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ACCOUNTABLE TO WHOM?

TRADE UNIONS, LABOUR NGOS AND THE QUESTION OF ACCOUNTABILITY IN INDONESIA

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INTRODUCTION

A dominant theme in discussions of the accountability crisis is the potential impact of blurring boundaries between public and private institutions. Opponents of privatization (and pseudo-privatization) argue that the modes of accountability characteristically adopted by private institutions are inferior to those demanded of their public counterparts. Organized labor movements in developing countries such as Indonesia provide useful examples with which to explore these claims. Normatively speaking, labor unions are inherently “public” bodies: they have uniquely public responsibilities – namely, the procurement of social citizenship for working-class citizens – and they are subject to distinctly public mechanisms of accountability, namely electoral democracy. In contrast, the non-governmental organizations (NGOs) who have challenged, even undermined, unions’ monopoly on worker representation in emerging economy contexts in recent decades are inherently private organizations which are not directly bound to the workers they serve. NGOs’ growing engagement with labor issues is thus portrayed as bringing with it a shift away from the electoral mode of accountability considered synonymous with unions towards the inferior modes of accountability adopted by NGOs.

Analyses of labor NGOs' growing involvement in labor issues highlight widely-recognized concerns about labor NGOs' accountability to the workers who comprise their 'target groups'. However, they fail to acknowledge that many unions in emerging economies are only marginally, if at all, more accountable to workers. In Indonesia, both labor unions and labor NGOs are enmeshed in complex webs of accountability, in which their relationship with workers represents just one of many strands. These webs of accountability equally define – and limit – labor unions and labor NGOs' ability to 'answer' to workers, suggesting that public accountability is perhaps sometimes more a product of the political and economic environments in which labor movement organizations operate than of the structures of those organizations themselves.

This paper begins by examining the arguments most often made about the differences between labor unions and labor NGOs and the effects those differences have on the nature and extent of their accountability to workers. It then explains the context in which NGOs came to dominate the Indonesian labor movement in the early 1990s and the web of accountability in which Indonesian labor NGOs and unions find themselves today. The paper concludes by outlining the implications of the 'accountability dilemma' faced by unions and labor NGOs. It argues that – despite their formally democratic accountability structures – Indonesian unions are not necessarily always more accountable to workers than their undemocratic labor NGO counterparts. This suggests a multi-dimensional model of accountability is required that recognizes the impact that pressures associated with a particular environment have on labor movement organizations' ability to be accountable to workers.

I. QUESTIONS OF ACCOUNTABILITY IN THE LABOR SPHERE

As unions are the primary organizational vehicles for workers' collective action, most discussions of accountability within the labor movement are located in the literature on labor union democracy where accountability is a major, if not always explicit, theme. Discussions of labor union accountability, like most discussions of public accountability, are generally framed in terms of a relationship between two entities: the institution whose level or type of public accountability is to be examined, and 'the people' (or representatives of 'the people') to whom (or which) they are accountable. The idea of accountability is implicit in the analyses of tensions between unions' institutional interests and the interests of union members which characterize much of this literature.¹ Scholars concerned with labor union democracy also raise the possibility that different unions may emphasize different measures of accountability.² For example Morris and Fosh identify four major models of labor union democracy, namely liberal pluralism (which stresses electoral accountability); consumer labor unionism (where accountability is measured through outcomes rather than internal processes); grassroots activism (which stresses accountability through direct collective decision-making); and individual accountability (which stresses the role of the state as an external arbiter of labor union democracy which guards against leaders' radicalism).³ Yet although these modes of labor union democracy represent quite different approaches to labor

¹ David Edelstein & Malcolm Warner, *Comparative Union Democracy: Organization and Opposition in British and American Unions* (London, 1975); Jack Fiorito, Paul Jarley & John T. Delaney, "National Union Effectiveness in Organizing: Measures and Influences" (1995) 48 *Industrial and Labor Relations Review* 613; Richard Hyman & Robert Fryer, "Trade Unions: Sociology and Political Economy" in Tom Clarke & Laurie Clements, eds., *Labour Unions Under Capitalism* (Hassocks, 1978).

² John Hemingway, *Conflict and Democracy: Studies in Trade Union Government* (Oxford, 1978); Huw Morris & Patricia Fosh, "Measuring Trade Union Democracy: The Case of the UK Civil and Public Services Association" (2000) 38 *British Journal of Industrial Relations* 95.

³ Morris & Fosh, "Measuring Trade Union Democracy."

unions' public accountability, a common premise underpins all four: that the public to which a union is accountable is comprised only of its due-paying members.

