



The Asia-Pacific Rights and Justice Initiative

Indonesia

Country Assessment

The DGTTF Lessons Learned Series

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The Asia-Pacific Rights and Justice Initiative

Indonesia

Country Assessment

Author: Ana Patricia Graça
Editor: Andrea Davis
Designer: Keen Media
Project coordination: Pauline Tamesis and Claudia Melim-McLeod

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For further information please contact:

United Nations Development Programme
Regional Centre Bangkok
United Nations Service Building
3rd Floor, Rajdamnern Nok Avenue
10200 Bangkok, Thailand

regionalcentrebangkok.undp.or.th

United Nations Development Programme
Bureau for Development Policy
Democratic Governance Group
304 East 45th Street, 10th Fl.
New York, NY 10017

Oslo Governance Centre
Inkognitogata 37, 0256 Oslo, Norway

www.undp.org/governance/
www.undp.org/oslocentre

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Abbreviations¹

A2J	Access to Justice
AP-A2J	Asia-Pacific Rights and Justice Initiative
BAPPENAS	National Development Planning Agency
CA	Capacity Assessment
CD	Capacity Development
CO	Country Office
DGTTF	Democratic Governance Thematic Trust Fund
FGD	Focus Group Discussion
GoI	Government of Indonesia
J4P	Justice for the Poor Project
KPKP-ST	Kelompok Perjuangan Kesetaraan Perempuan - Struggle Group on Equality for Women
LBH	Legal Aid Foundation
LEAD	Legal Empowerment and Assistance for the Disadvantaged
MDGs	Millennium Development Goals
M&E	Monitoring and Evaluation
NEX	national execution
NGO	non-governmental organization
OGC	Oslo Governance Centre
PMU	Project Management Unit
PSPK-UGM	Centre for Rural and Regional Development Studies at Gadjah Mada University
RAN HAM	National Action Plan on Human Rights
RCB	Regional Centre in Bangkok
SOP	Standard Operating Procedure
SRF	Strategic Results Framework
TRAC	Target Resource Allocation from Core
UNDP	United Nations Development Programme
WB	World Bank

¹ The abbreviations and acronyms relate to those used in the main text, not those that are found only in the Annexes.

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Preface

The Millennium Declaration from the Millennium Summit in 2000 emphasizes the centrality of democratic governance for the achievement of the Millennium Development Goals (MDGs). World leaders agreed that improving the quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalized world, should underpin national efforts to reduce poverty, sustain the environment, and promote human development.

The Democratic Governance Thematic Trust Fund (DGTTF) was created in 2001 to enable UNDP Country Offices to explore innovative and catalytic approaches to supporting democratic governance on the ground. The DGTTF Lessons Learned Series represents a collective effort to capture lessons learned and best practices in a systematic manner, to be shared with all stakeholders, to serve as an input to organizational learning, and to inform future UNDP policy and programming processes.

Executive summary

This report presents the assessment findings of the DGTTF-supported Indonesia project Strengthening Access to Justice and the Rule of Law (A2J Assessment Project). The team reviewed documents, annual progress reports and evaluation reports, and conducted interviews with partners, donors, indirect beneficiaries, and UNDP country office staff.

With DGTTF funding of \$100,000 in 2004, an A2J Assessment Project to assess A2J for the most disadvantaged populations in five Indonesian provinces was undertaken jointly with the National Development Planning Agency (BAPPENAS) and the Centre for Rural and Regional Development Studies at Gadjah Mada University (PSPK-UGM) to better understand and promote access to justice in Indonesia. The A2J Assessment Project was found to yield two immediate results, which in turn led to a third significant result:

- ✓ The publication of 'Justice for All?: An Assessment of Access to Justice in Five Provinces of Indonesia';
- ✓ The development of a new initiative between UNDP Indonesia and BAPPENAS for Legal Empowerment and Assistance for the Disadvantaged (LEAD); and
- ✓ With LEAD project support, the development and imminent launch at the policy level of a National Access to Justice Strategy that will be incorporated into the Government of Indonesia's 2010-2014 Mid-Term Development Plan and the action plans of relevant ministries and their sub-national counterparts.

Note that this assessment will be looking into not only the A2J Assessment Project but also, to the extent possible, its successor: the LEAD project. The LEAD project is predominantly a grant mechanism for projects undertaken with civil society organizations (currently 23). It supports

work in five substantive areas, each with a sector coordinator: justice and gender; justice, land and natural resources; justice and legal services; justice and local governance; and legal reform. Except for the last sector, funding goes to civil society organizations and universities.

The country study assessed results based on the criteria of **effectiveness, sustainability, relevance and strategic positioning, efficiency, political economy, and codification of lessons learned and tools**. Since the assessed project has already ended, the assessment team also looked into the LEAD project as its most tangible and immediate result. Lessons and recommendations for the remainder of the LEAD project are included here, based on the team's analysis of progress to date rather than an evaluative exercise.

