction refers to the care a person gets from spending time with other individuals in the society. Support can also be emotional, which refers to guidance and feedback that might aid a person in finding solutions to their problems. Another form of support is tangible support that refers to material aid, such as having somebody to take care of you when you are ill. Support can also be through fondness, warmth and intimacy, which relate to love, care, and empathy (Richmond, 2008, p 1827-1828).

Community support might even come from outside communities in the form of acceptance of the religion and culture of the indigenous people. The need for participation in indigenous communities is necessary for development. Participation helps decrease or even overcome the effect of bounded rationality; individuals may wish to amalgamate their inadequate capacities by engaging in a dialogue and proliferate the chances of effective decision-making. Community participation must also include the involvement of women so that they actively contribute towards community development. In Guatemala, a country with a largely young, poor and indigenous population, decisions that the marginalised Mayan girls make largely involve their partners, family, community, as well as health providers. The key method to address problems of sexual and reproductive health pertaining to these indigenous girls is to use a participatory approach (Wehr and Tum, 2013, p 141). In light of Article 2(1) of the ILO 169 Convention, governments are responsible for developing actions for the protection of the indigenous people with the participation of the people concerned. Therefore, community support is essential for the fulfilment of the rights of indigenous people.

NATURE AND DIVERSITY OF EXTERNAL THREATS AND RISKS: ASPECTS OF NON-COMPLIANCE WITH ILO 169 CONVENTION

Across the globe, indigenous people are known for being victims of various external and internal risks that threaten the sanctity of these civilizations. One of these threats is that of oppression from external communities. Indigenous populations face a lot of persecution if they follow a different religion than the outside communities. In extreme cases, powerful non-secular communities might even coerce the native population into converting to their own religion (Elias, 2012, p 1561). External communities also pose threats in the forms of deforestation and the draining of local resources. Most indigenous communities live in areas abundant in natural resources, which serve as a basis for their sustenance. Literature has documented the economic and social marginalisation of the indigenous people of these areas, which are affected by extractive industries ((O'Faircheallaigh, 2013, p 23).

Even internal threats, like violence patterns among indigenous men that are apparently manifestations of a certain culture located where non-indigenous and indigenous societies intersect are defined as products of external factors such as alienation, poverty, discrimination, stress, and dispossession (Sutton, 2001, p 134). When considering the rights of indigenous people as given by the ILO Convention 169, Article 5 requires social, cultural and religious values to be preserved and protected and that due account should be taken of the problems faced by local people as a group and as individuals.

INSTRUMENT DEVELOPMENT FOR ASSESSING COMPLIANCE/NON-COMPLIANCE WITH 169 CONVENTION

The ILO 169 Convention is an instrument that recognises indigenous peoples' right to self-determination on an international platform. It acts as a guideline for different institutions such as the government, community, and NGOs, as well as individuals as to how they can play a

role in the provision of the Convention. For this research, the dependent variable, ILO,⁸ is measured with the help of the articles provided in the 169 Convention. Questions were derived using these articles and measured on a Likert scale from 1 to 5, where 1 indicates non-compliance and 5 indicates compliance towards the Convention. Hence, a total of 35 items were used to assess the variable “ILO”.

In order to measure the degree of fundamental freedom enjoyed by indigenous people without any hindrance (Article 3-1), the respondents were asked to rank a series of questions on a scale of 1 to 5; where 1=“strongly disagree”, 2=“disagree”, 3=“neutral”, 4=“agree” and 5=“strongly agree”. For example, to check for the degree of freedom, they were asked if they were given the right to freely celebrate their cultural festivals; whereas for the hindrance component, they were asked if they are able to freely celebrate these festivals even if they are contradictory to the Islamic and cultural values of the country. Likewise, they were asked to rank the different types of festivals celebrated without any element of fear. Similarly, a series of questions were used to measure their legal status, economic well-being, the discrimination component, and other articles pertaining to land rights, resource protection, job opportunities and skills enhancement, and healthcare. Responses were summed up and an average was taken. Respondents, whose averages were equal to or greater than 3, were treated as individuals moving towards the compliance side of the Convention. All others, whose averages were less than 3, were considered as individuals moving towards the non-compliance side. In the end, the variable ILO was taken as a dummy, where 1 represents all those respondents whose averages were 3 or above (hence, 1 indicates compliance), whereas 0 represents the ones whose averages were below 3 (indicating non-compliance).

QUESTIONNAIRE DESIGN, SAMPLING AND DATA COLLECTION DETAILS

In order to see the impact of inter-jurisdictional governance coordination and community support towards the compliance/non-compliance of the ILO 169 Convention, a cross-sectional study was carried out on the indigenous people of the Kalash Valley in Pakistan. As a result, primary data was collected with the help of questionnaires. These questionnaires were floated between 44 Kalashi residing in the Bumburet Valley, where the respondents were selected through convenience sampling. In order to get accurate answers, the questions were translated in either Urdu or Kalashi for a better understanding. Coming to the designing of the questionnaire, each respondent was asked a total of 178 questions which were divided into nine sections.⁹ The variable inter-jurisdictional governance coordination was measured using the following statement: the locals are consulted by the government before embarking on any project in your area. Again, all such statements were ranked on a scale of 1 to 5 (the interpretation of the scale is the same as above). Community support was measured using two variables: community participation and legal autonomy, where community participation is estimated through a series of questions as opposed to using a single question for measuring legal autonomy. Legal autonomy was measured through the following statement: the government gives you full autonomy in implementing your own legal system. For the variable community participation, different statements were used which covered a range of topics such as women participation, role of locals in community development, acceptance of religion by society, freedom to follow and practice religion, local Muslim community respecting culture, dispute settlement, participation so on and so forth. Other variables such as knowledge outreach and victimisation were measured using single statements, whereas the individual profile was

⁸ ILO is the name used to measure the dependent variable that shows the extent of compliance with the Convention.

⁹ These sections include: (A) Demographics, (B) the ILO 169 Convention, (C) Culturally-Appropriate Education, (D) Cultural Absorption Capacity, (E) Respect for Identity and Non-Discrimination, (F) Interprovincial Resource Conflict, (G) Political Aspect: Vulnerability and Victimisation, (H) Access to Infrastructure and Other Services, and (I) Life Expectancy Gap.

measured using a series of questions such as one's education status, sense of security and cultural absorption capacity.

SPECIFICATIONS AND ESTIMATION OF ECONOMETRIC MODELS

Three models have been used to study the impact of inter-jurisdictional government coordination and community support towards the compliance/non-compliance with the ILO 169 Convention. The dependent variable (ILO), denoted by Y, is taken as a dummy variable and is a function of the following independent variables: community participation, legal autonomy, knowledge outreach, inter-jurisdictional governance coordination, victimisation and individual profile. These are denoted by X_1 , X_2 , X_3 , X_4 , X_5 and X_6 respectively. The coefficients with the positive sign show a direct relationship with the dependent variable (compliance with the Convention), whereas a negative sign shows an inverse relationship (non-compliance with the Convention). The models used are as follows:

Robust Regression

On apprehension of heteroskedasticity, as caused by cross-section studies, Robust Regression was preferred. It can be used as an alternative to least squares regression. In this method, different weights are assigned to observations based on how well behaved the observations are. Hence, it may be used to detect influential observations. In order to see how different independent variables have an impact on the dependent variable (ILO), the following econometric model is used:

Compliance with ILO convention 169 = community participation + legal autonomy + knowledge outreach + inter-jurisdictional governance coordination + victimisation + individual profile + e

Quantile Regression Model

Quantile Regression has been estimated keeping in mind that this model gives relatively more weight age to not too extreme observations. This model is used as a competing model and might be used as an alternative to robust regression. The coefficients are estimated by reducing the absolute deviations from the median instead of the mean. In other words, this model reduces the aggregate value of absolute residual terms. The model estimated the values at quantile 0.5.

Compliance with ILO convention 169 = community participation + legal autonomy + knowledge outreach + inter-jurisdictional governance coordination + victimisation + ϵ_i

Tobit Model

The Tobit Model has been used due to the ordinal nature of the data. It is estimated by transmitting the ordinal scale of compliance/non-compliance with the ILO 169 Convention into the form of high/low compliance, where 1 shows high compliance and 0 shows low compliance. This model is also used as a competing model in order to estimate the linear relationship between variables after censoring the dependent variable. The function for the following model is the same as mentioned in Robust regression specification.

Profile of Survey Respondents

The respondents were the indigenous people residing in the Bumburet Valley. 44 respondents were interviewed ranging from the ages of 17 to 52. The majority of them had farming or managing livestock as their main source of livelihood, whereas their incomes ranged from around 5,000 rupees to up to 40,000 rupees only. The family size of these households was large, with the highest comprising 16 members living under one roof. In order to find a decent job, the majority of the men work outside the cultural boundaries. Females were mostly involved in either making handicrafts or doing household chores.

ESTIMATES OF COMPETING MODELS, GOODNESS-TO-FIT AND MODEL CONSOLIDATION TESTS

Dependent variable	Compliance with ILO 169 Convention (Taken as dummy, 1=compliance; 0=non-compliance)		
Independent Variables	Robust Regression	Quantile Regression	Tobit Model
Community Participation (Average was taken of 9 items measured on a scale of 1 to 5; 1 for non-compliance, 5 for high compliance)	0.3155798 (1.84) [0.074]	0.3496504 (1.89) [0.067]	0.4058148 (1.87) [0.069]
Legal Autonomy (Measured on a scale of 1 to 5; 1 for non-compliance, 5 for high compliance)	0.155964 (3.40) [0.002]	0.1923077 (4.00) [0.000]	0.195387 (3.28) [0.002]
Knowledge Outreach (Measured same as above)	0.0767815 (2.20) [0.034]	0.0384615 (0.99) [0.327]	0.0965749 (2.21) [0.033]
Inter-jurisdictional Governance Coordination (Measured same as above)	0.1606746 (3.72) [0.001]	0.2307692 (4.93) [0.000]	0.193124 (3.27) [0.002]
Victimization (Measured same as above)	-0.1054169 (-3.14) [0.003]	-0.1153846 (-3.23) [0.003]	-0.1447947 (-3.35) [0.002]
Individual Profile (Measured same as above)	0.102302 (2.10) [0.043]	-	0.1566858 (2.57) [0.014]
Constant	-1.53454 (-2.64) [0.012]	-1.625874 (-2.62) [0.013]	-2.214686 (-2.99) [0.005]
Number of observations	44	44	44
Goodness-to-fit and Model Consolidation Tests			
Adjusted R-square	0.6492	-	-
Pseudo R-square	-	0.3429	0.5578
Prob> F	0.0000	-	-
Prob> Chi2	-	-	0.0000
Breusch-Pagan test	Prob>chi2=0.07 12	Prob>chi2=0.016 7	Prob>chi2=0.071 2
Variance Inflation Factor	Mean-VIF=1.11	Mean-VIF=1.06	Mean-VIF=1.11
Likelihood-ratio test	Prob> chi2=0.0000	Prob> chi2=0.0000	Prob> chi2 =0.0000

Note: Below the coefficient value, we report t-statistic in () and p-value in []

The data collected in cross-sectional studies often contains the problem of heteroskedasticity in them. Hence, consolidation tests were carried out on the results. To check for heteroskedasticity, a Breusch-Pagan test was conducted. The p-value in the Robust Regression and the Tobit Model was greater than 0.05 so we do not reject the null hypothesis, i.e. variance is constant and there is no indication of heteroskedasticity. However, for the Quantile Regression model, the p-value was less than 0.05 so we reject the null hypothesis, i.e. variance is not constant and there is a problem of heteroskedasticity in the data set. Moreover, to check for multi-collinearity the Variance Inflation Factor (VIF) test was carried out. In all three models, the VIF was closer to 1, which indicates no problem of multi-collinearity. A likelihood-ratio test was also conducted. The prob>chi2 value was less than 0.05, which shows that the main independent variables such as inter-jurisdictional governance coordination and legal autonomy have an important impact on the model.

Lastly, the adjusted r-square is equal to 64.92% in the Robust Regression Model, which indicates that moderate amount of variations in the dependent variable, ILO, have been explained through the independent variables. Moreover, according to McFadden, psuedo r-square in the range of 1 to 4 indicates goodness-to-fit, which in this case it is.

ANALYSIS OF FINDINGS

Inter-jurisdictional Governance Coordination and Compliance with 169 Convention

The results in the above table show a positive relationship between the dependent variable, ILO, and the independent variable, inter-jurisdictional governance coordination. The variables are highly significant at 1%, which implies that the higher the degree of inter-jurisdictional governance coordination, there will be more compliance with the Convention. As mentioned earlier, the essence of the Convention lies in the consultation and participation between the state and the indigenous community. If the state consults these people (keeping their interests in mind) before initiating any project or implementing any policy in the area, it will mutually benefit both parties. For example, if the government of Pakistan takes more pride in preserving the Kalashi language and culture, it will result in more domestic as well as international tourism. The income earned from increased tourism will not only have a positive impact on local livelihood, but will also result in capital inflow for Pakistan.

The majority of the Kalashi were in agreement that government officials, institutions, and NGOs do consult with them before embarking on a new project, though the implementation of these projects is an entirely separate issue. Recently, the district police as well as the army have started providing security to the Kalashi people during their religious festivals. The main purpose behind this security detail is to ensure that they carry out these festivals in peace and harmony without any fear (due to local or external threats), which again demonstrates compliance towards the ILO 169 Convention.

Community Support and Compliance with 169 Convention

According to the results shown in the table above, there is a positive relationship between community participation and ILO. The variable, community participation, is significant at 5%, which implies that the higher the community participation, the higher will be the compliance with the ILO 169 Convention. Community participation can be defined both in terms of participation and perception.

High community participation will result in indigenous people enjoying more autonomy and engagement in the decision-making process. In Kalash, the locals are given the freedom to exercise their own legal system.¹⁰ According to the respondents, they settle their disputes through a Kazi or the elders of their community with minimum intervention from the government. Moreover, they are also given the option of settling disputes through the national legal system. The results found also show a similar trend. The variable legal autonomy, which measures the freedom given to locals to implement their own legal system, is highly significant at 1% and shows a positive relationship between legal autonomy and ILO.

Community Risk Factors and Compliance with 169 Convention

For a long time, the Kalash have been a victim of both internal and external threats. Living in an Islamic state, the distinct religious and cultural practices of Kalash are not easily and openly accepted in the society. As a result, Muslim missionaries and extremists are playing their role in influencing Islam into the Kalash Valleys. Different forms of victimisation were measured

¹⁰ Jirga system.

with respect to their intensity and frequency. Among others, the variable abduction (denoted by the name “victimisation” in the model) was the most significant at 1%. It showed a negative relationship with the dependent variable ILO, which means that as incidences of abduction from within the community rise, there will be non-compliance with the ILO 169 Convention. The variable showed significance due to a recent incident reported in the Valley. According to the respondents, a foreign NGO worker was abducted from their community by the Taliban, in order to send the tribe a message to stop their non-Islamic practices.

Other Potential Factors Explaining Compliance/Non-Compliance with 169 Convention

Individual profiles of Kalashi people (including one’s education status, sense of security and capacity to absorb other cultures) were also measured in order to show compliance with the Convention. The literature shows that there should be a positive relationship between the two, which also corresponds with the results found in this study. The independent variable came out to be significant at 5%. This means that as an individual’s profile improves, there will be more compliance towards the ILO 169 Convention. Although the education available to the people of Kalash is only till secondary level,¹¹ the tribe has a strong sense of security from within their own community (if not from communities outside the tribal boundaries). This is due to the fact that the Kalashi have a high context culture, where emphasis is more on interpersonal relationships. As a result of this sense of security, their cultural absorption capacity will also be high.