NGOs' contribution to campaigns around labor issues may be increasingly acknowledged, but labor NGOs are seldom considered to be labor movement organizations in their own right because they are not organizations 'by, for and of' workers. As a result, in contrast to the literature on labor union democracy, which focuses more or less entirely on unions' accountability to their worker-members, the much smaller literature on labor NGOs emphasizes NGOs' relative lack of accountability.⁴ Critiques of labor NGOs' accountability echo the three major concerns regarding NGO accountability more generally that Sasha Courville identifies: that NGOs are insufficiently accountable to either their members or the groups they serve; that they are even less accountable to society as a whole; and that NGOs' multiple roles inherently diminish their ability to be accountable to workers because of the potential conflicts of interest inherent in seeking to meet the requirements of a whole range of different 'publics'.⁵ Scholars like Gallin and Compa rightly argue that a labor NGO's public is much less clearly defined than that of a union because labor NGOs are closed-membership organizations whose members are generally middle-class activists who engage with labor issues on behalf of workers, in contrast to unions, which are open-membership, mass organizations comprised of workers themselves.⁶ In the case of labor NGOs engaged in

⁴ Deborah Eade, "Editorial Overview" (2004) 14 *Development in Practice* 5; Dan Gallin, "Trade Unions and NGOs: A Necessary Partnership for Social Development," United Nations Research Institute for Social Development, *Civil Society and Social Movements Programme Paper Number 1*. (Geneva, 2000).

⁵ See Sasha Courville, "Understanding NGO-Based Social and Environmental Regulatory Systems; Why We Need New Models of Accountability" in Michael W. Dowdle, ed., *Public Accountability: Designs, Dilemmas And Experiences* (Cambridge: Cambridge University Press, forthcoming 2006); see also Jan Aart Scholte, "Civil Society and Democratically Accountable Global Governance" (2004) 39 *Government and Opposition* 211.

⁶ Gallin, "Trade Unions and NGOs"; Lance Compa, "Trade Unions, NGOs, and Corporate Codes of Conduct" (2004) 14 *Development in Practice* 210; Lance Compa, "NGO-Trade Union Tensions on the Ground"

grassroots organizing work, it is often unclear whether those NGOs are accountable to the workers' groups they sponsor (if indeed they sponsor workers' groups), to all workers employed in a particular occupation, industry or sector, or to any workers at all. Furthermore, relatively few NGOs are involved in grassroots labor activism: in situations where local NGOs engage in advocacy on labor issues alongside other social issues such as human rights abuses and democracy, their 'public' may be better defined as the entire local community than a much narrower constituency of workers.

Even when workers are recognized as a part – big or small – of a labor NGOs' public, NGOs' ability to be accountable to those workers is constrained by a whole range of factors. Firstly, labor NGOs, like other NGOs, are principally dependent on external funding, sometimes supplemented by income generated by the NGO itself. It is often argued that labor NGOs' dependence on foreign donors means that they are primarily accountable 'upwards' beyond national boundaries to the community of donors who support their work rather than 'downwards' to their target groups or even to society as a whole.⁷ A related issue is the extent to which local labor NGOs' links with, and dependence on, international organizations and transnational networks place them outside state systems of accountability and encourage them to pursue external agendas not necessarily compatible with the needs of workers in their particular host society. Another concern is that labor NGOs' own internal accountability structures are weak because NGOs are often 'directed' by a founder or group of founding

in (2000) 2(4) *Human Rights Dialogue: Who Can Protect Workers' Rights? The Workplace Codes of Conduct Debates* 12.

⁷ Voravidh Charoenloet, Napaporn Ativanichayapong & Phan Wanabriboon, "The Impact of Trade Union Solidarity Support Organisations in Thailand 1993-2002," Chulalongkorn University Political Economy Study Center, (Bangkok, 2004) (available at [http://www.fes-thailand.org/Impact%20Study%20\(1\).pdf](http://www.fes-thailand.org/Impact%20Study%20(1).pdf)).

members who cannot be voted out or sacked, and are not subject to the same internal transparency requirements as other social organizations.⁸

Perhaps the strongest theme in critiques of labor NGOs concerns the third point raised by Courville: that NGOs have multiple roles which inevitably create conflicts of interest, therefore diminishing their ability to be accountable. As I have argued elsewhere,⁹ although labor NGOs should be considered part of the labor movement, it must be recognized that their organizational identities and operational imperatives are not necessarily wholly focused on their role within that movement. All local labor NGOs have multiple roles in the sense that they are engaged with worker communities and/or labor issues within a particular national setting on the one hand and with their community of donors, which is most often international, on the other. Many local labor NGOs also adopt multiple 'horizontal' roles, engaging directly with workers, becoming involved in national-level and transnational advocacy networks, and simultaneously taking on a range of projects (each potentially funded by a different donor) which focus on matters that may or may not be related to labor. Each of these roles come with a specific set of expectations which NGOs must meet and measures through which NGOs' accountability must be demonstrated. It is not surprising that conflicts

⁸ Souley Adj, "Globalization and Union Strategies in Niger" in A.V. Jose, ed., *Organized Labour in the 21st Century* (Geneva, 2002); Marina Prieto & Carolina Quinteros, "Never the Twain Shall Meet? Women's Organisations and Trade Unions in the *Maquila* Industry in Central America" (2004) 14 *Development in Practice* 149.