Main findings and lessons learned

The A2J Assessment Project was found successful in applying innovative strategies that have led to a major programme on A2J, supported not only by UNDP core funding but also by donors and with strong government commitment. The project and its products are a best practice example of human rights-based programming for A2J. The project was greatly influenced by the regional AP-A2J Initiative and benefited from close involvement of key country office staff in the community of practice (another product of the initiative), as well as from regional human rights-based approach workshops.

Effectiveness

- ✓ Out of the six expected project results (outputs) the project clearly achieved three that are critical to a sustainable approach to A2J in Indonesia.
- ✓ The project was innovative in producing the first comprehensive A2J assessment piloted in five provinces targeting the poorest and most disadvantaged groups using a rights-based approach.
- ✓ The project was catalytic substantially, financially and in strengthening partnerships for the country office.
- ✓ The project required much longer than one year to achieve results because of capacity gaps among local partners in relation to the ambitious human rights-based strategy.

Sustainability

- ✓ The project adopted a sustainable strategy, but underestimated capacity development challenges. Though it was appropriate to partner with national institutions, the project would have benefited from a prior capacity assessment and development plan for the national partners.

- ✓ There is a strong project ownership by BAPPENAS, a champion of A2J that has strategically introduced the A2J agenda into central and local planning. The report Justice for All? has informed the National Strategy on A2J.
- ✓ The project and its successor LEAD project could have benefited from broader partnership with the formal justice sector and with local governments.

Relevance and strategic positioning

- ✓ UNDP became the lead partner in access to justice due to the credibility gained from basing LEAD project formulation on prior extensive research on the issue.
- ✓ The DGTTF A2J Assessment Project proved critical in establishing a justice portfolio within UNDP CO Indonesia.

Efficiency

- ✓ UNDP programme and operations policies and procedures, as well as the time-consuming government approval process of projects, are constraints for the implementation of one-year projects supported by the DGTTF.

Political economy

- ✓ Indonesia's expanding decentralization processes and local government involvement in planning processes enabled bottom-up participative approaches.
- ✓ A2J assessments and legal empowerment projects like LEAD need several years to bear sustainable results. Long-term vision and senior management support are critical.

Codification of tools and lessons learned

- ✓ The project did not make the best use of its experiences. Production of a guide/tool kit for A2J assessments in conflict-affected areas and the design of knowledge-sharing strategies and mechanisms were two unachieved outputs.
- ✓ In a project like this it is better to stick to the basics rather than strive for the optimum. Human rights-based tools should serve as orientation guides to programming and implementation, not as static normative guidelines to be rigidly followed. Programme guides are not 'bibles', but merely orientation tools. A human rights-based programme must be simple and accessible to practitioners and national partners.
- ✓ Senior management and staff must be willing to test and apply human rights-based strategies.
- ✓ The LEAD project should capitalize on the enabling policy framework of decentralization and community-based conflict reduction programmes to promote legal access to rights and use of local justice systems (traditional or formal) by the most disadvantaged groups. LEAD would benefit from broader partnerships to optimize responsiveness to local grievances.

Introduction

Purpose, objective and scope of the assessment

This assessment examined the results of the A2J Assessment Project, a survey of A2J in five provinces. It measured innovation and catalytic ability in supporting breakthroughs in sensitive democratic governance issues and in scaling up activities.

The country study is an assessment and not a project evaluation. It provides an overall analytic review of results, rather than an evaluation of progress. It aims mostly to internalize and collect valuable information, and to analyze and document country office experiences with a view to strengthening knowledge management.

Methodology

The assessment analyzed relevant documentation, project reports, case studies, and conducted interviews with a wide range of stakeholders: donors, government institutions, academics and civil society. The primary beneficiaries could unfortunately not be visited during this assessment.

The main criteria were effectiveness, sustainability, relevance and strategic positioning, efficiency, political economy and codification of lessons learned and tools.

The assessment examined whether project results had been achieved or advanced. It identified external factors that influenced the result, and assessed the contribution of DGTTF and AP-A2J to national capacity development and participatory processes. It looked at the effectiveness of the partnership strategy, and whether innovative approaches had been found to key development issues. It examined the perceptions of indirect beneficiaries on DGTTF assistance.

For this purpose the assessment targeted both the A2J Assessment Project and its successor the LEAD project.

The team was comprised of three members: an international team leader, a policy analyst from RCB and a national consultant from Indonesia. The assessment mission was fielded from 16 April to 6 May 2009. Unfortunately, all three team members could not be fielded simultaneously. The first two (the RCB team) spent one week in country, from 16 to 22 April, and the national consultant joined the exercise on 24 April. The RCB team had the opportunity to meet only briefly with the national consultant and exchange information and preliminary results prior to their departure.