Lastly, a separate variable (knowledge outreach) was used to measure how easily the Kalashi can apply external knowledge to their community. The variable showed a positive relationship with ILO, meaning that there would be more compliance with the Convention if the Kalashi can easily apply external knowledge in their community. Unfortunately, in the case of Kalash the variable appeared to be insignificant. This is due to the fact that the tribe is geographically isolated with limited access to literature and technology such as high-speed internet, network coverage, technical machinery, etc., which prohibits them from applying external knowledge effectively.

CONCLUSION

Although Pakistan is not a signatory of the ILO 169 Convention, appropriate steps need to be taken in order to protect and preserve the culturally unique and rich Kalashi tribe, as it is an integral part of the country’s heritage. The findings of this study show how state institutions play a vital role in terms of not only economic development, but also in cultural and identity development of these indigenous people. Two major factors that show high compliance with the ILO 169 Convention include inter-jurisdictional governance coordination and community support, which are also the essence of the Convention. Even though the findings suggest that consultation and participation is necessary in order to comply with the Convention, it is equally important that these mutual agreements are implemented effectively by the State. In Pakistan, however, the situation is somewhat different.

LIMITATIONS OF THE STUDY

There were several constraints faced by the researcher while conducting this study. First and foremost, the researcher faced time constraints while conducting the surveys. The fact that each question had to be translated into either Urdu or Kalashi, only 44 respondents could be interviewed. Moreover, we used non-probability sampling design, keeping in view different cross-sectional people in the Kalash Valley, so the sampling design is convenience sampling. Furthermore, due to geographical constraints, only the indigenous people of Bumburet Valley

¹¹ Majority of the respondents received only primary level education

could be interviewed leaving out two other Valleys (Birir and Rumboor). Apart from that, some of the respondents took the survey not as an academic study but some sort of needs assessment for a developmental project in their community. As a result the researcher felt an apprehension while reporting vulnerability or state of deprivation. In some situations the language barrier was also an issue. Lastly, as it is student-based research, the researcher also faced some financial constraints.

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EMOTIONAL INTELLIGENCE AS PREDICTOR OF ACADEMIC ACHIEVEMENT AMONG GIFTED AND TALENTED LEARNERS IN MALAYSIA

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ABSTRACT

A number of researchers have shown that intellectual Intelligence (IQ) and Emotional Intelligence (EQ) are important predictors to students' achievement performance. The purpose of this study is to examine the relationship between EQ and academic achievement among gifted and talented students in Malaysia. 112 students from PERMATApintar National Gifted Centre, National University of Malaysia (UKM) participated in this study. Data was analysed using inferential statistic (Pearson Correlation, Multiple Regression Analysis). Results from the finding showed that there was a significant positive correlation between EQ and academic achievement ($r=.720$, $p=0.00$, $p<0.05$). The findings indicate the importance of EQ in students' academic achievement. It provided a fundamental basis on the importance of teachers' role in applying EQs' elements in the teaching and learning process, especially among gifted and talented students. This paper proposes that EQ components to be embedded across the curriculum.

Key Words: emotional intelligence, academic performance, gifted learners, high school, motivation

1.0 INTRODUCTION

Emotion is an important element in the education process. Its role in stimulating attention may affect the processes of learning and memory (Greenberg and Snell, 1997). According to Greenberg (2004) various emotions which start from high-energy feeling, passion, and attractions towards peace, silence and withdrawal, and negative or mal-adaptive emotions which refer to emotions that are negative such as anxiety, anger, guilt, and grief. The ability to understand and use a range of emotional dynamics can motivate individuals in jobs or tasks performed. Meanwhile, inability to practice emotional competence may lead to stress and demotivation. Inability to adjust emotions in the learning environment will affect the ability of students to focus and remember, thus producing poor quality work (Sharp, 1975). This situation will lead to anxiety and frustration which then makes students emotionally disturbed (Maria et al., 2004). Lewkowicz (1999) stated it is difficult for teens that are always anxious, unhappy,

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and irritated to be ideal or excellent students. They usually cannot take any information efficiently and accurately, or feel difficult to manage information well (Goleman, 1995). Apparently, anything that affects students' emotional state may also affect their learning performance. Therefore, students need to have emotional intelligence (EQ) competencies to help them manage their emotions when facing challenges throughout the learning endeavour. Many studies have shown EQ as a good predictor of self-efficacy (self-confidence) and students' assessment of educational programme (Bellamy, Gore, Sturgis, 2005). The importance of EQ in managing and controlling students' emotions is undeniable. Consequently, most studies suggested that EQ competencies to be applied in educational programmes across the curriculum including programmes for gifted and talented. (Ghasem 2013; Maria et al. 2004; Mohammad, Saber and Kayhan, 2013; Ogundokun and Adeyemo 2010; Yahaya; Yahaya and Nor, 2013).

1.1 Statement of Problem

Educational studies on gifted and talented students (GTS) often focused on cognitive abilities until sometimes ignore the affective needs of social and emotion. Fogarty (1998) suggested that the studies on GTS should also look at their social and emotional management skills because GTS was seen as a risky group in the aspect of socio-emotional development (Manaster and Powell, 1983; Bellamy et al., 2005). Previous studies had tried to assess the ability of GTS to solve self-adjustment problems related to socio-emotional issues. Versteynen (2013) found GTS' socio-emotional adjustment is closely related to the type of intelligence, coordination of education and personal characteristics, particularly the elements of affective or mood. In fact, students with high level of intelligence are found to be vulnerable towards socio-emotional adjustment problems and are prone to isolation psychosocial risks (Roedell, 1986; Clark, 1992; Brown, 2009; Silverman, 1994).

The combination of all psychosocial and emotional issues showed GTS to have complexity issue or high emotional complexity, which is known as '*overexcitabilities*' (OEs) (Dabrowski, 1977; Silverman, 2002). There was evidence-proving GTS to have higher OEs than their normal or average friends (Nelson, 1989; Silverman, 1994). Whitmore (1980) explained the lack of psychosocial and psychoemotional skills among GTS. The results of these pathological issues would undermine the IQ, which was claimed to circumvent the students' success in life. Researches on EQ were carried out on secondary school students. The results revealed EQ competency can affect students' academic performance and achievements (Noordin et al., 2013; Maria et al., 2004; Khaledian, Amjadian, and Pardegi, 2013; Hoy, Tarter and Woolfolk, 2006). EQ competencies are found to be contributing to a decrease in anxiety and stress, improving adaptability, interpersonal relationships and attitudes of self-direction or *self-directed*. Thus, GTS must be guided with knowledge and emotional management skills to enable them to remain exceptional and to maximize their intelligence potential in education and life.

1.2 Research Objectives

- 1.2.1 To identify the relationship between EQ and the academic achievements of gifted and talented students
- 1.2.2 To identify the contributions of EQ components towards the academic achievements of gifted and talented students.

1.3 Research Hypotheses

- Ho.1 There is no significant relationship between EQ and academic achievement among gifted and talented students.
- Ho.2 EQ components do not contribute to gifted and talented students' academic achievements.

2.0 LITERATURE REVIEW

2.1 Emotional Intelligence (EQ)

EQ is a skill that allows individual to identify and manage their own emotions as well as to identify other people's emotions and have good relationship with them (Goleman, 1996). Mayer, Salovey and Caruso (2000) stated that EQ allows individuals to think more creatively by using emotions to solve problems. Sternberg (1997) perceived EQ as skills that help individuals to achieve personal satisfaction and academic achievement, career, marriage, and physical health. Furthermore, Cooper and Sawaf (1998) stated individuals with high EQ are those who are delicate, fine and careful in observations to understand feelings, are willing to acknowledge and appreciate own feelings and others' as well as are able to give accurate response by applying emotional energy effectively. Individuals with high EQ are claimed to be able to identify, use, understand and control emotions. Literature review shows EQ having a significant relationship with a number of variables such as empathy, verbal intelligence, openness to feelings, self-esteem, interpersonal skills, self-knowledge, self-achievement, academic performance or achievements, creativity, leadership, stress and mental health (Boyatzis, Goleman and Rhee, 2002; Ciarrochi et al., 2000; Davies, 2005; Hamachek, 2000; Lam, 2002; Mauldin, 2002; Mayer, Salovey and Caruso, 2000; Williams and Shiaw, 1999). Individuals' ability to use emotions effectively in decision-making, problem solving, planning and managing are consistent with the behaviour associated with a good academic achievement (Akbar et al., 2011; Maria et al., 2004; Ghasem, 2013; Parker et al., 2004; Noordin et al., 2013; Mahsome, 2013).

2.2 Gifted and Talented Students (GTS)

GTS is individual with high cognitive abilities, high creativity and deep commitments with performing tasks (Renzulli, 2014). Gagne (1995) suggested, GTS whose giftedness has been identified need to go through the process of development through education, training and attempts via intrapersonal and environmental awareness that serve as catalysts towards making these individuals talented. Renzulli (2005) sees gifted children through the *Model of Three Rings* that puts three main features, namely exceptional cognitive abilities, high commitment in performing tasks and high creativity level. He explains that gifted and talented quality is not fixed or permanent. Instead, this quality is constantly changing depending on the situation and environment that contribute to the development of intelligence that would make such an individual talented. Gardner (1993) in *Theory of Multiple Intelligences* sees intelligence in its nine qualities; mathematical logics, verbal linguistic, spatial space, body kinaesthetic, music, intrapersonal, interpersonal, naturalism and existentialism. In addition, Sousa (2003) sees gifted children qualities from psychological aspect, which focuses on cognitive and metacognitive aspects, namely those involving the use of higher-order thinking in learning process.

Malaysian researchers' concept of GTS focused on the aspects of attitude and personal traits that enrich and support the development of personal ability. Gifted and talented individuals must have: (i) natural internal ability in cognitive skills including; reasoning ability, problem solving, and planning. Good cognitive abilities are demonstrated by learning speed and efficiency in organising learned information: (ii) opportunity to be in gifted situation, where individuals do not only have high cognitive abilities, but can also use those skills well, via a suitable and supportive environment. A supportive environment involving various teaching and learning approaches that are capable to provoke learning enrichment, acceleration, and curriculum compression; and (iii) attitude and satisfactory personal qualities are important in enriching and supporting the development of natural self-ability, which exists in such individual to achieve the stage of talentedness. Such features include friendliness in community, meticulousness and conscientiousness. In addition, this individual is able to

influence others because it has competent leadership, proficient speech and the power to persuade, all of which contribute to him or her becoming gifted and talented (Rosadah, Noriah, Melor 2009).

2.3 EQ and Academic Achievements (AA)

Past research has shown a significant relationship between EQ and AA (Azizi and Nordiana 2006; Maria et al., 2004; Khaleidian et al., 2013; Mahsome, 2013; Maizatul, Norhaslinda, & Norhafizah, 2013). Research by Noordin et al. (2013) showed EQ had a significant relationship with Form 4 students' academic achievements. Other factors like peer influence, religious knowledge, family and financial problems, as well as counselling sessions did not show any relationship to academic achievements. Inline to that, research on EQ and academic achievements among secondary school students in Malaysia by Maria et al. (2004) found out that there is a positive correlation between these two variables. Likewise, a research on 100 accounting students by Khaledian, Sabe and Kayhan (2013) proves a positive correlation between EQ and academic achievements, and there is no EQ difference between male and female students. Research by Parker et al. (2004) has also found out the existence of significant EQ relationship with the academic achievements of 667 high school students in America and has proven a strong connection between academic success and EQ components. Nwadiigwe and Obieke (2012) have also found out that EQ has a positive relationship with academic achievements of students in Lagos. Next, Hoy, Tarter and Woolfork (2006), through a study on relationship between academic achievements and optimism of students in Mid-West areas in America found out that optimism, which was one of self-motivation components, has significantly contributed to students' achievements. A further research on EQ by Rode (2007) predicted EQ has connection with academic achievements for two reasons. Firstly, academic achievements involved much ambiguity and secondly, most parts of academic work were self-related, which required a high level of self-management. Therefore, individuals with higher EQ would do better in academic. Research by Muhammad Akbar et al. (2015) on students in Pakistan, has proven a significant relationship between EQ and academic achievements. Students from urban areas had better EQ score than students coming from rural areas. Finally, through the same research, it showed students with better socio-economic background scored higher EQ than students with lower socio-economic background. Mahsome (2013) proved the importance of EQ among students that there would be no future success for students having academic achievements without EQ. The study has also revealed that students with higher, average and lower academic motivation showed different EQ, which finally affected their academic achievements. Thus, all these studies have recommended EQ skill to be included in school curriculum due to its positive effects in improving students' achievements.

3.0 RESEARCH METHODOLOGY

Quantitative research methods are used for this study. The survey was administered to 112 samples from PERMATApintar National Gifted Centre, Universiti Kebangsaan Malaysia. The centre was established in 2009, offering activities inclusive of identifying and selecting gifted students through an online system developed by the university, a three-week holiday camp operated in cooperation between UKM and Johns Hopkins University-Centre for Talented Youth (JHU-CTY), and a college of secondary and tertiary education for GTS aged between 12-17 years old. The centre provides a residential education programme using a comprehensive academic curriculum (equivalent to the 'O' Level and 'A' Level in the UK), research mentoring programme, extra-curricular activities that involve community and volunteering services. On top of that, it also offers pre-university programmes as a way for gifted and talented students to continue to higher education level at the university.

3.1 Measures, Data Collection, and Data Analysis

Research participants were given Malaysia Emotional Intelligence Inventory (IKEM) by Noriah (2003). IKEM has seven domains with 180 items that measure (a) Self Awareness, (b) Self-regulation, (c) Self-Motivation, (d) Empathy, (e) Social Skills, (f) Spirituality, and (g) Maturity. Data on academic achievement were taken from the first semester examination results. The gathered data were descriptively and inferentially analysed using Statistical Package for Social Sciences (SPSS) version 18.0.

4.0 RESEARCH FINDINGS

4.1 The relationship between EQ and AA among GTS

The results of correlation analysis showed a presence of significant positive relationship between EQ and AA among Gifted and Talented Students (GTS), which can be clearly seen from Table 1.0 with a correlation value $r[112] = 0.72$, $p = 0.000$ ($p < 0.01$) for both variables. This value proved the existence of strong positive correlation between EQ and AA. This means that the higher the EQ level, the higher the increase of AA among GTS. Thus, the Ho. 1 null hypothesis is found to be not true and is rejected.

In addition, research findings also presented all EQ components to have positive correlation with the academic achievements of gifted and talented students. Pearson's analysis r showed a relationship between achievements and self-awareness, $r[112] = 0.492$, $p = 0.000$ ($p < 0.01$), self-regulation $r = 0.626$, $p = 0.000$ ($p < 0.01$), self-motivation $r = 0.700$, $p = 0.000$ ($p < 0.01$), empathy $r = 0.585$, $p = 0.000$ ($p < 0.01$), social skills $r = 0.512$, $p = 0.000$ ($p < 0.01$), spirituality $r = 0.512$, $p = 0.000$ ($p < 0.01$), and maturity $r = 0.546$, $p = 0.000$ ($p < 0.01$). This means the higher the level of self-awareness, self-regulation, self-motivation, empathy, social skills, spirituality and maturity, the higher the increase of AA among GTS. Thus, the Ho. 2 null hypothesis is found to be not true and is rejected.