⁹ Michele Ford, "New Forms of Labour Activism: A Southeast Asian Perspective" in *Proceedings of the Refereed Stream of the Association of Industrial Relations Academics of Australia and New Zealand (AIRAANZ) Annual Conference*, 3-6 February 2004 (Noosa, 2004); Michele Ford, "NGO as Outside Intellectual: A History of Non-Governmental Organizations' Role in the Indonesian Labour Movement" University of Wollongong: Unpublished PhD dissertation (Wollongong, 2003); Michele Ford, "Substitute Trade Union or Novel Form of Labour Movement Organization? Understanding Indonesia's Labour NGOs" (2003) 14 *The Economic and Labour Relations Review* 90; Michele Ford, "Challenging the Criteria of Significance: Lessons from Contemporary Indonesian Labour History" (2001) 47 *Australian Journal of Politics and History* 100.

of interest arise, which may lead to accusations that the labor NGOs concerned are pursuing their own interests rather than the interests of the workers they claim to support.¹⁰

On the surface, then, it appears that very different models are required to analyze the public accountability of unions and labor NGOs. However, evidence from developing country contexts such as Indonesia suggests that differences between the types of accountability demanded from labor NGOs and unions may be less concrete than they first appear. Although labor unions operating in these contexts generally have fewer competing roles than labor NGOs, they are seldom only accountable to their members. Like local labor NGOs, they are required to be accountable to a whole range of other parties (such as overseas donors and the often charismatic individuals who established them) whose demands influence their ability to be accountable to their worker public. And, also like local labor NGOs, unions in developing country contexts often lack organizational transparency or are not particularly internally democratic, because, for example, of the dominant role of a central union executive or government-imposed restrictions on shop-floor organizing. Yet whereas scholars are extremely cognizant of the risks competing claims on labor NGOs pose for their ability (and desire) to be accountable to workers, they assume that the definition of a union's public is unproblematic. In other words, unlike the literature on labor NGOs, scholarly accounts of labor union democracy focus on what unions' obligations are and to what extent unions deliver on those obligations, but almost always fail to really ask to whom those unions are obliged to be accountable.

¹⁰ Eade, "Editorial Overview."

The narrow focus in the labor union democracy literature is based on the assumption that unions are essentially, primarily and uniquely accountable to their members because electoral procedures are used to select union leaders. But while most unions' publics are indeed defined by membership (and within national boundaries), international unionism and transborder solidarity activities weaken the direct correspondence between a union's membership and its public. One example of this which is immediately obvious to students of emerging labor movements is the campaigns run by national unions' international solidarity organizations, such as the American Federation of Labor-Congress of Industrial Organizations' (AFL-CIO) solidarity wing, the American Center for International Labor Solidarity (ACILS). There is a clear distinction between the public served by unions' international solidarity organizations (generally located in emerging economy contexts) and the members to whom the parent unions are electorally accountable in their country of origin.¹¹ This means that while the unionists and non-union workers targeted by a union's international programs in countries such as Indonesia are part of that union's public, they are not members of the group of workers to which that union is electorally accountable.

The assumption that a union is only accountable to its membership has other implications for the relevance of the labor union democracy literature in the study of emerging labor movements. Most importantly, perhaps, it largely ignores the influence of other forms of accountability on a union's ability to be truly accountable to its worker public. In emerging economy contexts, at least two very tangible pressures impinge on a union's ability to be accountable to its worker public: state demands that unions be accountable to all citizens (where the means of 'being accountable' is defined by the state) and donors' demands that

¹¹ See, e.g., Charoenloet, Ativanichayapong & Wanabriboon, "The Impact of Trade Union Solidarity Support Organisations in Thailand."

unions be accountable for funds provided for union activities (where the nature and targets of those activities are often significantly influenced by the donor organization concerned).

The state's potential to determine unions' opportunities to organize and to limit their ability to be accountable solely to their members in all national contexts is widely recognized by labor scholars. However, the extent to which that potential is realized (and therefore the seriousness with which that potential is examined) varies enormously. In liberal democracies the state's influence over unions changes over time, depending on variables such as the union movements' strength relative to other social interest groups or the extent to which the union movement is captured by state interests. The mainstream labor union democracy literature reflects this reality, with even theorists promoting the fourth model identified by Morris and Fosh – the model which identifies the state as a self-appointed gatekeeper of union accountability – assuming that a union's only public (and ultimate focus of union accountability) is its membership.¹² However, as suggested by the emphasis on state-union relations in the literature on labor unions in emerging economies, particularly labor regimes underpinned by developmentalist models of corporatism,¹³ unions are often as, or even more, accountable to the state (theoretically representing 'the people' as a whole) than to their own members. In what Stepan refers to as 'exclusionary' state corporatist systems, 'unions' are workers' organizations in nothing more than name. However, in many developing-country contexts, under what Stepan calls 'inclusionary' state corporatism, unions simultaneously attempt to meet both the developmentalist demands of the state and the demands of

¹² Morris & Fosh, "Measuring Trade Union Democracy."

¹³ See, e.g., Alfred Stepan, *The State and Society: Peru in Comparative Perspective* (Princeton, 1978).

workers.¹⁴ This implies that unions in inclusionary state corporatist systems are accountable not only to their members, but also to a broader national public, courtesy of state demands that unions encourage their members to contribute to economic development rather than to fight for their ‘narrow’ sectional interests at the expense of the national interest.