Team members seized every opportunity to confer and share impressions and conclusions following their meetings with stakeholders.

While in-country the RCB team met with UNDP programme staff and LEAD project staff, former A2J programme staff and collaborators, the national counterpart Director of BAPPENAS, implementing partners from PSPK at the University of Gadjah Mada, the Deputy Chief Justice, members of the Judicial Reform Commission, civil society organizations, donors and the World Bank.

The RCB team was able to obtain relevant information on immediate project results, ownership issues and national partnerships and the UNDP role in supporting A2J in the national agenda.

The main assignment of the national consultant was to validate and complement this analysis by focusing on gathering critical information from stakeholders that the RCB team could not reach, such as implementing partners and civil society organizations (related to the 'Justice for All?' Survey Project and to the LEAD project), community-level direct and indirect beneficiaries, local government structures in LEAD pilot project sites, and traditional and formal justice providers who may have participated in or benefited from the project. The national consultant also interviewed two selected grantees of the LEAD project.

Time was the main constraint of this assignment. One week proved insufficient to collectively examine, discuss and analyze the issues in depth.

Team members could not meet with local government representatives, who could have offered insights on

sustainability, nor engage adequately with officials and staff of the Ministry of Law and Human Rights. Nor could it form firm views on the value of complementary, parallel assistance rendered to the justice sector (formally and informally) through bilateral arrangements of some donors with respective government counterparts.

Team members agreed that the team leader would circulate a preliminary report and guidelines for the work of the national consultant prior to the final report. The national consultant report was later incorporated into the overall consolidated assessment and circulated for comments prior to transmission to the RCB and OGC.

Another constraint was the dearth of qualitative and quantitative data, tools and instruments used by the A2J Assessment Project, particularly in English, making it difficult to fully assess strategies and methodologies or capacity development effects.

Project background and strategy

Following the economic crisis of 1997-98 and a major political transformation, Indonesia experienced a wave of diverse social conflicts. At its peak, large-scale conflict broke out in seven of the country's 33 provinces, internally displacing over two million persons. Although the causes of the conflict are many, most research has shown that violence occurred when an accumulation of poorly managed small disputes either at the local level or in the formal justice sector exploded into violent responses.

More than three decades of political marginalization have degraded Indonesia's formal justice institutions and eroded public trust. Village-level institutions responsible for dispute resolution were also undermined by highly centralized governance and continue to suffer from capacity and legitimacy gaps. In a country where informal justice mechanisms combining elements of negotiation, mediation and arbitration serve as the central source of dispute resolution for many, the gaps are a major impediment to accessing justice, creating rule of law and maintaining the social stability necessary for poverty reduction.

Numerous studies have shown that the Indonesian justice system has suffered from severe and widespread deficiencies for decades.

These deficiencies have been to a large extent recognized by the Government of Indonesia (GoI), and following the 1999 national parliamentary elections, Indonesia's political leaders declared a commitment to uphold the rule of law, affirming the importance of law reform in advancing Indonesia's broader national development and democratization efforts. Important steps have already been taken to try to address popular demands for improving the legal and judicial system such as the judicial reform programmes (Supreme Court

Blueprints, Commercial Court Blueprints and Anti-Corruption Court Blueprints), the National Law Summit, and the RAN HAM (National Action Plan on Human Rights). New institutions have been established, including the Judicial Commission and the Anti-Corruption Commission. The Amendment of the Law on Judicial Power stipulates a one-roof judicial system shifting control of organizational, administrative and financial affairs of the general courts, religious courts, military courts and administrative courts from the Ministry of Justice and Human Rights to the Supreme Court.

Yet despite the passage of law reforms and the establishment of new institutions, the implementation of the agenda for reform has been mixed and sporadic.² The justice sector is widely perceived as corrupt and beholden to the narrow, private interests of elite groups, rather than serving the entire populace, especially the poor, conflict-affected and other vulnerable groups.³

Limited surveys⁴ have shown that people prefer informal solutions to their legal problems. In Indonesia, traditional and *adat*⁵ justice systems remain the cornerstones of accessing justice for the majority; through them, disputes can be quickly resolved close to the source of the problem. Informal and consensual means of resolution involving conciliation, mediation and negotiation are usually preferred. They can also prevent incursion by sectarian entrepreneurs who thrive on violence, injustice and divisiveness.

²Asian Development Bank, 'Country Governance Assessment Report: Republic of Indonesia', September 2002. Assegaf, Rifqi S., 'Sistem Pengawasan Hakim dan Lembaga Peradilan', Paper presented during a seminar by the Justice for the Poor Project of the World Bank in Jakarta, 3 July, 2003. Commission on Human Rights, 'Civil and Political Rights, Including Questions of Independence of the Judiciary, Administration of Justice: Report of the Special Rapporteur on the Independence of Judges and Lawyers, Report on the Mission to Indonesia', 13 January 2003. Komnas Perempuan, 'Failed Justice and Impunity: The Indonesian Judiciary's Track Record on Violence against Women, Report to the UN Special Rapporteur on Independence of the Judiciary', 22 July 2002. World Bank, 'Brief for CGI – Indonesia: Maintaining Stability, Deepening Reforms', 2003. World Bank, 'Legal Reform in Indonesia', 1998.