Table 1.0 Pearson r Correlation between EQ and AA among GTS in PERMATApintar National Gifted Centre, UKM

Variables	EQ (whole)	SC	SR	SM	Empathy	SS	Sp	Mt
Academic Achievement	0.720	0.492	0.626	0.700	0.585	0.616	0.512	0.546
Significance	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
n	112	112	112	112	112	112	112	112

$P < 0.01$: SA Self-Awareness, SR Self-Regulation, SM Self-Motivation, SS Social Skills, Sp Spirituality, MT Maturity

4.2 The contributions of EQ components towards the AA among GTS

The table below displayed the results of stepwise multiple regression analysis which involve the contributions of seven EQ components towards dependent variable; academic achievements. The results showed that out of the seven EQ components which acted as predictor, (self-awareness, self-regulation, self-motivation, empathy, social skills, spirituality and maturity), self-motivation was the strongest predictor that influenced students' academic achievements, of $r^2 = 52.1\%$ ($p < 0.05$). The obtained value for regression analysis is ($F(7,112) = 18.273$, $p = 0.000$ ($p < 0.05$, $\beta = 0.414$, $t = 3.315$, $p = 0.001$). Meanwhile, the variables of other

EQ components were found to be less appeared as strong predictor towards the academic achievements of gifted and talented students. Spirituality ($\beta = 0.004$, $t = 0.155$, $p=0.967$ ($p>0.05$), and self-consciousness ($\beta = 0.014$, $t = 0.155$, $p= 0.877$ ($p>0.05$) were found to contribute least towards academic achievements.

Table 2.0 Variant Analysis

Variables	Beta β	t	p
Self-consciousness	.014	.155	.877
Self-regulation	.150	1.444	.152
Self-motivation	.414	3.315	.001
Empathy	-.117	-.745	.458
Social skills	.263	1.640	.104
Spirituality	-.004	-.042	.967
Maturity	.128	1.469	.145

Significant Level $p<0.05$

5.0 DISCUSSION

This study shows that there is a significant positive correlation between EQ and AA among GTS. The findings explain the higher level of self-awareness, self-regulation, self-motivation, empathy, social skills, spirituality, and maturity, the higher the academic achievement of gifted and talented students. This finding is consistent with the studies by Ghasem (2013), Hogan et. al (2010) and Mayer, Salovey and Caruso (2008). In addition, out of the seven components of EQ, only self-motivation has a significant predictive power towards GTS' academic achievements. The self-motivation efficiency contributed 52.1% to the achievements of GTS. This finding illustrated that GTS possess high achievement motivation, commitment, initiative, optimism and interest towards given tasks. The results supported Hoy, Tarter and Woolfork (2006) which found that optimism, one of self-motivation component had contributed significantly to students' achievement. Goleman (1996) stated self-motivation act as the driving force in correcting one's perception and actions. He added the most valuable reward for individuals who have high self-motivation is the challenge and creative stimulus to complete any job or task and the opportunity to continue learning. Driving factor like achievement will result in inner satisfaction caused by high commitment that would later generate self-recognition within motivated individuals (McClelland, 1989)

Goleman (1996) and McClelland (1989) views on self-motivation's role is in line with the characteristics of GTS which are said to have high cognitive ability, creativity and deep commitment in tasks. Goleman's view was supported by Chamorrow-Premuzic and Furnham (2006) which found that, although the relationship between intelligence and characteristics in EQ is weak, the EQ found is acting as moderator factor between intelligence and academic performance. A more in-depth research by Zeidner (2005) believed that students' strength of intrinsic motivation may contribute to the increasing level of EQ which will eventually affect problem-solving like GTS academic achievements. Thus, even though self-motivation is the only component that contributes to GTS academic achievement, the strong influence of internal factors is capable of promoting awareness to increase academic achievement. Therefore, teachers have to undertake and streamline the strategies to generate intrinsic motivation so that they can achieve excellent performance in any work especially academic achievement. Theroux (1994) has suggested a number of strategies that can be used by teachers to establish and maintain GTS motivation, such as; encouraging intellectual challenging activities, providing opportunities for students to use their talents in achieving success, offering a choice of activities to build ownership, providing a safe environment for students who have failed,

where they are guided to learn from failure, teaching them how to administrate assignments, using rewards and punishments carefully, helping students to build internal locus control, avoiding power struggles, giving students strategies to deal with frustration and uncertainty, and offering open activities that encourage creativity.

In conclusion, this study showed that EQ has a strong positive correlation with the academic achievement of GTS. Therefore, instillation of EQ component in teaching and learning process, as well as in GTS characteristic is recommended.

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VIOLENT VIDEO GAMES: VIRTUAL VICE OR ASPIRING FORTITUDE?

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ABSTRACT

Violent video games gained much attention when school shootings and bank robberies occurred whereby offenders revealed that they were avid players of violent video games. However linking violent video games to aggression is too simplistic. Therefore the aim of this study was to find out the relationship between violent video games and aggression. Focus group discussions were used to collect data from 50 adolescents aged 10 to 14. The subjects were selected according to their exposure to video games. The results of this paper do not support the belief that violent video games lead to aggression. Instead, violent video games encouraged the participants to communicate better with others, motivated their participation in sports and at school. Conversely, most parents had limited knowledge about their wards' time spent playing video games. The majority of parents allowed their children to play violent video games, provided they had completed their homework.

Key Words: video games, violence, parental supervision, friendship, communication]

INTRODUCTION

Violent video games' effects have been a debatable subject for years. Youth crime is becoming a serious issue and this is echoed in school shootings and other violent crimes. In most of the cases, media violence is blamed, especially violent video games. Violent video games are further delineated as games in which the player has a chance to inflict agony and perpetrate imaginary physical attack on another character (Annetta and Bronack, 2011, p 44).

In 2013 Aaron Alexis, an obsessive player of Call of Duty, a violent video game, killed 13 people (Allen, 2013). In the United Kingdom in 2013, a 15 years old teenager robbed a bank in Liverpool with a fake gun pretending as if he was in the video game, Grand Theft Auto (Rush 2013). In Mauritius, several cases of violence against teachers and peers have been reported for the past few months. In Australia, 3 women who survived sexual violence began a petition against the sale of Grand Auto Theft. The petition stated that "it's a game that encourages players to murder women for entertainment. The incentive is to commit sexual violence against women, then abuse or kill them to proceed or get 'health' points" (Kent, 2014).

Studies on violent video games and aggression have produced mixed results. Many such studies were conducted on late adolescents, not on the younger ones. Hence it is imperative to conduct a research on young adolescents because it is during that particular age that they are more predisposed to be influenced by violent video games. The aim of this paper is therefore to investigate the relationship between violent video games and aggression during early adolescence. The United Nations Children's Funds (UNICEF) classifies young adolescents between the ages of 10 to 14 years. To achieve its aim, the paper adopts three objectives. As the first objective, the paper assesses the relevant theories concerning the influence of violent video games. Secondly it analyses their possible effects that may befall on young adolescents. Lastly this paper will attempt to unveil explanations on whether parental supervision and practices are essential or not.

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ADOLESCENCE

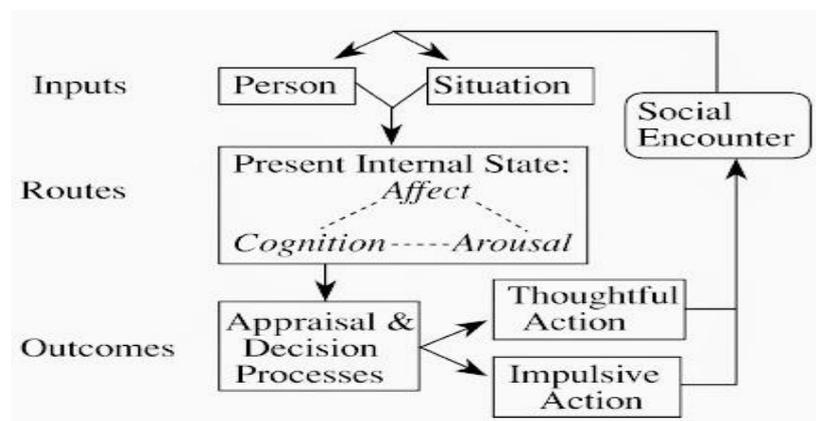
Research has proved that adolescence is the most vulnerable phase and is unequivocally marked by mostly biological and psychological changes (Smetana, Campione-Barr and Metzger, 2006). As a result of these changes adolescents are more prone to become aggressive especially after being exposed to violent media mostly video games (Kirsh, 2003). Even though studies found that violent video games usage decreases by late adolescence, yet the peak time remains at eleven to fifteen years old (Steinberg and Morris, 2001). However the development pace of every adolescent varies individually. Therefore taking into consideration the violent content of video games, the next sub-chapter shall analyse its relationship to aggression through different theories.

EXPLAINING THE RELATIONSHIP BETWEEN VIOLENT VIDEO GAMES AND AGGRESSION

The General Aggression Model (GAM)

Developed by Anderson and Bushman, the Single General Aggression Model (GAM) shown in figure 1 below, generally explains how knowledge acquired is reflected in the behaviour of an individual which can be applied to violent video games as well. More specifically GAM describes a recurring relationship between an individual and his environment- that is, how people learn, how they perceive action of others and how they respond to it (Anderson et al., 2004). Violent video game here is a situation variable. Therefore the person with his individual personality such as moodiness, hostility or anger coupled with situation variable that is violent video games; together influence that individual's internal state. Being exposed to violent video games can increase the level of aggressiveness in both long and short term. As a result the individual believes that violence is the correct solution for every problem (Anderson et al., 2010).

Figure 1: Single Episode General Aggression Model (ibid)



Social Learning Theory

According to this theory, behaviours are learnt from both direct and indirect experiences. However learning largely depends on the rewards and punishment that come as a consequence of that specific action (Bandura, 1971, p 3). Mass media is one of the major sources of learning for anyone. The foundations of this theory are that aggression is consequently learnt after observing models and then media facilitate the ideas and thoughts which turn into behaviours (Hart and Kritsonis, 2006).

The risk factors that are capable of influencing a child are attractive perpetrators, justified violence, no consequences to victim, violence is unpunished and the violence is real to the viewer (ibid). When applied to violent video games, it can be concluded that players are directly reinforced and motivated for their aggressive action because they are earning points and coins

and for the above reasons. Moreover violent video games expose the players to modelling, reinforcement and rehearsal of behaviours. The social learning theory thereby states that being exposed to violent video games would arouse behaviours similar to the player in the game.

Catharsis Effect

This study construes the term catharsis as “venting” anger through the exposure of media violence. Venting one’s anger or frustration on the media decreases the probability of indulging in future violence (Gentile, 2013). However Gentile further elaborated that there are many other research which substantiated the contrary of catharsis effect. Nevertheless in a more recent research it was found that the level of frustration decreased after the participants watched a violent movie and this goes in line with the catharsis effect (Dragomir et al., 2011).

Third Person Effect (TPE)

Third Person Effect (TPE) occurs when an individual believes that other people other than himself may be influenced by violent media (Antonopoulos et al., 2015). Hence perceiving himself as more intelligent and less vulnerable to the undesirable effects of violent media, he bowdlerises those effects even if violent media is generally considered harmful to all individuals (Wan and Youn , 2004). The gaps between the perception of oneself and others were discovered to be significant in various aspects such as political issues, violent media content and video games. Logically, people have the tendency to view those who are younger as more vulnerable, less experienced and less wise (Scharrer and Leone, 2006).

RESEARCH METHODOLOGY

Qualitative research deals mostly with behaviours, perception and attitudes of people, thus giving a high scope of information. As per most behavioural and social scientists, it is recommended to use qualitative method of research to better understand the reality of society and focus group is among those methods (Sagoe, 2012).

Focus groups involve choosing and grouping a group of willing individuals to measure the beliefs about a subject (Hagan, 2005). While using such methods, the researcher becomes aware of what people think, their experiences regarding the topic, in what ways they perceive it and why. This is one of the core benefits as it fuels credible, diverse and meticulous answers which a researcher would not get in individual interviews.

This paper seeks to assess effects of violent video games among young adolescents aged 10 to 14. Therefore for each age, 10 participants namely 5 girls and 5 boys were selected. The effects are a huge spectrum, a multitude of behaviours that can vary from a minor verbal aggression to a deadly physical one. Thus it is quite difficult to know the impacts through surveys given their limitations. That is why this paper decided on focus group.

FINDINGS & ANALYSIS

For the past few decades, a wide range of research has proved that there is an ongoing relationship between the presence of violence in video games and the existence of aggression (Greitmeyer, 2015). There is a strong connection between hostility and aggression in thoughts and behaviour and playing violent video games (Hasan et al., 2013). Several theories have been devised to describe the relationship between violent video games and aggression.

The General Aggression Model (GAM)

The present analysis failed to sustain the hypothesis that playing violent video game leads to either long and short term aggression. The majority of participants who played violent video games did not display any aggressive traits afterwards. No aggressive behaviour was therefore established. Nevertheless, the majority of them reported that they get angry when they lose but the defeat does not make them aggressive. Likewise, no difference was found even after the long term exposure. This result aligns with the research of Ferguson et al. (2008). In a more

recent research, Elson proved that violent video games do not lead to aggressive behaviours, hence not supporting the GAM (Elson, 2011). In this current research, instead of aggression, a relative quantity of the participants mentioned that playing games makes them feel happy and relaxed. This finding is supported by the findings of Granic et al. (2014).

Social Learning Theory

Video games are highly interactive and the permutation of interactivity as well as numerous practices is a powerful tool for learning (Anderson and Warburton, 2012). In this focus group a few participants mentioned that they do learn fighting techniques or self-defence skills from video games. Around 80% of the boys fantasied about killing and teasing policemen. However most of them reported that they do not imitate the violence they learn. Another boy apprised us that he emulated his favourite player in a physical brawl but insisted that even if he had not played violent video games, he would still have beaten up his opponent.

This gibes with the research of Ferguson who further explained that violent video games and aggression are not related either directly or indirectly (Ferguson, 2008). This opposes the research conducted by Meyers whose findings were in line with social learning theory since her participants were more aggressive after playing violent video games (Meyers, 2002).

Catharsis Effect

This study revealed that around 40% of the boys use violent video games as a way to vent out their anger, frustration and stress. This is more likely to support the catharsis theory which is about freeing negative emotions through fictional involvement in violent acts (Florea, 2013). This result supports the research of Ferguson and Rueda (2010) who found that VVG do not increase aggressiveness instead they reduce depression, frustration and anger. Ferguson and Olson (2013) also established that one of the aims for playing video games was the reduction of stress.

Third Person Effect (TPE)

The participants in this study believed that violent games can have a “third person effect” therefore most of them do not let their younger siblings be exposed to violent video games. They asserted that their younger siblings might be unable to distinguish between virtual and real world. Thus they might end up copying the violence. However girls who played non-violent games allowed their younger siblings to watch and play along. This data is congruent with that of Scharrer and Leone (2006) who found that younger children are more vulnerable to violent video games. The result of this paper further aligns with two other studies conducted by Villani et al. (2005). They discovered that children under the age of 9 are highly vulnerable to violent images. On the other hand Sande et al. (2015) proved that games help children to formulate strategies and do better at problem solving.

