

DGTTF INDONESIA 2004:

STRENGTHENING ACCESS TO JUSTICE AND THE RULE OF LAW

BACKGROUND:

Since the end of the Suharto regime, Indonesia has been engaged in efforts aimed at political and legal reform. Plagued for decades by severe and widespread deficiencies, the country's formal justice institutions had been degraded, traditionally important informal justice mechanisms had been marginalized and public trust had eroded.

In this context, eager to move away from an overly centralized state, and having initiated a number of reforms in the justice area, both at the legislative level and at the level of the country's formal justice institutions, the Government of Indonesia [GoI] was relatively open to working with UNDP on a DGTTF supported Access to Justice [A2J] project and to assuming ownership of its follow-up.

A conducive environment, facilitated by the work of the High-level Commission on Legal Empowerment for the Poor, provided an additional incentive to raise the profile of A2J.

CATALYTIC & INNOVATIVE:

Delivering A2J at the local level is heavily dependent on local capacity and the existence of an appropriate legal framework. The project had the objective of strengthening A2J at the local level and supporting the national governance reform agenda through a longer-term program to improve A2J for poor and conflict-affected communities.

To achieve these goals, it used an A2J survey assessment and developed capacity among individuals and selected civil society organizations to engage in A2J activities through small-scale pilot projects in five conflict-affected areas.

The assessment of the level of access to justice in five provinces was seen as a catalytic first step, leading to

the development of a larger new initiative for Legal Empowerment and Assistance for the Disadvantaged [LEAD]. In turn, LEAD supported the development of a National A2J Strategy which is to be incorporated in the GoI's 2010-2014 Mid-term Development Plan.

LESSONS LEARNED:

Overall, the project achieved the expected results. The initial assessment report proved to be of crucial importance as it provided the basis for the development of a strategy at the national level. Equally significant was the early involvement of capable and committed national partners, which increased the level of national ownership and thereby also contributed to sustainability.

The project also showed that while guidelines can be helpful tools, such tools should serve as an orientation to programming and field implementation and can only complement sustainable platforms for dialogue between duty bearers and claims holders. The project

focused primarily on community level experiences of the claims holders while the emphasis in LEAD was largely on civil society at the local level, giving too little attention to the supply side at the national policy-level. There is thus a need to balance the perspectives of the beneficiaries and the duty bearers at all levels.

Finally, capacity development is expensive and time-consuming. It is important to realize this and to take it into account prior to implementation.

In order to ensure sustainability, both the A2J project and LEAD should therefore have broadened the coalition of partners in the project. At the same time, programmes like LEAD need to document case studies from pilot projects in order to ensure some form of institutional memory, track results and secure support in the longer term.

Investments:

- USD 100.000 from DGTTF in 2004
- USD 23,1 million in A2J investment in 2009

Partners:

- National Development planning Agency [BAPPENAS]
- Government of Indonesia [GoI]

For more information:

- <http://www.undp.org/governance/library.shtml>
- <http://www.undp.org/oslocentre>
- DGTTF Coordinator: dgttfmanager@undp.org
- OGC: oslo.governance.centre@undp.org