³Assegaf, Rifqi S., 'Sistem Pengawasan Hakim dan Lembaga Peradilan', paper presented during seminar by the Justice for the Poor Project of the World Bank in Jakarta, 3 July, 2003.

⁴Asia Foundation, 'Citizen's Perceptions of the Indonesian Justice Sector', August 2001. World Bank, unpublished paper for Justice for the Poor Project on the Indonesian Legal System, June 2002.

⁵Adat is typically a culturally and ethnically specific form of social order and a symbol of local autonomy. It is custom, an un-codified body of rules of behaviour, enforced by sanctions, varying from time to time and from place to place. It consists of living norms, respected and recognized by people, and acts as society's behaviour code of conduct.

The reform era brought new opportunities for the country to develop a more equitable and transparent justice system, and many efforts were and continue to be made to support justice sector reform.

Recognizing that wider justice sector reform requires comprehensive solutions and a great deal of political and institutional commitment, the Partnership for Governance Reform⁶ and the Gol have formulated a legal and judicial action plan. Key institutions recognized that while many efforts had been made to support the Gol justice sector reform, efforts by the Gol and the international community had tended to focus on the national level, particularly on enhancing the capacities of the judiciary to deal with civil and commercial matters. Most such efforts were not bringing justice any closer to the majority of Indonesians. Community-level A2J needs and priorities required greater attention and understanding, but there was inadequate information to design an effective programme, an absence of baseline data and a lack of clear entry points for interventions that would be sensitive to local needs and cultures. Few initiatives aimed for a better understanding of local-level issues and capacities, or focused on conflict-affected areas.

The project Strengthening Access to Justice and the Rule of Law developed by BAPPENAS, the national planning agency, and UNDP Indonesia sought to address this gap by devising strategies to increase A2J at the local level, and to complement and enhance the national governance reform agenda by defining a longer-term programme to improve A2J for poor and conflict-affected communities.

The main strategy of UNDP Indonesia, in partnership with the Directorate of Law and Human Rights of BAPPENAS and the University of Gadjah Mada Pusat Studi Pedesaan dan Kawasan (PSPK), was to work closely with NGOs working on justice reform issues and the Ministry of Justice at the national level, provincial university legal departments and provincial NGOs, to undertake an A2J survey assessment to address the information gap, identify relevant entry points, build local capacities and response options and develop a broader A2J programme to be supported by UNDP Indonesia.

The strategy envisaged a civil society, with a people-centred focus with targeted assessment of, and engagement with, state institutions focusing on both formal and informal legal systems through a participatory, action-oriented and capacity-developing approach.

The A2J Assessment Project covered two major activities: an A2J survey assessment, and capacity development of

individuals and selected civil society organizations to engage in A2J activities through small-scale pilot projects in five conflict-affected provinces.

The project also sought to enhance the national governance reform agenda by developing a longer-term programme supported by UNDP to improve A2J for poor, marginalized and conflict-affected communities.

Using the A2J assessment as an entry point, UNDP and its partners designed a community-driven, rights-based legal empowerment programme, grounded in grassroots needs and comprising activities that can be undertaken at that level. Impact at higher levels resulted from translating community-level work into policy and advocacy towards reform at national and sub-national levels, targeting both laws and institutions.

The proposed approach aimed to bring together key stakeholders at national and sub-national levels, help identify solutions at the community level providing seed resources for small-scale, short-term responses, and develop capacity among key players and change agents.

Partnerships were developed through capacity-developing activities to enhance knowledge sustainably within the provinces. Follow-up activities were locally owned, and civil society organizations were able to engage in A2J activities. The project placed priority on engaging with civil society organizations (NGOs, local universities and NGO networks) at the local level to ensure direct access during follow-up activities to strengthen the legal capacities of the poor in conflict-affected areas,⁷ particularly marginalized groups such as women and young people.

In order to ensure the project did more than simply assess and extract lessons, in participating villages it also helped mobilize communities to devise timely and effective solutions to the problems identified during the assessment.

⁶Indonesian NGO supporting reform efforts and working closely with the Gol. A project of UNDP Indonesia.