Limitation

This research has several limitations. One major weakness was that the researchers could not ask respondents about the effects of sexualised content of video games. Due to cultural reasons, many parents would have refrained from giving their consent if questions on this topic were included. We considered only one mechanism underlying the link between violent video games and aggression which is the General Aggression Model. Hence, risk factors, which are other variables for aggression, could not be analysed in depth. It was not possible to ponder upon all the risk factors for aggression in young adolescents given the depth of the topic.

Another limitation is the small sample size. The data collected for this paper was taken from 50 young adolescents out of whom 40 attended the same school. Therefore they represent only a minor proportion of the group’s opinions. Hence the data should not be generalised in all other schools in different regions.

Self-reporting data is another drawback. Self-report data is dependent on the participants' discernment. Hence they could have agreed to the questions presented by the researchers in order to please them or they lied to better portray themselves. Another limitation was that the girls were not as responsive as expected. They were less involved in the discussion compared to the boys. Despite the encouragement and prompts given by the researchers, the girls were still hesitant.

Recommendations

Parents' monitoring of VVG: In this study it has been found that parents do not bother about the types of games that their children play. This is as important for children as it is for young adolescents. Therefore parents should check the Entertainment Software Rating Board to better learn about the content of the game and decide whether it is age appropriate or not.

Sports Video Games: As the participants have reported, sports video games have helped them to practice sports often, be physically active and consequently to play better in real life. Thus parents may encourage their children to play sports video game to instil sports interest in them. However, in addition to allowing them to play sports video games, parents ensure that their children are doing physical exercises.

Video games in bedrooms: Andria Norcia (2014), director of Sutter Health, advised that, to exert an efficient control over their children, parents should avoid installing video games in their bedrooms. Otherwise the parents would have lesser control over the number of hours and types of games the children play.

Parental Communication: Parents should discuss with their children to grasp the latter's understanding of VVG. This is a chance for the children to open up to their parents and share their feelings. Moreover parents should strictly warn their children about potential threats and dangers of playing online with random strangers. In this study many young adolescents reported that they have befriended new people both locally and internationally. Therefore the parents should monitor their children so that they do not fall into traps of predators.

Teachers: Children spend the majority of their time at school. Thus teachers should be more alert so that they can identify students who are acting too violently or those who are often exhausted. Therefore if teachers can identify the problem at an earlier stage, they can alert the parents and necessary measures can be taken. The teachers can even talk to the class about the negative consequences of playing violent video games and make more students aware of it.

Violent Video games (VVG) and Risk Factors: VVG alone does not directly cause violent behaviour yet it can be classified as a risk factor. Risk factors such as bullying, domestic violence or low IQ, along with violent video games can make the children more prone to violent behaviour. Therefore parents should avoid, as far as possible, to expose their children to risk factors and they can do that by providing them with more protective factors.

CONCLUSION

In this new era children and young adolescents are more digital-friendly and fans of video games. The theoretical literature depicts how violence is learnt and then put into practice in different ways. Consequently the findings if this research were inconsistent with the hypothesis that violent video games contribute to aggression. This finding did not support the GAM since none of the boys reported to have displayed aggressive behaviour after playing violent video games. This went against the research Zhang and Gao (2014). Nevertheless it was in line with the results of Ferguson et al (2008). Moreover although the boys fantasied about killing and teasing people, they attested that they do not imitate such acts as social learning theory of aggression predicted. The participants further broached that they knew the difference between real and virtual world. The participants contemplated the negative effects of VVG on their younger siblings because the children might imitate what they would see. An advantage was

unveiled when the boys confirmed that sports violent video games helped them to play better on field.

The findings of this study are similar to that of Gamulak and Webber (2011). Moreover unlike most girls, boys preferred to play with others- elder brother, cousins and friends and this may in turn increase communication and strengthen their bonds. Many mentioned that they made friends from other countries which can be a good initiative but at the same time this could be precarious. Furthermore the catharsis effect was supported in this study when a relative number of boys asseverated that after a bad event, they vent their anger by playing violent video games. This finding confirms that of Ferguson and Olson (2013). Gender difference was also found. Majority of the girls preferred non violent video games unlike the boys who insisted that violence is mandatory in any video game.

The findings of this study are interesting and should pave the way for further research which can test the relationship between violent video games and aggression among other Mauritian adolescents.

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WHY INDONESIAN GOVERNMENT HAS NOT RATIFIED FCTC POLICIES: INTERNAL DYNAMICS AND OUTSIDE PRESSURE

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ABSTRACT

Framework Convention on Tobacco Control (FCTC) is an international treaty to curb the global tobacco epidemic. FCTC was adopted by World Health Assembly on 21 May 2003. So far, it has been legally binding in 186 ratifying countries. Indonesia which has involved since the beginning of FCTC discussion as drafter ironically has not ratified nor sign FCTC. The empirical findings of this article point to three variable, coalition preference, political institution stance and negotiators strategies. The article explicates how these variables corresponds to Indonesian position which has not ratified FCTC.

INTRODUCTION

Health impacts from smoking have become the concern of the international society for at least the last two decades. This can be seen from the formation of the Framework Convention on Tobacco Control (FCTC) which was initiated in the 48th World Health Assembly in May 1995 (Chamim et al., 2011, p 62). FCTC itself is an international agreement aimed to confine the spread of tobacco epidemic that has been enhanced by, excerpting the WHO FCTC itself, “a variety of complex factors with cross-border effects, including trade liberalization and direct foreign investment.”² The main provisions of FCTC consist of tobacco and its products’ reduction both on supply and demand. After the adoption of the final draft within the period of 16 June 2003 to January 2014, FCTC has been signed and ratified by 178 countries, signed but not yet ratified by nine countries, not ratified nor signed by seven countries. Those seven countries are Eritrea; Indonesia; Liechtenstein; Malawi; Monaco; Somalia; South Sudan.

The tobacco epidemic which the FCTC is striving to curb can be somewhat represented by the conditions regarding tobacco and its products in Indonesia, a country which, ironically, has not signed nor ratified the convention, making it the only country in Asia and that has not signed the FCTC. Indonesia has the highest rate of the number of smokers among Southeast Asian countries, namely 51.1% of its total population. Whereas its neighboring countries such as Brunei Darussalam scores 0.06% of its total population, Cambodia 1.16%, and Thailand 10.22%. It is only rational that tobacco industries target Indonesia as a convenient market, at least among the Southeast Asian countries. Tobacco industries in Indonesia consist of Bentoel Group (acquisitioned by British American Tobacco in 2009), Djarum, Gudang Garam, HM Sampoerna (acquisitioned by Phillip Morris in 2005), Karya Dinya Mahardika, Nojorono, and Wismilak.

Cigarette production has been a significant contributor to Indonesia’s revenue, that it becomes incorporated in government’s revenue planning. For instance, Indonesian Government released the 2007-2020 Roadmap of Tobacco Products Industry and Excise Policy in 2007. The roadmap calls for a 12% increase in annual cigarette production, from 232 billion in 2000 to 260 billion by 2020 (Barber et al., 2008, p 46). Indonesia is deemed as a safe haven for tobacco industries, moreover after the FCTC ratification. Indonesia, who is left out in the Pacific Asia as the only country who hasn’t signed the FCTC, becomes the last resort for these industries to market and make their products. This paper will examine how three things affect

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² WHO Framework Convention on Tobacco Control, May 21, 2003-June 29, 2004, WHA56.1, 2302 U.N.T.S. 166, 42 I.L.M. 518, *article 5*.

Indonesia's foreign policy choice, namely the state's coalition preference, political institution stance, and the negotiator's strategy.

FCTC AND INDONESIA'S TOBACCO REGULATIONS: AN OVERVIEW

World Health Assembly (WHA) initiated the Framework Convention Tobacco Control (FCTC) in May 1995 (WHO, 2015c). FCTC occur as respond to the tobacco epidemic, which believed to be the greatest threat to global health. Tobacco use and secondhand smoke kill more people annually than HIV/AIDS, tuberculosis and malaria combined (Bollyky, 2010). FCTC main objective is "to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the state parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke"³. FCTC was adopted on 56th of WHA21 and came into force on 27 February 2005 (WHO, 2015b). Currently, 186 states is legally binding to this treaty (WHO, 2015a). There are currently 16 United Nations member states that are non-parties to the treaty include Indonesia⁴.

FCTC implementation in the country that ratify FCTC regulated in a guideline which has been prepared by Convention Secretariat. Its content consist of: protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry (article 5.3), tax and excise are an effective and important to reduce tobacco consumption (article 6), protection from exposure to tobacco smoke in public places (article 8), regulation of the contents and disclosures of tobaccos products (article 9 and 10), packaging and labelling of tobacco products (article 11), education, communication, training, and public awareness (article 12), tobacco advertising, promotion, and sponsorship (article 13), and demand reduction measures concerning tobacco dependence and cessation (article 14).

Although Indonesia was involved in the early FCTC as drafting member, Indonesia has not yet ratified nor signed the FCTC. This condition made Indonesia the only country in the Asia-pacific that has not ratified FCTC. Meanwhile, Indonesia has several regulations on tobacco control. Indonesia history on tobacco control regulations began in President B.J. Habibie administration. He signed the first Indonesian tobacco regulation entitled PP/81/199. This first tobacco control regulation were succeeded with regulations 38/2000 and 19/2003. Ironically, due to the political and economic aspects at that time made Indonesian government reluctant to enforce strict regulations (Achadi, Soerodjo and Barber, 2005, p 333-349). The last amendment of Tobacco control regulations consist in several regulations, *first*, government regulation PP/109/2012, which is the derivative of Law No. 36/2009 and *second*, Minister of Health Regulation No. 28 Year 2013.

Minister of Health Regulation No. 28 Year 2013 is intended to provide guidance for Tobacco Product industrialists to implement the imprinting of Health Warnings and Health Information on Tobacco Product Packaging, this article was in the same intention in article 11 FCTC, and highlighted the health factor. Meanwhile, Government Regulation No. 109 Year 2012 aim to regulate cigarettes which based on Law No. 36/2009 is an addictive substances. In general, the substance of Government Regulation No.109 Year 2012 consists of tobacco products (article 4-7), responsibilities of the central and local governments (article 8-52), community participation (article 53-56), and guidance and oversight (article 57-60). In this regulation there are several things that was not declared clear. For example in article 10 paragraph (1) stated that any person who produces tobacco product in the form of smokeables are required to conduct level test of nicotine and tar content per stick for each variety produced. The article doesn't explain about the amount of nicotine or tar content. Also this regulation did

³ *ibid*, article 3.

⁴ *ibid*.

not regulate the pictorial health warning technical arrangement, which later caused the tobacco industries to use a cool smoking person as the pictorial health warning.

DIPLOMACY AND DOMESTIC POLITICS: HOW BOTH PLAY A ROLE IN INTERNATIONAL NEGOTIATIONS

Two-Level Games Theory is a theory seeking to explain how an international negotiation is affected by domestic politics and international politics. Domestic groups demand the government to make policies that are within their interests and politicians form coalition with those groups. On the other hand, national government tries to satisfy the demand from domestic politics at international level. The theory was first formulated by Robert D. Putnam who puts a firm belief that the formation, or otherwise the absence of ratification in an international agreement are affected by both domestic and international factors (Putnam, 1988). In an international negotiation, as Putnam stated, there are two stages of processes of bargaining, happening in two levels, respectively called Level I and Level II (ibid, p 435). Bargaining in Level I happens between the negotiators, leading to a tentative agreement, whereas bargaining in Level II consists of separate discussions within each group of domestic constituents about whether to ratify the agreement (ibid, p 436). To clarify the concept, Putnam defined a negotiator as a person who represents the organization involved in an international negotiation, and can take form as a president of a country, party leaders in a multiparty coalition, a country's minister, so on and so forth (ibid). The ratification is not only limited to the ratification procedure in Level II institution, Putnam refers it to "any decision-process at Level II that is required to endorse or implement a Level I agreement" (ibid).

The possibility of an agreement being ratified is determined by the size of a win-set. Win-set, as defined by Putnam, is a set of all possible Level I agreements that are likely to be accepted by the domestic interest groups who either must ratify the agreement or provide some other form of government backing (ibid, 437). As it in a way represents the voice of domestic constituents in a country, there are two explanations why it is important to pay attention to win-sets. First, a larger win-set makes Level I agreement more likely, *ceteris paribus* (ibid). An agreement is possible only if the win-sets of all parties involved overlap, much better if each win-set is larger. Intuitively, the smaller the win-sets, the greater the risk the agreement will be stalled or even break apart (ibid). Putnam noted it as important to distinguish between voluntary and involuntary defection on the matter of failed ratification. A voluntary defection is "reneging by a rational egoist in the absence of enforceable contracts", while involuntary defection refers to the behavior of a negotiator who is unable to keep their promise because of failed ratification from Level II constituents (ibid).

The second reason why win-set is important is the relative size of the parties' win-sets will affect the distribution of the collective gains from the agreement (ibid, p 440). If a negotiator attains a bigger win-set at home, the lesser their bargaining position in the negotiation (ibid). The given negotiator's state will be seen as a state with "nothing to lose", and it will be easier to be pushed around. Conversely, a small win-set can contribute to the negotiator's influence in the negotiation (ibid). A negotiator can use this as a strategy, stating in the negotiation that the domestic constituents will not accept the ratification of the sets of agreements (ibid). That way, Putnam implied that negotiators have the tendency to widen each other's win-sets, which he termed as reverberation (ibid, p 454).

The determinants of win-sets Putnam delivered are as follows: (1) Level II preferences and coalitions, (2) Level II institutions, and (3) level II negotiators' strategies.

Level II Preferences and Coalitions

To put it simply, win-set at the Level II is drawn from how domestic constituents evaluate the cost of “no-agreement.” “No-agreement” itself represents the status quo (ibid, p 442). There are several principles to note in analyzing win-sets. For example, the lower the cost of “no-agreement” to constituents, the smaller the win-set. Its size depends on the relative size of the “isolationist” forces (who refuse international cooperation in general) and their contender, the “internationalist” forces (ibid, p 443).

The domestic preferences can be divided into two based on the characteristic of the conflict, namely homogenous (or “boundary”) conflict and heterogeneous (or “factional”) conflict. In a boundary conflict, the Level II interests are relatively homogenous (ibid). The differences of perception, if any, will be like of comparing hawks and doves, the former hard-liner, the latter softer. In this conflict, a negotiator is caught between his organization and the Level I negotiation. Whereas, a factional conflict stems from domestic constituents’ heterogeneous interests (ibid). In this conflict, a negotiator is caught within his own organization.

Level II Political Institutions

Ratification procedures is a certain determinant of a win-set size. A win-set of a state with a simple majority procedure will certainly be higher than that of two-third majority procedure (ibid, p 448). Other than formal procedure, Level II Political Institution is also represented in government’s domestic political practices (ibid, p 449). A good example is the Japanese Government which tends to seek for the broadest possible domestic consensus within its constituents prior to international agreements ratification (ibid).

Other aspects relevant to the political Institution is “state strength” or “state autonomy”. The greater the state autonomy from domestic pressures, the greater the size of the win-set, and the likelier it is to reach an agreement (ibid). However, the negotiator of the state with strong autonomy will hold a lower bargaining position in the negotiation (ibid). They will be less able than negotiators from democratic states to claim credibly that certain domestic pressures are hindering them from ratifying the agreement in order to alter disadvantageous points from the agreement (ibid).