Unions’ lack of internally-generated resources in emerging economy contexts also impinges on their ability to be accountable to their members. In theory, unions’ primary funding base is drawn from members’ contributions, but the low wages of workers in emerging economies mean that financial assistance from abroad is often more important than members’ dues in maintaining union facilities and activities.¹⁵ Reliance on external funding necessarily weakens a union’s ability to be fully accountable to its members. Yet members’ dues alone seldom provide enough finance to obtain technologies now considered basic requirements even in emerging economy contexts, such as computers and telephones, or to resource everyday union activities. External funding (from international or transnational union bodies or from other sources including international NGOs) provides a union with the wherewithal to acquire the technology required to achieve their organizational aims and to fund grassroots organizing activities. However, that funding is accompanied by many pressures. International funding bodies seldom provide resources to all unions in a particular national context – they pick ‘winners’ that match their expectations of what a union is and does. Nor is international funding bodies’ provision of resources unconditional: whether funding is provided for particular projects or for general running expenses, international funding bodies generally

¹⁴ Stepan, *The State and Society*, see also Michele Ford, “Testing the Limits of Corporatism: Reflections on Industrial Relations Institutions and Practices in Suharto’s Indonesia” (1999) 41 *Journal of Industrial Relations* 372.

¹⁵ Michele Ford, “A Challenge for Business? Developments in Indonesian Trade Unionism after Soeharto” in M. Chatib Basri & Pierre van der Eng, eds., *Changes and Challenges in Business in Indonesia* (Singapore, 2004); Dave Spooner, “Trade Unions and NGOs: The Need for Cooperation” (2004) 14 *Development in Practice* 19.

specify what types of expenses are acceptable and what outcomes they expect. To whom, then, in these conditions, is a union accountable? To its members, who may or may not pay the dues that represent such a small part of a union's operating budget, or to the donors who fund the bulk of it?

As this discussion has suggested, it is not necessarily helpful to focus simply on unions and workers – or even unions, workers and labor NGOs – when discussing the accountability of emerging labor movement organizations for two reasons. Firstly, it is often not the case that the public to which labor movement organizations are accountable consists entirely of worker-members. Unions and local labor NGOs working at the local level in emerging economy contexts are subject to multiple layers of accountability, which impact on their ability to be publicly accountable at all. Secondly, as both labor unions and local labor NGOs operate in particular national contexts, their ability to be accountable to workers is influenced by the political and economic specificities of those contexts. This means that even if we define all labor movement organizations' public narrowly as consisting of workers (in the case of NGOs) or worker-members (in the case of unions), we cannot ignore either the context in which they operate or the other sorts of accountability to which these organizations are subject, because they impact on unions' and labor NGOs' ability to be accountable to that worker public.

II. UNION AND LABOR NGO ACCOUNTABILITY IN INDONESIA

The Indonesian case provides a particularly fertile context in which to explore the nuances of labor union and labor NGO accountability, not least because labor NGOs played a pivotal

role in the reconstruction of the labor movement between 1985 and 2005 – a labor movement decimated by Suharto’s authoritarian New Order regime (1967-1998) in the preceding two decades.¹⁶ Labor NGOs’ intense and relatively long involvement at both the grassroots and policy advocacy levels of the Indonesian labor movement, in conjunction with the re-emergence of independent unions after the fall of Suharto in 1998, provides a wealth of examples through which the extent and nature of labor movement organizations’ accountability to a worker-public can be examined.

Indonesia has a long history of organized labor.¹⁷ Unions played an important role in the nationalist movement in the late colonial period (to 1945) and under Indonesia’s first President, Sukarno (1945-1967). However, organized labor entered a new phase when Suharto’s New Order seized power in 1966-67 after an attempted coup and the ensuing massacre of Indonesians associated with the Indonesian Communist Party (PKI, *Partai Komunis Indonesia*) and other leftist groups. Building on the concepts of functional groups formulated during the Guided Democracy period (1959-1965), the New Order encouraged unionists who had survived the purges of left-wing union activists carried out in 1965 to establish the All-Indonesia Labor Federation (FBSI, *Federasi Buruh Seluruh Indonesia*), a single peak body comprised of 21 industrial sector unions.¹⁸ State control of organized labor

¹⁶ Ford, “Testing the Limits of Corporatism”; Vedi R. Hadiz, *Workers and the State in New Order Indonesia* (London, 1997).

¹⁷ John Ingleton, *In Search of Justice: Workers and Unions in Colonial Java, 1908-1926* (Singapore, 1986); Jan Elliott, “Bersatoe Kita Berdiri Bertjerai Kita Djatoeh [United We Stand Divided We Fall]: Workers and Unions in Indonesia: Jakarta 1945-1965” University of New South Wales: Unpublished PhD dissertation (Kensington, 1997).