⁷Building on numerous studies and lessons learned on working with Civil Society. See for example, See Golub, Stephen, Carnegie Endowment for International Peace Working Paper, 'Beyond the Rule of Law Orthodoxy: The Legal Empowerment Alternative', Number 41, 2003. UNDP Asia-Pacific Rights and Justice Initiative, 'Practice in Action: Workshop Report'. UNDP Asia-Pacific Rights and Justice Initiative, 'Lessons Learned from UNDP experience on Access to Justice in Asia and the Pacific', 2003. 'Interfaces between Formal and Informal Justice Systems to Strengthen Access to Justice by Disadvantaged People', 2003. Blair, Harry and Gary Hansen, 'Weighing in on the Scale of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs, USAID Development Program Operations and Assessment Report, No.7'. McClymont, Mary and Stephen Golub, 'Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees around the World', Ford Foundation, 2000. World Bank, 'Sourcebook on Access to Justice', May 2002.

The expected outcome and outputs of the A2J Assessment were as follows:

Project expected outcomes

Development of a programme framework to enhance A2J by empowering local communities to overcome barriers, strengthening local institutions and systems to resolve disputes, and supporting academic institutions, NGOs, and the judicial sector to build legitimate and synergistic links between formal and informal institutions.

This outcome is related to the following goals included in UNDP's Strategic Results Framework (SRF):

SRF Goal 1: Governance

G1-SGN1-SASN1: Increased capacity to pursue Indonesian Reform Agenda to support and sustain an equitable and social economic recovery.

G1-SGN3-SASN1: Strategic framework in support of good governance practices at the sub-national level, together with coordinated oversight mechanisms, is agreed upon by donors and national and sub-national stake-holders.

SRF Goal 5: Special Development Situations

G5-SGN2-SASN4: Conflict Prevention and Peace Building Increased capacity of political, social and economic structures in affected areas to sustain processes of recovery and reconciliation, and to prevent the outbreak, or ameliorate the escalation, of conflict.

Project expected outputs

Output One:

Enhanced understanding of the impact of horizontal conflict on formal and informal justice systems and community perceptions and priorities on how to overcome those barriers, increase A2J and empower themselves to seek remedies.

Output Two:

A guide/tool kit to undertake A2J assessments in conflict affected areas in English and Indonesian produced and knowledge sharing strategies and mechanisms designed.

Output Three:

Partnerships, structures and co-ordination mechanisms for implementation of the A2J assessment fully set up.

Output Four:

Capacity of civil society organizations (university departments, NGOs, and media) built in order to enhance their ability to engage in A2J activities.

Output Five:

Pilot programmatic responses funded by a Community Initiatives Fund, responsive to immediate community needs, are designed, implemented and evaluated.

Output Six:

Design of an A2J project document for UNDP Indonesia.

Output Seven:

Production of policy briefings relating to the national legal reform programme at national and provincial levels.

Findings and lessons learned

Effectiveness

The assessment targeted the following sets of questions: To what extent has the DGTTF project achieved its objectives? What are the main results achieved?

In what ways is the project innovative? Which innovative approaches have proved to be most effective? What difference/impact has the project made in terms of democratic governance in the country concerned? Is there any evidence that the DGTTF has contributed to enhancing issues, such as gender integration, human rights based approaches, anti-corruption mainstreaming and South-South cooperation? What type of internal and external problems has the project faced and how has it coped with them?

Is there evidence that the results extend beyond the individual project? To what extent have they had a catalytic effect, substantially, financially and in terms of development and/or strengthening of partnerships? To what extent has the DGTTF functioned as a vehicle for the country offices to jumpstart follow-up projects in new areas and to mobilize additional non-core resources, i.e., to manage more strategic initiatives? These questions can be grouped in the following categories: overall objectives and results; innovative ability; catalytic capacity; and cross-cutting issues.

Objectives and results

The project clearly achieved three of the seven expected results, mostly related to Outputs 1, 6 and 7.

The most immediate results were:

- ✓ The extensive A2J assessment leading to the publication of 'Justice for All?: An Assessment of Access to Justice in Five Provinces of Indonesia' (Output 1)

- ✓ The development of a new initiative between UNDP Indonesia and BAPPENAS for Legal Empowerment and Assistance for the Disadvantaged (LEAD) (Output 6)
- ✓ The subsequent development at policy level of a National Access to Justice Strategy that will be incorporated into the Government's 2010-2014 Mid-Term Development Plan and the action plans of relevant ministries and their sub-national counterparts (connected with the goals of Output 7)

The first result is the bulk of the project and critical to launching UNDP justice interventions in Indonesia and to deepening A2J targeting in the country by the national authorities. The A2J assessment report and the approaches used were instrumental to the success of A2J at the national level. This result was considered a best practice and illustrates that programming should be preceded by adequate research.

The 'Justice For All?' report is the result of a survey assessment of A2J undertaken between January and September 2005 in five predominantly conflict-affected provinces of Indonesia – West Kalimantan, Maluku, North Maluku, Central Sulawesi and Southeast Sulawesi. With a focus primarily on the perspectives of the poor and disadvantaged rather than the formal institutions of justice, the report contributed to filling the knowledge gap that currently exists in relation to A2J at the local level. This is of particular importance in conflict-prone regions, where greater access to justice affords the potential to peacefully resolve disputes that may otherwise degenerate into violence.