Level II Negotiator’s Strategies

Assuming that a negotiator wishes to expand their state’s win-set in order to increase the likelihood of ratification, there are two ways with which a negotiator can use as a strategy to do so, which are “side payments” and generic “good will” (ibid, p 450). Side payments are basically stimuli targeted to attract marginal supporters of ratification. It is important to examine the value of a side payment in terms of its marginal contribution to the likelihood of ratification rather than in terms of its overall value to the addressee (ibid). In a two-level games side-payments may come from unrelated source or even embedded as a part of the agreement (ibid). The second strategy to encourage ratification is by exploiting the high political-standing of a negotiator. Putnam makes a point that generic good will is not a guarantee for ratification, but it indeed will expand the win-set (ibid, p 451). If a negotiator has interest to increase their popularity, good will can serve as an all-purpose-glue for their supporting coalition.

The Second Image Theory - Waltz

Waltz’s second image theory explains that the actions of states, or, more accurately, of men acting for states, make up the substance of international relation (Waltz, 1954, p 122). In other words, the key to understanding war and peace is best explained by the internal organization of states. One explanation of the second image, for example, can be illustrated by how internal

defects, one of which may be related to a type of a government, explains various external acts of a state through the following examples.

For example, it is often thought that the deprivations imposed by despots upon their subjects produce tensions that may find expression in foreign adventure (ibid, p 82). Or in another case, defects in a government not itself considered bad for its people. This condition might occur when the government imposed a number of restrictions argued aiming to protect the rights of its people by inhibiting the execution of a foreign policy. Therefore, although on one side this government act may prospering its people in particular, on the other side, may have the unfortunate effect of hampering the effective action of that government for the maintenance of world peace in a broader sense. And, as a final example. explanation may be made in terms of geographic or economic deprivations or in terms of deprivations too vaguely defined to be labeled at all (ibid, p 83). Thus a nation may argue that it has not attained its “natural” frontiers, which are necessary to its security, that war to extend the state to its deserved compass is justified or even necessary. Such arguments have been used both to explain why “deprived” countries undertake war and to urge the satiated to make the compensatory adjustments thought necessary if peace is to be perpetuated (ibid).

Through leastwise a number of examples of the conditions above, we can clearly see how a state’s internal acts can affect the international condition subsequently.

Second Image Reversed Theory - Gourevitch

As the title implies, Gourevitch main focus is reversing Waltz’s second image, and looking at how international politics affect domestic structure (Lau and Gourevitch, 1978). Foreign policy (or more generally, the international arena), according to Gourevitch, in fact has an effect on the domestic political environment. War and trade, or more broadly, the distributions of power, economic activity, and wealth are the main facets of the international system affect states on the domestic level.

Gourevitch criticizes arguments based exclusively on Waltz’s third image, stating that the international system is underdetermined; always leaving some leeway for states to choose among possible outcomes, which are made on the basis of domestic politics (ibid). What aspect of domestic politics, then, is the primary motivator of this choice, expressed through choices of regime type and coalition pattern? (ibid): Gourevitch dismisses purely process-based factors, arguing that too much of the literature focuses merely on the structure of politics rather than the content of the views being expressed by the different actors. He uses the argument which uses state strength as an explanatory variable as an example. The point is that these arguments do not provide a basis for the explanation of the orientation of policy of the states (ibid). If it is determined by social actors (weak states), then the preferences of the actors must be examined while the question next, if it is determined by the state (strong state), then how are these preference-based decisions made? In short, Gourevitch makes a case for the importance of coalitional analysis, or the examination of “how specific interests use various weapons by fighting through certain institutions in order to achieve their goals” (ibid). This will provide a more nuanced view of the complex interactions by which foreign economic policy and domestic political structure impact upon one another (ibid).

ANALYSING INTERNAL DYNAMICS WITHIN THE PERIOD OF 1999-2003

The first factor to be examined is the institutional preferences on tobacco regulation in general, and the ratification of the FCTC in particular. Within the timeframe of 1998-2003, there had been approximately three amendments of the law regulating tobacco and cigarette in Indonesia. Under the administration B. J. Habibie, the interim president installed after Soeharto’s

resignation in 1998, a National Communication Forum (*Forum Komunikasi Nasional*) was established under the Food and Drug Administration (Achadi, Soerodjo, and Barber, 2005, p 338). Initiated by Nila F. Moeloek, this forum brought together nongovernmental organizations to work on tobacco issues. Moeloek also initiated the first government regulation about tobacco control signed by Habibie in 1999, titled PP/81/1999 (stands for *Peraturan Pemerintah* number 81 issued in 1999) (ibid, p 339). This pioneering regulation banned tobacco products advertising in the electronic media. It also enforced the inclusion of health warning in cigarette packaging that is easy to read, provided one single health message to be included in the packaging, and enforced the printing of tar and nicotine levels on the packaging. It set a time limit of compliance according to the size of the tobacco manufacturer. Small-scale hand-rolled cigarette industries were given 10 years, and all others had 2 years (ibid). An explicit sanction for was established by this regulation, where manufacturers, advertisers, and retailers can be fined up to Rp 100,000,000 or 5 years imprisonment for violating advertising restrictions, and enforcement of fines up to Rp 10,000,000 for failure to provide health warnings on packages. In 2000, President Abdurrahman Wahid signed an amendment contained in the PP/38/2000. There were two major changes in the regulation of advertising and time of compliance. This regulation permitted tobacco industries to place advertisements in electronic media between 21.30 PM and 05.00 AM. The time limits of compliance was not anymore differentiated with the scale of the industry, but rather the type of cigarette produced. White machine-made cigarette manufacturers were given time of two years, machine-made clove cigarette companies were given seven years, whereas ten years limit was given to hand-rolled clove cigarette companies (ibid, 340). The third amendment was signed in 2003 by President Megawati Soekarnoputri. It erased the maximum tar and nicotine content, but obligate all cigarette to be examined by an accredited laboratory and every packaging to disclose the content's level. Most importantly, the third amendment eliminated the sanctions for the articles' violations. The dates during which it was discussed and signed coincided with a meeting of Intergovernmental Negotiations Body (INB) of the FCTC, thus, senior Ministry and Health and Food Administration representatives involved in tobacco issues were not involved (ibid, 341). Thus, the second factor which is the negotiator's strategy was not highly visible during that time.

It was still unclear which interest group was involved in the 2003 revision. However, some points in the revision weakened the regulation, for example the removal of sanctions for acts of violation against the regulation. In addition, the government did not engage the public in the discussion of the revision, which resulted in a public protests consisting of 18 non-governmental organizations appealing to the government to drop the revised regulation on cigarettes (Saraswati, 2015). The absence of public participation indicated that the administration had already had its stance towards cigarette regulation and was not willing to be transparent about the considerations underlying the regulation. The alleviation of sanctions showed that cigarette industries were facilitated with less-binding rules, making more freedom for them in their business activities.

Specifically, the government's attitude towards the FCTC sided with the tobacco industry. This explains the third factor, the coalition preferences. It was shown in the most critical moments, which was the ratification period of FCTC in 2003. Achmad Sujudi, who was the Minister of Health at that time, was prohibited on his way to the airport to ratify the FCTC in Geneva. The instruction came from Megawati Soekarnoputri and was based on the insistence that came from cigarette farmers in Parakan, Temanggung, Central Java (Kompas, 2015). Other government gesture can be taken from the remarks of Rini Soewandi, then Minister of Trade. She suggested that the framework be ratified when, quoted during a meeting

with Tobacco farmer in Jember, “all concerned parties are prepared for it” (The Jakarta Post, 2015). Her rationale was the cigarette production fall during 2000-2004, which she claimed, due to a steady increase in excise duty (ibid).

Interestingly, we can see that the government was trying to gain as much profit as it could from tobacco industries by hiking up its price. Since 1999, the government has hiked clove cigarette prices five times, leading the price to soar from Rp 110 in 1999 to Rp 400 in 2003 (Mariani, 2003). While excise on tobacco is supposedly used to limit smokers and prevent more people to become smokers, Indonesian government used excise as means to increase its revenue, because the excise rise was not followed by other policies that aim to prevent the increase in number of smokers. Even The Association of Clove-Blended Cigarette Manufacturers (Gappri) urged the government to delay the government’s plan to increase its excise for at least two years (Mariani, 2003). There was no evidence that Gappri, one of the most prominent cigarette manufacturers association, objected to the ratification of FCTC, but in actuality it opposed that cigarette price and excise should be raised as stated in FCTC. However, we can conclude that there was an overlap between the tobacco industries’ and the government’s interest. the government wanted to gain vantage from keeping the tobacco accessible, abundant, and priced to sell, and the industries did not want to be confined in a more strict set of regulations, something that describes the FCTC. This made the win-set narrow, making Indonesia unable to ratify the FCTC in the wake of its adoption by the WHO in 2003.

FURTHER ANALYSIS

There are several group interest against FCTC Ratification in Indonesia, for example from Non Governmental Organization (NGO), Indonesia’s Government (Ministry of Industry and Ministry of Agriculture), tobacco farmers and last but not least is tobacco and cigarettes businessman. First, the perspective from one of Indonesia’s NGO. One of the NGO. Lentera Anak Indonesia (*Lantern Children of Indonesia*), Hery Chariansyah, Executive Director of LAI remarked his organization regret the Indonesia’s government action who currently hasn’t make a decision, whether they want to ratify FCTC or not, especially if he should compare it with Singapore and Malaysia government who already sign FCTC treaty (IZN, 2013). He also said that Indonesia’s government should clearly think about the impact of tobacco and cigarettes industries, it will jeopardize Indonesian youth generations.

Second, from the government perspective. Trade Ministry, Industry Ministry and the Manpower and Transmigration Ministry, had previously rejected the accession. Furthermore, The Ministry of Health of Indonesia also has tried various efforts to ratify the treaty, but unfortunately it always end failed (Putri and Nurhasim, 2013). Even the former Minister of Health under SBY governance, Nafsiah Mboi, has an opinion and said that Indonesia actually involved in the convention process making, but has not ratified it. The Indonesian government itself has been compromised the aspirations from the pro-smoking who wants the regulation of tobacco being tightened and the government also made its order namely PP 109/2012, which also considered as a form way out to protect people from the polemic between who’s pros and who’s cons of the FCTC. On the other hand, the Ministry of Industry and the Ministry of Agriculture under SBY governance reject Government Ratification of the FCTC. Besides of that former Director of Food and Tobacco Industry Ministry, Enny Ratnaningtyas stated if the reason is health, Indonesia already had a similar rule for example the Government Regulation (PP) No, 109/2012 (Khamdi, 2015). Furthermore, one of the government in the regional level, Soekarwo, Governor of East Java urged the central government to not sign or ratify the Framework Convention on Tobacco Control (FCTC) because there is 26.3% tobacco

production in East Java. According to ratify the FCTC treaty could be extinguish tobacco-based industry in East Java and even have an impact on the labor employment.

Third, from the tobacco farmers perspective. The rejection can be reflected from World Tobacco Farmers Day 2014 event in Pamekasan, East Java, where there were a lot of tobacco farmers made a petition due to the framework of the accession treaty for tobacco control and because it ignores the economic rights of tobacco farmer (Susilo, 2014). The last one, is from the tobacco and cigarette businessman perspective. Secretary General of Mixture Cigarette Manufacturers Association (GAPPRI), Hazan Aoni Aziz said if the government make a decision to ratify FCTC, it would be adverse the state, tobacco farmers, cigarette factory workers, and the tobacco industry. Therefore, he and his organization reject FCTC ratification and support the Indonesian government's to not sign the FCTC. Hasan also added that the FCTC and the anti-smoking rules others perceive and the smoker is the person who should be regulated, even must be removed in a smoking room is a narrow minded view (CNN Indonesia, 2015).

According to Putnam's theory, because Indonesia has yet to ratify FCTC, thus, not a party to it, we decided to bypass the Level I Discussions and proceed with Level II. On level II Preferences and Coalitions we found that there are two attitudes regarding the ratification of FCTC. The first group consists of people who support the ratification of FCTC for health reasons. Furthermore, they also argue that consumption of tobacco products, especially cigarettes disrupts society's economy and threatens the future of younger generations because of their easy access to tobacco. The example would be the people's alliance which acted together under the name of Aksi Bersama FCTC Lindungi Anak which consists of 35 non-governmental organizations which work on child protections (Margiantam, 2015). On the other side, they are opposed by people who make their living from tobacco industry. They argue that tobacco industry has long become the backbone of Indonesia's economy. They also argue that tighter regulations on tobacco have the detrimental effect of destroying local tobacco industry, cutting hundred thousands people from their main source of income. Groups that fall under this category are Aliansi Masyarakat Tembakau Indonesia (AMTI), Asosiasi Petani Cengkih Indonesia (APCI) and Asosiasi Petani-Petani Tembakau Indonesia (APTI). Specifically, they oppose design guidelines on Articles 9 and 10 and also recommendations on Article 17 and 18 of FCTC.

On *level II Political Institutions*, Indonesia is one of the largest countries in the world which has not become a party in FCTC. However, Indonesia showed a great progress by making mandatory, the insertion of health warning in form of warning on cigarettes' packaging. Yet on February 2015 government issued Tobacco Bill, which put emphasis on economic impact of tobacco, rather than its impact on health. In contrast, there is already a bill about Control of Tobacco Products' Impacts, which was issued since 2011. The opponents of FCTC accession including Ministry of Industry, Ministry of Commerce, Ministry of Agriculture and Ministry of Labour and Transmigration (Hakim, 2014). On the proponents' side there are only Ministry of Health and Ministry of Finance.

In short, based on findings and current situation of both society and government of Indonesia, we predict that Indonesian Government is not going to ratify FCTC for quite a while. This is caused by the majority of government still refuses the ratification. However, civil societies still have the potential to push the government toward the ratification of FCTC.

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CHILDREN'S RIGHTS IN GLOBAL GOVERNANCE: CRITIQUE OF THE CONVENTION ON THE RIGHTS OF THE CHILD

DAVID S. CHIBANDA¹

ABSTRACT

The Convention on the Rights of the Child is the most significant global expression of children's rights in the history of childhood. With 195 parties, the Convention remains the most widely ratified binding international agreement. However, despite its normative character and near universal ratification, its implementation in many countries remains constrained. Globally, many children fail to claim the standard of living it prescribes due to poverty and lack of access to social services. This paper argues that the lack of theoretical and conceptual validation (which characterize human rights formulation and children's rights in particular), inadequate resources and lack of political will by governments contribute immensely to the Convention's implementation challenges in some countries.

Key Words: childhood, children's rights, Convention on the Rights of the Child

INTRODUCTION

Although the topic of children's rights is relatively new in global politics, childhood as a socially constructed concept has been debated throughout the history of moral and political philosophy and remains a major topic in contemporary debates (Archard and Macleod, 2002; Hayden, 2001). Increasingly, children's rights are now being included in international and domestic law, considered by judicial bodies, used by governments as policy framework, discussed in academic circles, and utilized by civil society as an advocacy tool (Tobin, 2013:395). This childhood narrative has led to children now being seen as subjects of international politics (Holzscheiter, 2010). However, despite this widespread engagement, the moral and political status of children in global society remains contested (Archard and Macleod, 2002). As statistics indicate, children continue to be marginalized (Gran, 2010, p 14). Millions of children continue to be denied their rights 'because of the family into which they were born, the community or country in which they live, or other circumstances beyond their control' (UNICEF, 2015).