¹⁸ Hadiz, *Workers and the State in New Order Indonesia*

reached new heights in 1985, when FBSI was replaced by a single union called the All-Indonesia Workers' Union (SPSI, *Serikat Pekerja Seluruh Indonesia*).¹⁹

The New Order attempted to impose structural and ideological controls on the forms of representation available to workers.²⁰ Structurally, workers were integrated into the New Order's broader system of organic state corporatism, in which designated social interest groups (including labor, but also groups such as women and youth) were each 'represented' by a single, state-sanctioned mass movement organization.²¹ Ideologically, labor unions, along with the other 'functional group' organizations in the system, were expected to promote the interests of the community as a whole rather than the interests of their members. This had very real consequences for the nature of unionism, and the state-sanctioned union's relationship with its worker-members. There was little pretence of electoral labor union democracy in New Order Indonesia, as the state both provided the bulk of the union's financial resources and appointed union officials – many of whom were bureaucrats or even entrepreneurs.²² Although SPSI was officially restructured as a federation in 1993 (FSPSI, *Federasi Serikat Pekerja Seluruh Indonesia*) and unaffiliated enterprise unions were permitted from 1994, little real change was achieved before the fall of the Suharto Presidency

¹⁹ Ford, "Testing the Limits of Corporatism"; Hadiz, *Workers and the State in New Order Indonesia*.

²⁰ Ford, "Testing the Limits of Corporatism"; Ford, "NGO as Outside Intellectual"; Hadiz, *Workers and the State in New Order Indonesia*; Douglas Kammen, "A Time to Strike: Industrial Strikes and Changing Class Relations in New Order Indonesia" Cornell University: Unpublished PhD dissertation (Ithaca, 1997)

²¹ David Reeve, *Golkar of Indonesia: An Alternative to the Party System* (Singapore, 1985).

²² Sri Kusyuniati, "Strikes in 1990-1996: An Evaluation of the Dynamics of the Indonesian Labour Movement" Swinburne University of Technology: Unpublished PhD dissertation (Melbourne, 1998)

in 1998.²³ In practice, the New Order government effectively maintained a one-union policy by preventing alternative unions to organize above plant level.²⁴

It was in this context that NGOs became involved in labor organizing in Indonesia in the 1980s and 1990s.²⁵ The first labor NGOs were established by disenchanted unionists and human rights activists between 1978 and 1985. By 1991, labor NGOs had become the major proponent of the right to form independent workers' organizations, and by 1998, more than a dozen labor NGOs had emerged in the regions of Greater Jakarta and West Java alone, whilst others were established in the industrial cities of Surabaya and Medan, and later in less industrialized cities and provincial towns.²⁶ Unlike the Philippines or Malaysia, where labor NGOs have mostly been active on the fringes of traditional labor union activity,²⁷ Indonesia's labor NGOs engaged very broadly in the labor movement. In addition to the advocacy, educative and campaign functions commonly associated with labor NGOs worldwide, Indonesia's labor NGOs became involved in grassroots organizing in the industrial settings, generally considered the heartland of union activity in other countries. Individual NGOs concerned with industrial labor tended to adopt one of these two primary strategies, although some combined both.²⁸ Some worked mostly at the grassroots level in an attempt to compensate for the failures in the operation of the official union, using a combination of legal

²³ Ford, "NGO as Outside Intellectual"

²⁴ *Id.*

²⁵ *Id.*; Hadiz 1997)

²⁶ Ford, "NGO as Outside Intellectual."

²⁷ Michele Ford, "The Place of NGOs in the Organized Labor Movements of Indonesia and Malaysia," paper presented at the 2002 Annual Meeting of the Association for Asian Studies, Washington, DC, 4-7 April 2002; Steven McKay, "The Squeaky Wheel's Dilemma: New Forms of Labor Organizing in the Philippines," paper presented at the 2002 Annual Meeting of the Association for Asian Studies, Washington, DC, 4-7 April, 2002.

²⁸ Ford, "NGO as Outside Intellectual"; Ford, "Challenging the Criteria of Significance."

advocacy, workers' education and associated activities, which usually involved either sponsoring or cooperating with workers' groups. Others focused primarily on policy advocacy or research, engaging in local and international campaigns about labor rights violations, publishing independent assessments of labor conditions, and attempting to engage the government in a public dialogue about military involvement in industrial relations and problems in the implementation of existing labor law.

Local NGOs became involved in labor issues precisely because both the state-sponsored union, and the state itself, were seen to be insufficiently accountable to either workers or the general public on labor issues. Consequently, their demands focused on the legal and policy reforms required to provide greater protection for individual workers and ensure workers' access to their collective right to form independent unions. Labor NGO activists' attempts to achieve better conditions for workers were not always successful, particularly at the grassroots level where their limited organizational reach meant that they had direct contact with only a small percentage of Indonesian workers employed in the manufacturing sector and their attempts to encourage the formation of independent workers' organizations (while quite fruitful in many instances) were inhibited by a whole range of structural factors such as high worker turnover.²⁹ However, labor NGOs' high-profile campaigns on issues ranging from the minimum wage to military involvement in labor disputes attracted international attention and forced the Suharto regime to significantly modify some aspects of its labor policy. In short, while NGOs' involvement in labor issues theoretically threatened the public accountability of the labor movement by shifting the locus of labor movement activism at least partially away from labor unions, in practice, labor NGO activism demonstrably

²⁹ Ford, "NGO as Outside Intellectual."

increased the state's accountability to the public on labor issues through their advocacy campaigns and grassroots activities.