This A2J assessment report approaches the issue of A2J from the perspectives of the poor and disadvantaged – those most vulnerable to injustice yet least able to advocate for change on their own behalf. Based on the results of qualitative and quantitative research undertaken in the five provinces mentioned above, the report focuses on identifying the key justice-related issues affecting citizens at the village level, the steps they have taken to resolve those issues, and why. The performance of formal and informal justice mechanisms is also considered, as are recent legislative and institutional developments with the potential to impact A2J in broader terms.

The assessment strategy and the A2J assessment report clearly enhanced understanding of the impact of horizontal conflict on formal and informal justice systems and community perceptions and priorities on how to overcome those barriers, increase A2J and seek remedies. Furthermore, as stated by some of the interviewees, the assessment

contributed to raising many issues that were unknown or not well perceived by the state at the central level.

PSPK, the university partner, stated that, 'in the end, through the bottom-up approach, BAPPENAS realized that they knew little about the justice issues on the ground, beyond the issues exposed by the media. The field research uncovered a lot of human rights violations, unknown to the national authorities, notably serious problems in terms of security and land issues related to transmigration. These were reported in the final 'Justice for All?' assessment.'

'Justice' is an inherently subjective and value-laden concept. For example, many of the poor in Indonesia show an understandable tendency to place greater emphasis on the economic dimension of justice, while minority ethnic groups may highlight non-discriminatory treatment at the hands of the majority as key to obtaining what they consider just remedies for their grievances.

Survey results emphasized economic-oriented conceptions of justice, issues related to the social and economic welfare. Respondents' main concerns were clustered in the following categories:

- ✓ Access to government services and assistance
- ✓ Ownership and management of land and natural resources
- ✓ Gender violence and discrimination
- ✓ Employment and labour rights
- ✓ Criminality and inadequate law enforcement
- ✓ Post-conflict security, property rights and other issues

As a result of this A2J assessment, subsequent interventions by UNDP and the GoI (LEAD project and Aceh Justice Project, as well as the National Strategy on Access to Justice) were framed around strategies to target the identified issues and disadvantaged groups. As such, outputs 6 and 7 of the project were clearly achieved.

Results under outputs 3, 4 and 5 concerned the methodology and strategy adopted to ensure wide participation in the assessment process along with a bottom-up capacity development approach. A publication on the project from 2007 provides insight into the project design process and methodology.⁸

*"The assessment was conducted in partnership with the government, a national research institute and university legal departments in each province. Multi-disciplinary teams of local researchers with either academic or NGO backgrounds who, to the extent possible, reflected ethnic, religious and gender diversity were recruited in each province to carry out the assessments and help shape the subsequent projects. The researchers were all trained in access to justice concepts, research methods, conflict sensitivity and the human rights-based approach. Through such training and new research experiences, it was expected that many would gain the analytical skills to serve them in future endeavours. As such, capacity development of local researchers was an explicit output of the projects."*⁹

While conducting a general socio-economic mapping exercise in each village, the research teams endeavoured to identify particular groups in the community who were poor or disadvantaged by virtue of:

- ✓ *The non-fulfilment of basic rights to food, healthcare, education and other government services;*
- ✓ *Discriminatory treatment by government or other community members; or*
- ✓ *The inability to participate in decision-making affecting their futures.*

Villagers were grouped by geography, type or mode of employment, gender or ethnicity. Focus group discussions were conducted with members of these groups in which they shared their opinions about the most pressing justice-related issues they face on an everyday basis, and their experiences of resolving grievances through both the formal and informal justice systems. The focus group discussions were supplemented by in-depth interviews, primarily with ordinary villagers, but also with village-level community and religious leaders, sub-district officials, police, prosecutors, lawyers, judges and other duty bearers. The research teams also made use of secondary sources such as administrative data held by government and justice institutions. After the research was completed, two villages in each province were revisited by a separate team who met with villagers to verify the integrity of the data. Further verification at a more general level

⁸Case Study, Indonesia Access to Justice Assessment, November 2007

⁹The team was not able to reach these researchers but interviews with PSPK and the project manager provided insights to the capacity development limited results. As commented during these interviews "...CD efforts were not sufficient and the partners ended up by being more contractors than partners. Initially the project intended to do a CA, then a CD plan, then research but this was unrealistic."

was carried out through a seminar in each province, where the research findings were discussed with an audience that included representatives of claim holders and duty bearers. To complement the qualitative research, a survey was also conducted, which attempted to quantify community attitudes towards the formal and informal justice systems, and priority access to justice issues. Analysis, project design and write-up of findings completed the assessment process.”