In this paper, I examine the concept of children's rights in the global context, focusing more critically on the Convention on the Rights of the Child. I propose that the challenges affecting the implementation of the Convention are not only caused by problems associated with conflict and children's circumstances, but also by the vaguely or sloppily drafted nature of human rights in general (Bentley, 2005; Toope, 1996, p 43), as Sen (2004) calls it, the 'mushiness' of human rights conceptual grounding. 'Many philosophers and legal theorists see the rhetoric of human rights as just loose talk, perhaps kindly and well meaning forms of locution, but loose talk nevertheless' (2004, p 315–316). In particular, the conceptual foundation of children's rights has also not been adequately theorized due to the failure of current debates to articulate a coherent philosophical foundation for children's rights (Tobin, 2013; Guggenheim, 2005; Archard and Macleod, 2002). These theoretical problems raise many ontological and epistemological questions about the nature of children's rights generally and have significant implications for how such rights are perceived and implemented in different cultural contexts.

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The rest of the paper is structured as follows: Section 2 briefly discusses some of the pertinent issues in the contemporary debate on children's rights, highlighting the key milestones in the history of childhood and international law making. Section 3 assesses in more detail the Convention on the Rights of the Child in terms of its global importance, strengths and weaknesses. I argue that although it is the most significant global expression of children's rights in contemporary politics, the Convention's implementation in many countries remains a challenge. I then conclude in Section 4 that while the Convention provides the legal basis for children's rights at the global level, it is only through national legal and policy frameworks that these rights can be effectively implemented anchored in the child's social context.

CHILDREN'S RIGHTS IN GLOBAL GOVERNANCE

Generally, the ideas that underpin contemporary children's rights discourse are inspired by Western liberal values embedded in a post-war conception of human rights proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights, particularly Article 1 (Seagrave, 2011; Bentley, 2006; Pupavac, 2000; Gourevitch, 2009). The concept of children's rights articulated in contemporary human rights discourse and enunciated in official UN documents is a socially constructed concept reflecting a discursive shift from the early liberal concepts of childhood (Becker, 1977; Simmons, 1992, p 192; Arneil, 2002, p 72; Hayden, 2001; Hegel, 1967; Locke, 1966; 2002, p 2; Montgomery, 1988). The core aspects of global politics, including treaty formation, are socially constructed, defined, as it were, by ongoing processes of social practice and patterns of interaction in the international system. In other words, the patterns of social interaction in the international arena are 'cultural, putatively social and contingent, factors that influence international outcomes' (Jackson and Nexon, 2002). Consequently, contemporary debates about children's rights in global politics are influenced by global factors. These factors have shaped not only policymaking in the local context, but have invariably transformed the identity and interests of states (Wendt, 1992).

The formal expression of children's rights and human rights generally in global governance is through treaties, customary international law, general principles and other sources of international law. As norms of international law, children's rights are legal and moral imperatives that bind state and non-state actors (Clapham, 2006). The earliest global attempt to address children's rights can be traced back to the international conferences held in Frankfurt and Brussels in 1846 and 1847 to discuss the rights of juvenile delinquents (Fusch, 2007). Real international law-making activities regarding children only began in 1924 with the adoption of the Geneva Declaration of the Rights of the Child (Holzscheiter, 2010). The Geneva Declaration was the first international treaty to exclusively address the rights of children. The notion of rights implied in the Geneva Declaration is an articulation of moral principles: 'Mankind owes the child the best it has to give' which was principally concerned with the provision of 'children's social, economic and psychological needs' (2010, p 123–124).

The next significant development after the Geneva Declaration was the adoption of the United Nations Declaration on the Rights of the Child in 1959. The 1959 Declaration was a post-war international action intended to protect child victims of the Second World War. This treaty and other international instruments adopted in the 1960s and the 1970s assume that children are passive holders of rights who depend on the protection of adults to claim these rights (Holzscheiter, 2010, p 125). It took a couple of decades of global negotiations and lobbying involving representatives of governments, intergovernmental and non-governmental organizations to come up with a definitive and authoritative statement on children and childhood. This global process culminated in the adoption of the Convention on the Rights of the Child in 1989. The Convention is a significant milestone in the history of childhood and international law-making, and is the core document of the international children's rights

regime, a component of the evolving system of global governance (Pupavac, 2003, p 59; Rehman, 2010, p 598).

In addition to these human rights treaties, the general international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, which relate to all human beings, apply to children as well. For example, as Holzscheiter (2010) correctly observes, Articles 25(2) and 26 of the Universal Declaration embody a more welfare-oriented approach towards children based on their vulnerability, and protect the right to education, respectively, while Article 18(4) of the International Covenant on Economic, Social and Cultural Rights protects the religious and moral education of children in conformity with their own convictions. The fact that some provisions in these instruments specifically refer to children strengthens the argument that children require special attention (2010, p 127).

Other international instruments that supplement this legal framework include the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), United Nations Guidelines for Action on Children in the Criminal Justice System, and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines). In addition to this international machinery, children's rights are also articulated under other international mechanisms adopted by the General Assembly for the advancement of children's rights and welfare.

These agreements reaffirm the same principles outlined in the Convention on the Rights of the Child. Among these mechanisms are included the World Summit on Children, which was held in New York from 29 to 30 September, 1990 and the outcome document of the Special Session of the General Assembly on Children held from 8 to 10 May, 2002, entitled 'A World Fit for Children', which commits world leaders to complete the 'unfinished agenda' of the 1990 World Summit for Children and reaffirms their obligation to promote and protect the rights of every child. These mechanisms provide important provisions that reinforce the ideals of the Universal Declaration and the Convention.

To summarize, the emergence of children in the twentieth century from being previously seen as incompetent beings without moral and political status (Archard and Macleod, 2002), to being seen as political and legal subjects in contemporary global politics (Holzscheiter, 2010) is historically contingent upon the legal, political and sociological patterns and negotiations that preceded the formulation and adoption of, and which continue to drive, the Convention on the Rights of the Child.

THE CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child is the most important global expression of children's rights and a pivot upon which contemporary children's rights debate rests (Freeman, 1997, p 47). Supplemented by three optional protocols — each dealing with specific concerns: the Optional Protocol on the sale of children, child prostitution and child pornography; the Optional Protocol on the involvement of children in armed conflict; and the Optional Protocol on a communications procedure — the Convention places special obligation on states to adopt laws and policies that reflect the norms and standards it enunciates (Steiner et al., 2007, p 1087). The formulation and adoption of the Convention was to a large extent influenced by Western liberal values, although the human rights norms and standards the Convention articulates have come to be accepted as global values, applicable and culturally appropriate in non-Western countries. What is central to this claim is the argument that 'international politics is shaped by persuasive ideas, collective values, culture, and social identities.' As Alder (1997,

p 319) argues, ‘international reality is socially constructed by cognitive structures which give meaning to the material world.’

Generally, the Convention was designed to address the challenges facing children in the world and remains a major international agreement, resulting from a painstaking history of global efforts and the need to enunciate, promote, protect and fulfill universal human rights standards specific to children (Toope, 1996, p 35). The Convention builds upon the breathtaking scope of the Universal Declaration of Human Rights and represents a contemporary global consensus on the status of children in the world (Toope, 1996, p 35; Freeman, 1996; Alston et al., 1992). In particular, it incorporates a wide range of civil, political, economic, social, and cultural rights (Rehman, 2010, p 598). It accords children both liberty and welfare rights, notably the right to the enjoyment of the highest attainable standard of health provided under Article 24, and the right to ‘a standard of living adequate for the children’s physical, mental, spiritual, moral, and social development’ articulated under Article 27.

Importantly, in the history of international law there has never been any international instrument so widely ratified and with such normative consensus as the Convention (Kaime, 2009). ‘This overwhelming normative consensus affirms a shared and welcome global recognition of the rights of the child’ and represents an acceptance by the international community that the basic values articulated by the Convention are children’s human rights, which are best protected in a codified single international treaty specifically designed for this end (2009, p 1). The Convention’s near universal ratification affirms the argument that there is consensus among states at the governmental level regarding the existence of children’s rights as legal rights, with some rights increasingly being accepted and recognized as human rights norms of customary international law (Van Buerens, 1998, p 15). With 195 state parties,² the Convention remains the most ratified and first legally binding human rights treaty to incorporate a full range of human rights: civil and political, and social and economic, rights and enjoys a certain moral force (Pupavac, 2003, p 59; Rehman, 2010, p 598).

The Convention is also seen as a standard for monitoring progress for children’s rights and development, a clear testimony of global efforts to codify and condense ideas about childhood and children’s rights into a succinct and coherent children’s rights theory — integrating major issues affecting children in the contemporary world (Holzscheiter, 2010, p 87). In this sense, the Convention’s adoption is a landmark in the history of childhood, as it is the first time that children are put on the global development agenda after being neglected for a long time in global governance, both as agents and subjects of research (Freeman, 1996; Holzscheiter, 2010).

In terms of structure, the Convention spells out four broad principles that are critical for child development: non-discrimination (Article 2); the best interest of the child (Article 3); the right to life, survival and development (Article 6); and participation (Article 12). These rights may be seen as subcategories of Article 27: the child’s right to a standard of living adequate for his or her physical mental, spiritual, moral and social development (Toope, 1996). The key provision in the Convention is Article 12, in that it expresses the greatest impact of the children’s rights movement, as it requires states to ensure that children are able to form their own opinion and to express their own views freely (in all matters affecting them: economic, social, political, cultural, religious, and judicial) and recognizes the child as a full autonomous being (Freeman, 1996:1–3; 1997:56). The right asserted in Article 12, which asserts the children’s participation in decisions that affect their lives, is not only a challenge for traditional societies, but is equally problematic for Western countries, as social and legal policy may conflict with the requirements of the Convention (Toope, 1996, p 37). As Freeman tells

² United Nations Treaty Collection, *Convention on the Rights of the Child*, status as at: 23/05/2015. Available from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-11&chapter=4&lang=en [Accessed 20 October 2015].

us, Article 12 is ‘significant not only for what it says, but because it recognizes the child as a full human being, with integrity and personality, and with the ability to participate fully in society’ (1997, p 56).

Most notably, the Convention’s innovation lies in being the first human rights treaty to desegregate, explicitly, the two broad categories of rights: civil and political, and economic, social and cultural rights (Toope, 1996, p 59). This innovation is significant because it underscores the importance of both categories of rights in equal measure. The practical implication of this integration can be seen in several of its articles. For example, Article 3 provides that in all actions affecting children ‘undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’ This provision places an obligation on state parties to care and protect all children’s well-being by taking appropriate legislative and administrative measures, ‘taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her.’

Similarly, Article 6 provides that state parties shall: (1) recognize that every child has the inherent right to life; and (2) ensure to the maximum extent possible the survival and development of the child. Article 24 provides for the child’s right to the highest attainable standard of health, while Article 28 makes primary education compulsory and available to all. Article 27 protects the right to an adequate standard of living. However, unlike civil and political rights, there are caveats placed on these rights; their implementation depends upon national circumstances and to the maximum extent possible of the available resources and is to be achieved within the framework of international cooperation as provided under Article 4. But, as Toope correctly observes, if these provisions were to be read with Article 6(1) in mind, children’s rights advocates would make a stronger legal argument — especially in poor countries, which often spend large portions of their national budgets on military hardware or other non-essential items — to persuade governments in such countries to reassess their spending priorities. Thus, the Convention’s emphasis on the need to attain the highest possible standards in the social and economic spheres for children reverses the lowest common denominator approach, which is perhaps why this human rights treaty is seen as a milestone (1996, p 36–70).

In spite of its normative character and overwhelming ratification, the Convention’s implementation is constrained by many factors. Children’s access to formal rights and opportunities in many countries continue to be restricted (Gran, 2010, p 14). For example, as UNICEF (2015) notes, 2014, the year that marked the 25th anniversary of the Convention on the Rights of the Child ‘was also one of the most devastating years for children in recent memory’ (UNICEF, 2015). While in the past 25 years social progress for children has been recorded, millions were, and continue to be, affected by a ‘rising number of disasters, conflicts and chronic crises - and new threats like the Ebola outbreak that could roll back years of progress.’ Globally, children continue to be denied their right to a fair chance because of the family into which they were born, the community or country in which they live, or other circumstances beyond their control, such as their gender, ethnicity or disability (2015, p 1–10).

There are also other reasons, which affect the implementation of children’s rights. Firstly, although in theory Article 4 of the Convention requires all states to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention, in practice many countries do not comply due to scarcity of resources (Freeman, 1996, p 4). To implement the rights envisioned in the Convention requires ‘massive global redistribution of resources’ (Archard, 2004, p 210) as well as political will (UNDP, 2013). But Wall (2008) argues that the gap between the ideals and the reality of children’s rights is not entirely a result of inadequate resources and implementation, but rather the lack of a clearly articulated conceptual understanding of what children’s rights are.

Similarly, other scholars contend that the Convention lacks philosophical grounding in its conception of rights, because, as evidence shows, during its drafting there was no discussion about the moral rights of children, as the delegates ostensibly prioritized their limited time to addressing the ‘silent emergency of childhood deaths from malnutrition and disease’, rather than engaging in the theoretical debates they felt were some kind of a game (Tobin, 2013, p 399; Van Bueren, 1995, p 6). It is thus argued that the Convention is an incompletely theorized agreement (Tobin, 2013, p 399). Undoubtedly, the argument of resources is equally legitimate. Although most governments in developed countries allocate adequate resources for child survival and development, it is not often the case with their counterparts in developing countries due to inadequate resources and a lack of political will by some affluent countries of the North to transfer substantial resources to the poorer South (Toope, 1996, p 34).

Secondly, the Convention’s weak enforcement mechanisms and lack of an individual court for petitioning against incompliant states also affect its implementation (Lyon, 2007). While it is argued that in the absence of court-based enforcement the Committee on the Rights of the Child monitors compliance through state party reporting and its jurisprudence through the concluding observations and general comments (Lyon, 2007, p 405–6), the current monitoring system is not very effective and state parties are not current in their reporting obligations and many others have not submitted their subsequent reports since ratifying the treaty (Ramesh, 2001).³ Also, the self-reporting monitoring mechanism, originally introduced by the International Labour Organisation, was found to be weak (2001, p 1948–49; Van Bueren, 1995, p 384). Moreover, there is no guarantee that the current system is any better. It should also be noted that even though the ten experts who constitute the Committee serve in their personal capacity and are expected to be independent in their judgment, the fact that they are nominated by state parties means that ‘their independence has to be considered with caution because it is unlikely that state parties will nominate any candidate who publicly disagrees with their policies’ (Ramesh, 2001, p 1949). The Committee is also constrained by the volume of work and inadequate resources (Rehman, 2010, p 598).

Thirdly, the sloppily drafted nature of the Convention affects its interpretation and implementation, as most of its provisions are ‘vague’ in their conceptual grounding (Sen, 2004; Toope, 1996, p 43; Grover, 2004). The vagueness or mushiness of the Convention is evident, for example, in the wording of Article 1, the definition of the child which is couched as follows: ‘a child means every human being below the age of eighteen years *unless under the law applicable to the child, majority is attained earlier*’ (Italics mine). In its current formulation, Article 1 does not reflect the intent and spirit of the Preamble, which emphasizes the protection of universal children’s rights (Grover, 2004, p 260–61). The Article circumscribes the rights of children as it ‘places limits on who will be afforded its protection depending on the age of majority in the law applicable to the child in the home country’ (Grover, 2004, p 259). The provision also contradicts Article 25(2) of the Universal Declaration that recognizes the ‘special vulnerability of children’ (Grover, 2004, p 263), which unequivocally protects all children as it states: ‘Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.’ Thus, the ambiguity inherent in Article 1 of the Convention makes it possible for states to lower the age of majority. This has implications for criminal proceedings where there is a public outcry, such as gang violence, and also allows states to enlist children in armed forces to advance their own state interests (Toope, 1996, p 43).