Labor NGOs – like other groups opposed to the New Order – were subjected to bureaucratic, legal and even physical sanctions, including military raids and even imprisonment (see for example.³⁰ However, their links with international NGOs (in conjunction with their connections with key reformist figures within the political elite) accorded the mainly middle-class labor NGO activists a measure of protection not enjoyed by worker-activists. Courville notes that NGOs more generally are often criticized for their lack of accountability to the community as a whole,³¹ but it was precisely because of labor NGOs' lack of integration within the New Order's corporatist system that they were organizationally more able to defy the New Order state than domestic mass organizations, including unions. This lack of integration enabled labor NGOs to circumvent anti-union regulations and criticize the New Order's labor relations policy and practices with relative impunity, because they did not directly challenge the one-union system. In contrast, despite the NGO connections of two of the three 'alternative' unions of the late Suharto period, these 'alternative' unions fared less well, primarily because their stated desire to register as trade unions posed a direct threat to the New Order's one union policy. The first, the Solidarity Free Trade Union (SBM-SK, *Serikat Buruh Merdeka-Setiakawan*) was never officially banned, but disintegrated less than two years after it was established in September 1990 as a result of disagreements about whether it should take an industrial or political role.³² Two years later, Muchtar Pakpahan's

³⁰ Dan La Botz, *Made In Indonesia: Indonesian Workers Since the Fall of Suharto* (Cambridge, 2001).

³¹ Courville, "Understanding NGO-Based Social and Environmental Regulatory Systems."

³² David Bouchier, "Solidarity: The New Order's First Free Trade Union" in David Bouchier, ed., *Indonesia's Emerging Proletariat: Workers and Their Struggles* (Clayton, 1994), pp. 52-63.

union, the Indonesian Prosperous Labor Union (SBSI, *Serikat Buruh Sejahtera Indonesia*), was set up. Pakpahan, a lawyer and former labor NGO activist was imprisoned by Suharto for his union activities in 1994 after SBSI was accused of inciting race riots in the Sumatran city of Medan. Dita Sari's Indonesian Centre for Labor Struggle (PPBI, *Pusat Perjuangan Buruh Indonesia*) was established in 1994, but was effectively destroyed in mid-1996 when Dita Sari and other PPBI activists were jailed for subversion. Although SBSI survived and PPBI regrouped after the fall of Suharto as the National Front for Indonesian Workers' Struggle (FNPBI, *Front Nasional Perjuangan Buruh Indonesia*), all three faced far more serious persecution by the military and the bureaucracy than their labor NGO counterparts in late New Order Indonesia.

Tensions created by contradictions between labor NGOs' responsibilities not only to workers, but to donors, the international and local NGO communities, and to the NGO activists themselves, were evident throughout the 1990s.³³ Interviews with activists conducted in 1999, 2000, and 2001 suggested that criticisms made of labor NGOs by workers, unionists, and even labor NGO activists themselves, centered on a number of interrelated concerns. The first of these was individual and organizational competition, driven at least in part by the strong convictions of the middle-class activists that control most labor NGOs and in part by pressures to appear more successful than other labor NGOs in order to compete for donor funding. Activists interviewed referred to both 'individual egotism' (for example, personally claiming credit for organizing a campaign actually organized by a number of NGO activists) and 'institutional egotism' (for example, claiming credit for a demonstration actually organized by either workers or by another labor NGO). The second major concern identified

³³ Ford, "NGO as Outside Intellectual."

by interviewees were donors' priorities, which respondents saw as a major force driving labor NGOs' agendas, particularly where funding was project-based. Donors' priorities (and accompanying funding opportunities) can divert NGO activists' attention from existing projects, and determine what new projects are established. Respondents argued that changing donor priorities demonstrably created a series of 'fads' where labor NGOs almost all suddenly turned their attention to a particular issue (such as gender) for which funding was available. A related concern identified in these interviews was that labor NGOs' need to ensure their organizational viability often resulted in conflict between their interests and the interests of workers, for example, cases where labor NGOs had insisted that the worker groups they sponsored dealt with a donor through the NGO rather than approaching the donor directly, or where labor NGOs stopped supporting particular worker-activists because they had established contact with a rival labor NGO.