Under outputs 3, 4 and 5, the project document envisaged the formal establishment of a series of partnerships, structures and coordination mechanisms with the capacity to implement interventions identified by the A2J survey assessment. It also sought to develop the capacity of partners, civil society organizations (university departments, NGOs, and media) to engage in A2J activities. More ambitiously, it aimed to design and implement pilot programmes funded by a Community Initiatives Fund to respond to immediate community needs. This last intervention was not pursued as it proved too ambitious and demanding. The coordination mechanisms were mostly pursued on an informal ad hoc basis, and the capacity development efforts fell short of expectations (elaborated below in the section on sustainability). The Provincial Advisory Committees intended as coordination mechanisms never went into operation, in part because of a lack of coordination and monitoring capacity on the ground.

In this regard, the assessment team considered the achievements under outputs 3, 4 and 5 disappointing. However, despite these shortcomings of methodology, the assessment team strongly believes that the strategy used for the research was adequate, widely participative and ultimately effective, although time consuming and administratively burdensome. A single partnership with a leading NGO and a more simplified strategy might have yielded similar results with greater efficiency, but would have sacrificed grassroots participation and representation. The team also concluded that failure to achieve the expected capacity development results derived more from the demanding and overambitious project design than from its implementation strategy.

Innovative ability

The project was clearly innovative, resulting in the first comprehensive A2J assessment piloted in five provinces targeting the most poor and disadvantaged groups using a rights-based approach. The survey project addressed a critical governance issue targeting the most disadvantaged in conflict areas, contributed to the enhancement of the human rights-based approach, gender and A2J at the national and local levels and was instrumental in solidifying A2J on the national agenda.

This A2J assessment was undertaken mostly using national resources, academics and civil society (two international staff and over 45 national staff) and provided the foundation and baseline for a National A2J Strategy to be launched by the President of Indonesia and incorporated into the Mid-Term National Development Plan 2010-2014.

This National Strategy represents the culmination of almost two years of consultations with government and civil society actors across Indonesia, resulting in a strategic policy document that:

- ✓ Advocates the centrality of incorporating A2J for poor and vulnerable people alongside strategies and programmes to fight poverty;
- ✓ Focuses on society's most disadvantaged groups, and insists that government policies across all sectors explicitly consider their ability to reach Indonesia's poor and marginalized persons and communities and bring them within law's protection so that they are empowered to improve their lives and livelihoods;
- ✓ Integrates the strategic recommendations on A2J into Indonesia's Mid Term Development Plan 2010-2014 and into concrete action plans of line ministries and justice sector institutions to coordinate with and improve the results of ongoing development initiatives; and
- ✓ Has been developed through an inclusive, bottom-up process incorporating the perspectives and concerns of civil society and local government actors who have been involved in pilot implementation of grassroots legal empowerment initiatives through the LEAD project.

The National Strategy aims to produce a paradigm shift in Indonesia and, to our knowledge, is unique in the region.

The approach of conducting an extensive assessment prior to any programming was new for UNDP. Large-scale research prior to programming is unusual in UNDP, which often responds to donor and partner pressure for quick wins and immediate results and is unused to investing considerable funds to conduct thorough research. The A2J assessment was also innovative for Indonesia, because - together with initiatives by the World Bank - it placed A2J firmly on the agenda of donors and government. UNDP could not have influenced policy-makers to this extent without the depth of analysis and empirical evidence produced by the research. Moreover, the A2J assessment results contributed to creating true ownership of the LEAD project by both BAPPENAS

and UNDP, and to establishing the legitimacy of LEAD with local government stakeholders by persuading them that its interventions are firmly grounded in localized empirical data.

The A2J assessment was in fact the first comprehensive research that provided groundwork for the National Strategy on A2J. Thanks to the assessment and to the core funding from DGTTF the country office was subsequently able to address an issue in a politically sensitive area and fill a critical gap, since most interventions had targeted the formal justice sector. The country office approach surpassed business as usual, and is being regarded as an example of good A2J programming.¹⁰

Innovations were also made in partnering with government, academics from different universities and faculties, and civil society organizations. The partnerships with civil society organizations and bottom-up methodology that were integral to project strategy were a pioneering approach to survey research in Indonesia, as evidenced by the following statement by a representative of PSPK interviewed during the assessment mission:

“...PSPK had to convince the faculty of law and the sociological department of the university, as they did not agree with the bottom-up approach. They were very orthodox in their methodologies (very top-down). They assumed they could write a lot without leaving their office. The other partners in the project – the civil society organizations - were okay with the new methodology, but the university, especially the faculty of law, disagreed with the bottom-up approach...PSPK succeeded in convincing all university colleagues to ‘talk to the people’ and they constituted 8 provincial teams in collaboration with selected NGOs. Training was organized in Yogyakarta to train all the team members in the human rights-based approach and people-centred survey methodologies. This training was considered very important by PSPK. The team was very diverse, multi-disciplinary, with civil society organizations, other faculties and the Islamic university...”