Fourthly, the insertion of a statement in the Preamble that ‘due account’ is to be taken of ‘the importance of traditions and cultural values of each people for the protection and harmonious development of the child’ proves problematic to implement in traditional settings,

³ *ibid.*

because it can be used to justify the argument, particularly among traditionalists, that in such instances a child's welfare can be trumped by adverse 'cultural values and traditions' (Freeman, 1997, p 54). As Freeman observes, this statement can also legitimize harmful traditional and cultural practices, such as female genital mutilation (which are medically unnecessary and painful operations) or child marriages as 'cultural values' in some traditional societies. Although the Preamble asserts the 'inherent dignity and inalienable rights of every child', in reality this narrative does not reflect any comprehensive theory of human dignity for children (Tobin, 2013), but merely reflects a historically contingent and contested understanding of the rights to which states have agreed, albeit under an 'incompletely theorized agreement,' which is likely to shift and change over time. This dynamism does not produce an arbitrary theory of human rights for children, but one that is contingent on the 'anthropological realities' and 'contemporary political conditions' that characterize the environment in which the Convention was negotiated (Freeman, 1994, p 513–514; Tobin, 2013, p 433–434).

In addition, it can be argued that the Convention is replete with a plethora of 'hegemony, colonialist liberal ideology and power', which conflict with traditional communitarian values, making its implementation in such cultural contexts problematic (Rana, 2010; Montgomery, 2001). Seen from a postcolonial perspective, the Convention's considerable norm-catalogue character is deeply problematic to accept as a universal children's code (Holzscheiter, 2010, p 17–18). But other scholars note that the tension between tradition and 'liberal' rights must be seen as a creative relationship that can result in a positive reassessment of the validity and value of certain traditions and cultural values, which define the child's social context. Duncan, for example, asserts that this provision assists in avoiding the 'absolutism and orthodoxy' that generally typifies human rights discourses and debates (1998, p 31). Van Bueren (1998, p 15) also argues that the criticism that the Convention is largely influenced by Western values is incongruous and cannot apply to many of the rights and standards it enunciates. However, the inability of the drafters to come to terms with the problem of cultural relativism cannot be overlooked. For example, the concept of family promoted in the Convention by the drafters is the late nineteenth-century European idea of the nuclear family, which takes the semblance of 'parents' in the Convention (Toope, 1996, p 44; Articles 3(2), 10, 17, 27). The concept of family, as defined in the Convention, excludes the extended family concept found in many traditional African societies. The lack of the extended family in the life of the child is taken as a North-South issue and the liberal emphasis on autonomy as the model of human relationships prevalent in the Convention further reflects a deep misconception of traditional cultures (Toope, 1996, p 44). In the African philosophy of *Ubuntu* a parent, for example, is any responsible adult who can take the role of a parent and is seen as such in the sense of providing for all children, because children belong to the clan or community, not just their nuclear or biological parents. As a matter of fact, in non-liberal traditions the Convention represents, in many ways, hegemony over autochthonous concepts of childhood. For this reason, effective protection of children's rights as defined in the Convention is likely to be met with implementation challenges unless the substantive provisions are perceived as culturally legitimate, that is, they are in conformity with the accepted standards or rules of a particular culture in a particular social context across different cultures and communities, taking into account the cultural and religious context of the child (Kaime, 2011; Na'im, 1990; Coward and Philip, 1996).

Similarly, it can also be argued that although the project of universal rights is an attempt to change culture, to make it more accepting of human rights, it can be contended that successful implementation of the concept of rights envisioned in the Convention must take cognizance of the best traditional values and cultural practices existing in traditional societies. For example, among the Bemba-speaking people in pre-colonial Zambia, child protection structures already existed and promoting children's rights in practice, such as the right to be

heard, were seen as a duty of both parents and the community. Thus, trumping such values through the wholesome application of the provisions of the Convention as a blueprint for all countries can be seen as a prescription of some kind that does not take into account local traditions, customs and cultural practices that provide safety nets for children in traditional settings (Kaime, 1999). This, as Rana (2010) argues, can create tensions in such contexts and evoke colonial sentiments. In such cases, the Convention must adapt to some of the best local customs and traditions by ‘respecting’ the cultural diversity and legal traditions that define the child’ in such a context (Duncan, 1998). For this reason, children’s rights in traditional contexts cannot be effectively protected without balancing the relationship between the Convention and local contexts.

Furthermore, the Convention does not practice what it preaches in Article 12, the child’s right to participation; children were not even ‘consulted’ or involved in formulating its contents on the assumption that what was being formulated is what children need (Cohen, 1990; Freeman, 1997, p 8). Children’s voices are marginalized in contemporary debate as the concept of rights ‘continue to be ethically grounded in the experiences and perspectives of adults’ (Wall, 2008:523). On the major matter of the contents of the Convention itself, there is no evidence that children or children’s groups as such participated or were consulted on drafting, or had any real influence in preliminary discussions. The Convention thus encrypts a set of rights and takes an image of childhood from the perspective of the adult world looking in, almost as an external observer, on the views of children (Freeman, 1998, p 439; Arce, 2012, p 9). For example, it has been argued that the three rights asserted by the Convention concerning agency — the right to freedom of thought, conscience and religion (Article 14), the right to freedom of expression (Article 13) and the right to culture (Article 30) are quite problematic to implement and attributing them to children legally endangers children’s interests, as it tends to lead to subordinating their interests in religion, expression, and culture to those of their parents (Brighouse, 2002, p 2). Although this may be true, it can be argued that children are still able to play a constitutive role in shaping the meaning of their rights under the Convention and express their views (depending on their level of reasoning) on any matter of their interest deserving of protection, as a consequence of the flexibility of Articles 3 and 12. The periodic state party reporting process is one way in which children may be involved through consultative workshops.

In the final analysis, while there is global consensus regarding the existence of certain international children’s rights as norms of customary international law (Van Bueren, 1998; Toope, 1996, p 35; Freeman, 1996; Alston et al., 1992), it can be argued that the Convention’s concept of rights is not broad-based because ‘the drafting process was dominated by Western states and completely excluded children’ and other perspectives from the process (Tobin, 2013, p 398; Kaime, 2009; Cohen, 1990; Freeman, 1997, p 8). Disagreements as to the content and extent of these rights as international norms and standards still exist, partly because childhood and children’s rights have been socially constructed in such a way that even in situations where substantive provisions of the Convention have been changed to protect the best interest of the child, these have been found to be falling below the expected standard set in Article 12 (Van Loon, 1993, p 209–211).

CONCLUSION

In conclusion, it can be seen from the above analysis that, firstly, the rights asserted in the Convention on the Rights of the Child are ethical claims articulated in specialized legal discourse. It is the underlying ethical commitment that must be upheld while precise legal consequences of the new discourse are worked through. However, a list of abstract legal rights may be fundamentally deceptive, because rights without services are meaningless, while, without a commitment of resources, services cannot be provided. Secondly, the key to effective

protection of children's human rights lies in formulating stronger national legal and policy frameworks with effective monitoring mechanisms, because it is within national legal systems that human rights are contested and more concretely protected through judicial enforcement. Lastly, it should be noted that the international human rights regime provides an opportunity for the international community to move beyond entrenched historical assumptions about human rights to fresh new ground (Wall, 2008, p 533). In terms of children's rights, the Convention is a good starting point and remains the key international legal instrument for promoting, protecting, respecting and fulfilling children's rights throughout the world. However, its impact lies in giving it more effect by amending many of its provisions to reflect the social context of the child.

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IS RURAL NON-FARM GROWTH, FACTOR DEPENDENT? A CASE STUDY OF A VILLAGE IN INDIA.

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ABSTRACT

This study attempts to assess the changing rural structural transformation and its implication on the emergence of rural non-farm sector. Rural non-farm sector is no longer a residual sector, but has become indispensable for income and employment generation particularly in the rural economy. How far such occupational diversification can bring about desirable changes and transformation to rural economy is of research interest. It is important to study the push and pull factors along with the role of urban spill over effects on the emergence of non-farm sector either formally or informally in the rural areas. This is so especially for an economy which has normally been characterised as an agrarian egalitarian society, which now shows the emergence of new economic activities and opportunities. This paper attempts to trace the growth of non-farm sector especially in the North-eastern states of India. The sector in this region is factor dependent and is not homogeneous in nature. The present study enumerates the role of different factors that have led to the growth of non-farm sector and to what extends rural transformation by taking a case study of a village in the state of Nagaland.

Keywords: Rural structural transformation, non-farm sector, Factor dependent.

INTRODUCTION

The emergence of rural non-farm (RNF) employment is an important and fast growing source of rural employment and income generation in India in the last few decades. Future possibility for the persistence of this feature, makes it more necessary and interesting to analyse the phenomenon comprehensively in all its dimensions such as the nature of diversification in the rural employment structure, diversity of emerging activities, shifts in 'pluriactive' or multi-occupation, levels of productivity and earnings, and sustainability. RNF employment is a complex phenomenon, and in the context of vast diversity of rural India in terms of agro-climatic, socio-economic and institutional conditions there is a need for detailed analysis of the various dimensions of the phenomenon with a focus on situation analysis based on micro-level studies (Reddy, 2014). The emergence of rural non-farm sector as the highest employment and income generating sector has been considered as one form of rural structural transformation by many scholars (Eswaran et al., 2009). Thus, diversification of workforce engaged in the agriculture to other non-farm sector has been the fundamental target of many policies initiated by the government over the past three decades. In rural areas of developing countries like India, occupational diversification becomes very important where the average farm size and income is small and continues to shrink with demographic pressure, and where wage employment in a wide range of activities is casual and seasonal. It is obvious that any single source of income is not sufficient to meet rural individual or household needs. Perhaps, diversification of activities of an individual as well as household is likely to be more common. A self-employed farmer may be pursuing multiple employment activities in other rural non-farm sector or he may be seasonally employed in the informal sector in urban areas as wage-worker. Thus, rural households or individuals tend to pursue a number of different economic activities, resulting in 'pluri-active' or 'multi-occupational households or individuals'. RNF employment provided mostly casual work and very little regular work, and the bulk of seasonal fluctuations in RNF employment are due to casual labour shifting from agriculture to non-agriculture (Reddy et al,

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2014). The incidence of non-agricultural work as secondary source among casual agricultural labour was on the rise in 1980s, which also indicated that poor rural labour was into multiple occupations and much of the increase in RNF employment was in the case of male workers than female. Men in RNF employment are more with education and are in the younger age group while older men are left behind in agriculture. But there are diverse findings on the relationship between assets (land holdings) and emergence of RNF employment (Unni, 1996). Some reported that participation in RNF employment is inversely related to the size of the household land holding, but others found that men in households with significant assets (including land) specialize in non-farm activities (Visaria and Basant, 1994).

In the Indian context the nature of the expansion of the non-farm sector and its implication on the decision making of the household in the farm sector are important for the long-term growth of the farm sector. Again the nature of transformation is not similar across time and space in the Indian context, different regions have different socio-economic and institutional set up that plays an important role in the decision making of every household. So given the different variation in the rate of growth of farm and non-farm sector in the Indian states, this study will attempt to focus on the emergence of non-farm sector in a remote rural village of Nagaland and how occupational diversification has taken place. This paper tries to identify who are diversifying from the agriculture to the non-farm sector and what are the major factors that play an important role in the diversification.

The content of the paper is organised in the following way. Data, methodology will be discussed in the second section. Third sections will deal with the analysis of the field data. Some of the major findings will be presented in this section followed by Conclusion in the fourth section.

Introduction to institutional set-up and economy of Nagaland:

Nagaland is a state of communitised tribal society (Jamir, 2001) with seventeen different Naga schedule tribes and 11 districts. Each district has a predominant concentration of one of the major/ minor tribes of the State, making those region/districts distinct in their socio-economics and political, traditional, cultural and linguistic characteristics. Every district has their own customary laws and certain institutional norms which are not in written form but socially acceptable and followed by all households in the village.

Nagaland economy still confronts many developmental constraints, even after 62 years of its statehood. Foremost among them is the geographically isolated, difficult hilly terrain, relatively inaccessible to the rest of the world coupled with continuous political conflict. Remoteness and inaccessibility within the state are also the main causes for the regional disparities in the state. One of the major conundrums of the state is tackling the ever increasing number of educated unemployed. According to census 2011, the state literacy rate was 80.11% and there has always been an increasing number of under-employment as well as disguised-unemployment in the state.

Naga society being predominantly an agrarian economy. Agriculture is the main occupation for their source of livelihood, where agriculture production is mostly for self-sustenance/consumption and not much for commercialisation. The contribution of agricultural sector in the state is very significant. The major land use pattern is locally known as jhum or shifting cultivation and area under jhum cultivation is about 1, 01,400 hectare. The remarkable feature of the economy is that there are no landless peasants in the state. In spite of the agriculture being the main occupation of the population, state still has to import food items from other neighbouring states to fulfil the total consumption. This has happened because though agriculture produces a small marketable surplus there is a lack of proper agro-marketing and agro-business structure and also with the fact that people followed unsustainable agricultural practices such as the jhumming method which give less productivity and less reliable unstable. Terrace land and wetland are considered to be more productive and

permanent than jhum land cultivation. Land holdings and labour market are not so formalised in the rural economy. Property rights entitlement documents are yet to be systematized by the government and held widely by land owning households because of strong tribal institutional norms and set up, so also exchange of community based reciprocal labour still prevails in the rural villages along with employment of farm wage labourers.

Out of total area of 165,783 hectares, covered by the state, 1, 008,23 hectares comes under government control, that accounts for 11.7% of the total area of the state. Community, clan recognized traditional rights based land holdings as well as more modern and formalized private property entitlements over land holdings held by two or more families are common. Of these types of ownerships, modern property rights based private individual ownership entitlements has the largest share and traditional rights based, clan recognized ownership rights the least. Customary law has a very strong hold in the society and quite effectively determines the ownership of land, the individual's right to use it, and is involved in settling disputes etc. Officially, 17 tribes inhabit the state each having its own customs and traditions. The laws governing the ownership of land, inheritance, use of land etc. differ from one tribe to the other (Renbeni, 2015).

Introduction of Mekokla village:-

Mekokla village falls under Wokha district having 295 households and a population of 2165 with literacy rate of 89.36% which is higher than the state literacy rate of 79.55% according to census 2011. Mekokla is a large village located in Aitepyong block of Wokha district and is inhabited by the Lotha tribe of Nagaland. The village is a communitized agrarian society with a strong tribal institutional set up. Agriculture is considered as the main source of livelihood and innate all over the land. The village is geographically located at a point where there is not much easy accessibility towards nearby towns and markets, given the poor infrastructure (roads and transportation facilities) and lack of development. The distance to the nearest towns is in a radius of 30-35 kms. But due to lack of connectivity, its time consuming and expensive to travel often for the villagers. The only convenient connection is through government bus to the only district headquarter town, that has made conveyance a bit easier. If transportation facilities are improved in this village, it could have serve the purpose of exploring and penetrating potential markets in and around the village which could improve the village economy to a large extend. Nevertheless, the informal network and sources in the village has slowly emerged, and has started to involve in extrapolating the agriculture market by diversifying into more productive income generating activities in the village.