As labor NGOs have no formal mechanisms through which they are held accountable to workers involved in their programs, it can be argued that workers have little means to hold NGOs accountable beyond choosing whether or not to participate in activities sponsored by a particular NGO. However, this logic does not explain why similar criticisms were made about the alternative unions of the period. Although all three alternative unions were headed by non-worker labor activists, relied on financial and political support from overseas, and had no formal access to the machinery of industrial relations, structurally they were very different from the labor NGOs. In contrast to labor NGOs' closed membership structure, they were open-membership organizations that had worker-members to whom they were formally

accountable. But, like labor NGOs, they were criticized for using workers for their own ends, and were accused of being captured by personal or institutional egotism.³⁴

Worker criticisms of both labor NGOs and independent unions were voiced much more openly after the fall of Suharto.³⁵ Initially, it seemed as if labor NGOs had outlived their usefulness after the lifting of policy restrictions on independent unionism by Suharto's successor, President Habibie. But many of the tens of thousands of unions that sprang up after the fall of Suharto were in fact yellow unions, sponsored by companies in an attempt to prevent independent unions from entering a workplace, or vehicles for individuals' or non-union organizations' political aspirations, and even unions genuinely concerned with their worker-members face many of the same challenges experienced by labor NGOs. Despite independent labor unions' newfound ability to organize openly, access the shop floor and engage in collective bargaining, they continued to suffer from the same general kinds of accountability problems as those which continued to plague labor NGOs.

Like labor NGOs, Indonesia's new unions tend to be driven by individual personalities. Although these unions are theoretically electorally accountable to their members, in fact, as Greenfield notes, many union leaders "are not directly elected by the rank-and-file, but are appointed by a central executive committee which itself is not elected but is decided through closed discussion among an elite core of activists."³⁶ This has been a problem not only in small unions or in the local branches of large unions, but also in major independent unions,

³⁴ *Id.*

³⁵ *Id.*

³⁶ Gerard Greenfield, "Organizing, Protest and Working Class Self-Activity: Reflections on East Asia" in Leo Panitch & Colin Leys, eds., *Socialist Register 2001: Working Classes, Global Realities* (London, 2001), p. 241.

most notably SBSI (which was restructured after the fall of Suharto as a Confederation known as KSBSI) where Muchtar Pakpahan continued to serve as the union's chair despite criticisms from his former NGO colleagues and some worker-activists who felt that the union should be headed by a worker rather than a non-worker intellectual, and in 2002-03, KSBSI experienced a major split as a result of accusations that Pakpahan was politicizing the union and using union resources to promote his political party.³⁷

Accountability problems are also evident in unions' funding arrangements. All three major union confederations claim large numbers of members and all have intricate funding formulae, but the majority of their members are not due-paying.³⁸ The issue of due collection is a complex one because the low earning base of most Indonesian workers restricts the levels at which dues can be set. In addition, the availability of relatively large amounts of external funding has made the difficult work of due collection unattractive, especially for large unions, whilst at the same time leaving unions vulnerable to pressure from donors. For example, KSBSI's triennial report shows that member income accounted for just 2.3 per cent of a total income in the period between May 2000 and February 2003. Some 84 per cent of KSBSI's income in that same period came from overseas donations, whilst a further 3.5 per cent was obtained in the form of overseas loans.³⁹

Most importantly, perhaps, foreign interest groups have also been very active in directly reshaping the Indonesian labor movement. For example, in August 1998, ACILS supported a

³⁷ Interviews with KSBSI officials (June 2003)

³⁸ Interviews with officials from KSPSI, KSPI and KSBSI (June/July 2003)

³⁹ DPP-SBSI, *Laporan Pertanggungjawaban Dewan Pengurus Pusat Serikat Buruh Sejahtera Indonesia (DPP SBSI) Periode April 2000-April 2003* (Jakarta. 2003).

split in FSPSI, the official union of the New Order period, which resulted in the formation of FSPSI-*Reformasi*. In 1999, ACILS also sponsored two new peak union bodies, neither of which survived.⁴⁰ Finally, in 2002, a third attempt was made, and the Indonesian Trade Union Congress (KSPI, *Kongres Serikat Pekerja Indonesia*) was established. ACILS also continued to support the alternative unions of the late Suharto period. KSBSI continued to receive significant training and financial support from ACILS, as did even FNPBI, despite its focus on political action rather than factory-based organizing.⁴¹

III. WEBS OF ACCOUNTABILITY

The similarities described here between the limits on labor unions' and labor NGOs' level of accountability to workers can be at least partially explained by the context in which they operate. Although the Indonesian labor movement had a relatively strong organizational culture before Suharto came to power in 1967, the long years of the New Order destroyed much of that culture, leaving workers suspicious of unionism (because of its perceived associations with communism) and unused to demanding accountability from union leaders.⁴² Indeed a strong focus in labor NGOs' educational programs both before and after the fall of Suharto has been to train workers to expect – an implement – democratic procedures in their organizations. However, structurally, Indonesian unions face a much bigger challenge than their poor internal procedures: like labor NGOs, they are embedded in a web of non-worker accountability that diminishes their ability to be accountable to workers.

⁴⁰ American Center for International Labor Solidarity, "Monthly Report for May" (Jakarta, 1999); American Center for International Labor Solidarity, "Monthly Report for July" (Jakarta, 1999).

⁴¹ Interview with Dita Sari (13 July 2003).

⁴² Interviews (1999, 2000, 2001).