Mekokla agriculture Economy:

Agriculture production in Mekokla village follows primitive/traditional methods of production, where mostly labour intensive man power is required for agricultural production and no modern techniques of agriculture production has been used. Agriculture production is mostly for self-sustenance or self-consumption and not for commercialisation. Wetland and jhum land (shifting cultivation) are the most popular method of cultivation in the village. Where wetland gives more productivity than jhum land, even though wetland cultivation is comparably expensive and need more labour time. In within the farm sector, there is an emerging trend, where there is expansion of plantation of commercial crops like rubber, ginger, orange, tree beans, sugarcane etc. Some of these commercial crops are undertaken under government scheme to encourage the villagers to make farm sector more profitable in near future.

DATA AND METHODOLOGY:-

Field survey was conducted with a structured questionnaire personal interview, and it was on intensive household survey, where the head of the family or anyone member of the family is the respondent to collect information for the whole family (household members). Total 60 rural household has been surveyed out of more than 295 households in Mekokla village under

Wokha district. The village has no documented property right system so most of the respondents were unable to give standard measurement for their landholdings, as in the village the land holdings are measured by its land harvest during Kharif season.

The secondary data has been collected from Employment and Unemployment survey of different National Sample Survey (NSS) Rounds of Govt. of India. Four rounds of NSSO (National Sample Survey Organisation) data (50th, 61st, 66th, and 68th) have been used. For classifying the household into farm and non-farm, National Industrial Classification of Government of India has been used.

FIELD WORK DATA ANALYSIS AND FINDINGS:-

The sample household of the rural village in Nagaland is categorised into Farm and Non-farm household based on the larger share of income. Table 1 below shows that 37% of the sample households earn their major share of income from the farm sector and 63% are from the non-farm activities. There are households who earn income both from farm and non-farm sectors. Those households are categorised as mixed income households. 85% of the sample household are reported as mixed income household, which shows the multi-occupation strategy of the household. It would be interesting to look at what are the factors that determine the decision to be in the farm or non-farm sector. What necessitates a household to diversify the portfolio in the farm and in the non-farm sector?

TABLE 1: SHARE OF FARM AND NON-FARM HOUSEHOLD

Share of farm and Non-farm Household			
HH type	No of HH	Share of HH	Share of Income
Farm	22	36.67	34.02
Non-farm	38	63.33	65.98
Total	60	100	100

Source: Authors' calculation from primary field survey data

It has been observed in India, that the nature of non-farm activities is not homogenous all over the country. The role that the non-farm sector plays also varies across regions and over time depending upon the intensity of the emergence of the non-farm sector and the nature of non-farm activities. It has also been argued by many scholars that income from non-farm sector alone is not sufficient and not sustainable. In such situation household adopt multi-occupation strategy and diversify their portfolio among different activities. Considering the differences in growth and nature of non-farm activities, the field survey data of Mekokla village has tried to capture multiple occupation strategy of the households. Data on the first five occupations are collected where the first occupation contributes maximum share of the household income.

TABLE 2: DISTRIBUTION OF THE FIRST OCCUPATION OF THE HOUSEHOLD

Occupation	No of Household	Share of Household
Cultivation	22	36.67
Forestry and Logging	5	8.33
Casual Labour	3	5
Fishing	1	1.67
Govt. Servant	12	20
Grocery Shop	3	5
Rentier (Coal mining)	6	10
Rice Mill	2	3.33
Carpentry	2	3.33
Handicraft	1	1.67
Church Pastor	2	3.33
Others (Pensioner)	1	1.67
Total	60	100

Source: Authors' calculation from primary field survey data

Table 2 show the distribution of households based on the first occupation. 37% of the households reported cultivation as their first occupation followed by Govt. Servant (20%). Based on the distribution of the first occupation of the household farm sector activities (cultivation, forestry and logging, casual labour and fishing) employ around 52% of the households. Next to cultivation, households depend upon the forest resources for their livelihood which comprises 8.33% of the sample households. The non-farm activities are mostly informal in nature. Employment in the public sector is the only formal non-farm job. This could be the reason for the high inequality in the distribution of income in the non-farm job, as the very criteria to enter government employment requires access to education. Given education as the constraint for entering into the formal non-farm employment, household tends to divert towards informal non-farm activities which are insecure and does not fetch sufficient income for livelihood. So to be on the safer side, household tries to diversify their portfolio (labour as well as physical assets like land) between different activities. Table 3 shows the intensity of the multi-occupation in the sample village. It shows that 68% of the households are engaged at least in three occupations for their livelihood. The survey also found that there is diversification within the farm sector, towards plantation of commercial crops. In the study village, cultivation of eight commercial crops has been identified (see Table 4). These include rubber, pineapple, orange, tree beans (yongjak in local dialect), banana, ginger, sugarcane, betel nut. Among the plantation crops diversification towards the plantation of rubber and tree beans are the emerging trends in the rural villages of Nagaland.

TABLE 3: INTENSITY OF THE MULTI-OCCUPATION

	No of Household reported	Share to total HH
First Occupation	60	100
Second Occupation	52	86.67
Third Occupation	41	68.33
Fourth Occupation	27	45.00
Fifth Occupation	11	18.33

Source: Authors' calculation from primary field survey data

TABLE 4: PLANTATION OF COMMERCIAL CROPS

Commercial Crops	No of Household	Year of Starting
Rubber	39	2000
Pineapple	6	1985
Orange	17	2005
Treebeans	32	2004
Banana	10	1993
Ginger	3	2008
Sugarcane	9	2009
Betel nut	4	2004

Source: Authors' calculation from primary field survey data

The above observation on the farm and non-farm activities of the rural village of Nagaland depicts the coexistence of Farm and Non-farm sector and the interrelationship in providing the livelihood of the households. So it would be interesting to study on those factors that influence a household to move towards non-farm sector and plantation of commercial crops.

Factor influencing the diversification towards commercial crops:

Plantation of Rubber needs high level of investment with a gestation period of 10-15 years. It also needs huge labour power. Table 5 shows that the higher income group are the one engaged in the plantation of rubber. The top two category of household who are engage in rubber plantation has about 77% of the total rubber plantation household. In the non-farm income the share of top two category of household is 51%. This 51% of the households are mostly large

landowning household. Table 6 gives the landowning distribution of the household in Non-farm income. It shows that in the top income household category (₹15000 and above), has land holding of 92%, if we add up the top two categories of the land holdings. Similar is the case for the income category 7000 to 15000. In this category the top two land owning class (4.000-10.000 and 10.000 and above) constitutes 85% of the households. So it can be concluded that the large income group with large landowning are the ones that has mostly diversified towards rubber plantation.

TABLE 5: ENGAGED IN RUBBER CULTIVATION

Income Group (monthly, in rupees ₹)	No of Household in Total Income		No of Household in Non-farm income	
		Share		Share
Below 500	0	0.00	8	20.51
500-1000	0	0.00	2	5.13
1000-3000	2	5.13	2	5.13
3000-7000	7	17.95	7	17.95
7000-15000	15	38.46	7	17.95
15000 and above	15	38.46	13	33.33
Total	39	100	39	100

Source: Authors' calculation from primary field survey data

TABLE 6: INCOME AND LANDOWNING CLASSIFICATION OF RUBBER PLANTATION HOUSEHOLD

Income Group (monthly non-farm, in rupees ₹)	Classification of land own (in Acres)					
	Below 1.000	1.000- 2.000	2.000- 4.000	4.000- 10.000	10.000 and above	Total
Below 500	0	0	37.5	12.5	50	100
500-1000	0	0	0	0	100	100
1000-3000	0	0	0	100	0	100
3000-7000	14.29	14.29	28.57	28.57	14.29	100
7000-15000	0	0	14.29	42.86	42.86	100
15000 and above	0	0	7.69	30.77	61.54	100

Source: Authors' calculation from primary field survey data

The other important commercial crop that is found in the study area is Tree beans (parkai species). The nature of this crop both in terms of production and marketing is more advantageous than rubber. It needs less investment with smaller gestation period and as it is a vegetable crop, it has a day to day demand.

TABLE 7: ENGAGED IN TREE BEAN CULTIVATION

Income Group (monthly, in rupees ₹)	No of Household in Total Income		No of Household in Non-farm income	
		Share		Share
Below 500	0	0.00	8	25.00
500-1000	0	0.00	1	3.13
1000-3000	1	3.13	3	9.38
3000-7000	6	18.75	5	15.63
7000-15000	13	40.63	6	18.75
15000 and above	12	37.50	9	28.13
Total	32	100	32	100

Source: Authors' calculation from primary field survey data

The class analysis of the tree beans cultivating households also follows a similar pattern like that of the rubber cultivating household. The top two categories in total non-farm income group dominate the tree beans cultivation with a share of 78% (40.63+37.50) (see Table 7). But in the non-farm income, both the bottom as well as top income categories are engaged in tree beans cultivation. The landowning classification of the tree beans cultivating households in Table 10 shows that large size landowning class dominates in the cultivation of tree beans.

62.5% of the bottom income category is large landowner. Similar is the case for the top income category where 66.67% are large land owner.

TABLE 8: INCOME AND LANDOWNING CLASSIFICATION OF TREEBEANS PLANTATION HOUSEHOLD

Income Group (monthly non-farm, in rupees ₹)	Classification of land own (in Acres)					Share Total	Total No. of Household
	Below1.000 and above	1.000-2.000	2.000-4.000	4.000-10.000	10.000		
Below 500	0	0	25	12.5	62.5	100	8
500-1000	0	0	0	0	100	100	1
1000-3000	0	0	33.33	66.67	0	100	3
3000-7000	20.00	20.00	20.00	40.00	0.00	100	5
7000-15000	0	0	0.00	50.00	50.00	100	6
15000 and above	0	0	11.11	22.22	66.67	100	9

Source: Authors' calculation from primary field survey data

Factor influencing the diversification towards Non-farm sector:

The structure of the rural Indian economy is undergoing a change in the recent period. One of the important forms of transformation is the emergence of rural non-farm sector which is now indispensable for income and employment generation. But the accessibility to the non-farm sector is not open for all with an entry barrier. The standard literatures dealing with the diversification of the household towards non-farm sector have listed number of entry barriers. The probability of getting non-farm job increases with the increase in education standard (Eswaran et al., 2009). Studies have also talked about the gender and age as the barrier in entering into the non-farm sector. The relationship between access to physical assets and non-farm employment has also been discussed in various literatures. This paper mainly attempts to study those major factors influencing diversification in the non-farm sector. Firstly the nature of non-farm activities in the study village is different from the standard understanding of the non-farm sector at all India level. The non-farm job is primarily informal in the study village. Secondly, it has a strong agrarian base due to the importance that people in this village has towards agriculture. So this is a primary attempt to study the upcoming trends in the Nagaland economy, and comparing between NSSO data and field survey data considering the limitation of sample biased.

TABLE 9: SHARE OF FARM AND NON-FARM HOUSEHOLD: ALL INDIA AND NAGALAND

Year	All India (in %)			All India Rural (in %)			Nagaland (in %)			Nagaland Rural(in %)		
	Farm	Non-farm	Total	Farm	Non-farm	Total	Farm	Non-farm	Total	Farm	Non-farm	Total
1993-94	56.82	43.18	100	73.44	26.56	100	46.62	53.38	100	62.2	37.8	100
2004-05	50.27	49.73	100	66.51	33.49	100	44.84	55.16	100	62.33	37.67	100
2009-10	46.44	53.56	100	62.62	37.38	100	47.91	52.09	100	62.19	37.81	100
2011-12	43.03	56.97	100	59.22	40.78	100	42.85	57.15	100	61.5	38.5	100

Source: Authors' calculation from different NSSO rounds

Table 9 show the economic structure of India and Nagaland. The share of non-farm sector is increasing at all India level as well as in Nagaland. At the aggregate level both the Indian economy as well as Nagaland economy is experiencing rapid increase in the non-farm sector.

But still the rural economy is predominantly an agrarian economy for both India and Nagaland. The share of farm sector for Rural India is around 60% and for Rural Nagaland is 61%. The increase in the share of household under non-farm sector for rural Nagaland is almost consistent. There is less than 1% increase in the last two decades. The field survey data gives a different picture of the share of farm and non-farm sector. The share of non-farm sector in the study village is higher than the NSSO result. The reason could be the nature of non-farm sector which are not covered by the NSSO. The field data also shows that 85% of the household are mixed household. So an attempt has been made to check what determines the decision of the household to be in the non-farm sector.

TABLE 10: EDUCATIONAL PROFILE OF THE NON-FARM HOUSEHOLD

Educational status	No of Non-farm		Share of Non-farm to total
	Household	Total Household	
Graduate	3	3	100
12th	8	11	72.73
10th	10	16	62.50
Below 10th	17	30	56.67

Source: Authors' calculation from primary field survey data

The educational profile of the non-farm household given in table 10 shows that education is one determining factor in the decision making process of the household. Moving up in the ladder of education increases the share of household in the non-farm sector. In the study village out of 30 household, 17 (56.67%) household are in the below 10th standard of education and engaged in non-farm sector. But in the category of graduate, the entire household are in the non-farm sector only. The landowning classification of the non-farm households shows that 84% of the households are in the top two land owning categories (see Table 11). Migration has a positive relationship with the decision of the household to be in the farm sector. Field survey data shows that, out of the 60 households, 18 household has at least one member has migrated to nearby towns/cities and sent remittances back at home. Again among these 18 households, 15 households (83%) are in the non-farm sector (see table 11). The household size information given in table. 12 show that household members of 4 to 6 and above enter into the non-farm sector. These categories of household can easily diversify the labour power between farm and non-farm sector. In the sample households it is found that the large household size has more number of dependent members in a household.

TABLE 11: LANDOWNING CLASSIFICATION OF THE NON-FARM HH

Land owned (in acre)	No of non-farm HH	Share
Below 1.000	3	7.89
1.000-2.000	0	0
2.000-4.000	3	7.89
4.000-10.000	14	36.84
10.000 and above	18	47.37
Total	38	100

Source: Authors' calculation from primary field survey data

TABLE 12: HOUSEHOLD SIZE

Household Size	No of Non-farm	
	Household	Share
1 to 3	12	31.57
4 to 6	15	39.47
7 and above	11	28.94

Source: Authors' calculation from primary field survey data

CONCLUSION

The rural agrarian economy of the Nagaland is undergoing a change with the emergence of non-farm economy. As the share of income derived from the non-farm sector is higher than the farm sector, and farm sector alone is not sufficient for sustaining livelihood. Thus, households are diversifying their portfolio between farm and non-farm sector. It has been found in the field surveyed village that the intensity of the multi-occupation is very high among the households. Diversification towards commercial crops within the farm sector in the recent period is seen as another strategy adopted by the household in the study village to earn their livelihood. The class analysis done in this paper shows that it is the high income group with large land ownership are the one diversifying towards both non-farm and plantation of commercial crops. Majority of the non-farm jobs is informal in nature. Education is one of the important barriers to enter into the formal non-farm job. As agricultural income is not sufficient though almost all households are engaged in it, the government should focus on formalizing and exploring non-farm opportunities through various policies and schemes and also introduce various programmes to educate the farmers with sustainable and modern techniques of production. Priority should be given to improve the infrastructure development of the village with proper connectivity to nearby towns, which will encourage the non-farm sector market to expand.

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