The webs of accountability that ensnare Indonesia's labor unions and labor NGOs have both international and domestic dimensions. Labor NGOs and unions are heavily influenced by organizations based outside Indonesia, primarily international unions, transnational union solidarity organizations (some of which are structured as NGOs), and international NGOs. As noted above, unions and labor NGOs rely heavily on international donors for funding, which is either project- or time-based. In particular, the Netherlands Organization for International Development Cooperation (NOVIB, *Nederlandse Organisatie voor Internationale Bijstand*) provided recurring base funding for some NGO-sponsored workers' groups which succeeded in registering as unions after 1998, while the German labor NGO, the Friedrich Ebert Foundation (FES, *Friedrich Ebert Stiftung*) has been a long-time contributor to union training programs and NGO initiatives, for example, an NGO labor clipping service, *Problema*, which it funded for approximately a decade from the early 1990s.⁴³

Some international and transnational union organizations have also supported both unions and labor NGOs in Indonesia. While some solidarity organizations worked primarily with the official union during the Suharto period (for example the Australian Council of Trade Unions' solidarity NGO, APHEDA), others, including ACILS, provided a combination of project-based aid and recurring funding for both labor NGOs and alternative unions. Although union solidarity organizations such as ACILS have focused almost exclusively on the major union confederations since 1998, they continue to work at some level with some of the labor NGOs they formerly funded on a regular basis.⁴⁴ Meanwhile, international philanthropic foundations such as the Ford Foundation continue to fund a range of local

⁴³ Ford, "NGO as Outside Intellectual."

⁴⁴ Interview with ACILS staff (July 2003).

NGOs' labor-related activities, for example as the publication of research and worker magazines.⁴⁵

External funding of any kind brings with it formal responsibilities not only for financial accountability, but for program design which meets the Terms of Reference (TOR) donors set out for particular projects. Although donor TORs do not necessarily set unions' or labor NGOs' agendas, they certainly influence them.⁴⁶ In addition, donor-funded programs can suddenly stop because a project comes to an end, or donor priorities change. While these programs are clearly aimed at helping Indonesian workers, workers have no formal control over their content or implementation: control they theoretically would if those programs were funded from union dues or on a user-pays basis.

Labor unions and local labor NGOs are also drawn into domestic webs of accountability, based on personal as well as institutional alliances.⁴⁷ These internal webs are less formal than their external webs (particularly those that bind unions and labor NGOs to donors), but they are no less influential. As is the case at the international level, there is not always a clear divide between union and labor NGO networks. At one end of the spectrum, many local-level unions registered after 1998 grew out of NGO-sponsored workers' groups, and retained close (albeit often fraught) relationships with those NGOs.⁴⁸ At the other, some key personnel in at least two of the major union confederations have links with NGOs, either as former NGO activists, or as worker-activists who were strongly influenced by NGO training. The strength

⁴⁵ Interviews with labor NGO activists (2001, 2003).

⁴⁶ Interviews with NGO activists (2001, 2003).

⁴⁷ Interviews (1999, 2001, 2003).

⁴⁸ Interviews (1999, 2001, 2003).

of these union-NGO networks is demonstrated by initiatives such as the union-labor NGO forum initiated by activists in East Java in 2002. Furthermore, although conditions for labor organizing have improved markedly in Indonesia since the fall of Suharto, the organized labor movement is still far from institutionally stable.⁴⁹ Individual labor movement organizations rely heavily on the goodwill of others – goodwill which is often undermined by institutional jockeying for status with particular groups of workers or with donors. Unions and labor NGOs are informally accountable to their peers; a form of accountability which, again, excludes workers.

CONCLUSION: THE ACCOUNTABILITY DILEMMA

There is growing recognition in the scholarly and activist communities that unions are not the only organizations that focus on labor issues, and that contemporary labor activism in emerging economy contexts is increasingly channeled through at least two very different organizational forms. On the one hand are the labor unions, structured according to long-cherished traditions around struggles to promote the common interests of their worker-members, who are generally drawn from a particular occupation, industrial sector, or region. On the other hand, are the local labor NGOs: closed-membership ‘other-centered’ organizations of generally middle-class activists which work on behalf of ‘target groups’ of workers.

⁴⁹ Ford, “A Challenge for Business?”

Analyses of the form and focus of labor union and labor NGO accountability are largely predicated on these differences in membership structure and class background. The literature on trade union democracy recognizes that unions may be held accountable in different ways, but assumes that all unions are always – and only – accountable to their worker-members because those worker-members have a *right* to hold their unions accountable through electoral processes. In contrast, scholars emphasize the impermanence and incompleteness of labor NGOs' commitment to workers, based on suspicions about their motives and assumptions about their priorities.

Evidence from the Indonesian context in no way negates the organizational differences between labor unions and labor NGOs. However, it does indicate that models of labor union accountability premised on a single relationship between labor movement organizations and workers are fundamentally flawed. As this paper has demonstrated the accountability webs in which Indonesia's new 'real' unions find themselves are little different from those that surround the labor NGOs they are supposed to make redundant, which in turn suggests that labor movement organizations' level of public accountability is not as much a product of institutional design as of the environment in which a particular public institution operates.