The innovation also led to a major programme in justice. The Indonesia country office built its justice portfolio on the A2J experience as documented in the section below. UNDP is now a key player in the sector and its approach has helped solidify A2J on the national governance agenda.

The project also served as the breakthrough for a larger A2J and legal empowerment intervention from UNDP – the LEAD project. LEAD uses an innovative approach to implementation, centred on making grants to civil society organizations for legal empowerment projects. This requires a careful participatory approach to reviewing proposals and monitoring, to counter

the risk of reversing the bottom-up approach during the grant review process at the national level. The question of whether LEAD should have designed this grant-making work at the grassroots level is examined below in the section on sustainability and capacity development.

It is likely that the participatory and consultative approaches that were later embedded in the LEAD project and the National A2J Strategy were inspired by the A2J assessment approach, as the A2J Assessment Project Director at BAPPENAS became the National Project Director of the LEAD project and the principal champion of development of the National Strategy on A2J. The National Strategy was written by a working group comprised of government officials, NGOs, academics, UNDP and the WB, through a long-term, bottom-up consultative process with stakeholders. The working group extensively debated the contents of the A2J assessment report. The assessment’s five-step framework and the thematic issues identified by the A2J assessment research then formed the pillars of the National Strategy, namely:

- ✔ Legal aid and judicial reform
- ✔ Land and natural resources
- ✔ Local governance (public services at local level)
- ✔ Rights of the poor and marginalized (property rights, post conflict security)
- ✔ Labour
- ✔ Women

A first draft of the National Strategy was developed by the working group in January 2008, and the consultation process started the following February in Jakarta, involving more than 100 experts from across Indonesia. Their inputs and recommendations were used to develop a second, significantly revised, draft paper, which was then presented at three regional consultations held between April and August 2008 in Bali, Medan and Makassar involving participants from government and civil society from all 33 Indonesian provinces. Through these regional consultations two additional themes– child rights and migrant workers – were added to

¹⁰In fact the former A2J project manager is currently in Laos on a mission to assess the possibility of launching an assessment on A2J building on the Indonesian experience.

the original sectors highlighted in the A2J assessment report, resulting in a substantially enriched draft policy paper. Further refinements were made by the working group following a high-level consultation meeting in February 2009 and subsequent interviews with officials in justice institutions and line ministries at the national level.

Catalytic capacity

The project was catalytic substantially, financially and in strengthening partnerships for the country office. DGTTF was instrumental in starting the design process for a long term \$7.7million programme to improve A2J in the assessed provinces, as well as contributing to the framework design of a similar \$6.8 million project on A2J in Aceh, which together form the bulk of the country office's democratic governance current total programming of \$23.1 million. LEAD is now supported by multiple donors and the project currently supports 23 civil society organizations and universities in its three target provinces, with plans well under way to scale up grant-making. LEAD is one of the main projects currently supporting A2J at the national and provincial level in Indonesia, as most donor interventions supporting justice sector reform in the country are based at the national level and target state institutions. UNDP, having had no justice portfolio prior to this intervention, is now one of the main partners working with A2J in the country.

The A2J Assessment Project could not have been initiated without the financial support of DGTTF. This proved critical to securing government and senior management support. The satisfactory implementation of the project, regular one-to-one briefings with donors, and the well-drafted LEAD project document all allowed for successful resource mobilization for the LEAD project that followed.

SIDA, the current major donor for LEAD, commissioned an internal assessment to the LEAD programme in August 2006 before deciding to fund the programme. The feedback was very positive and the A2J assessment provided a solid basis for the agency's funding decision.

The A2J Assessment Project also influenced country office initiatives in Aceh, which were designed specifically for the special needs of the conflict- and tsunami-affected province. The Aceh Justice Project is working to strengthen both formal and informal justice delivery systems, increase legal awareness and empowerment of communities, help address common grievances of poor people related to post-tsunami and post-conflict recovery and reconstruction, and promote the crucial role of civil society organizations in this regard. The Aceh Justice Initiative, like LEAD, developed out of a UNDP-

BAPPENAS survey assessment of A2J in Aceh, which drew considerably on the same methodology, framework, and tools used for the DGTTF-funded A2J Assessment Project.

The extensive assessment also paved the way at the policy level for the National Access to Justice Strategy, to be incorporated into the Government of Indonesia's 2010-2014 Mid-Term Development Plan, and the action plans of relevant ministries and their sub-national counterparts. It is also expected to impact on the new judiciary reform strategy, the second blueprint 2010-2025.

Cross-cutting issues

There is clear evidence that the project has contributed to advancing issues such as gender integration, human rights-based approaches and anti-corruption mainstreaming.

The project design was notably influenced by the AP-A2J Initiative and the UNDP human rights-based A2J Programming Guide.

In the words of the Project Manager, "...The DGTTF A2J project was hugely influenced by the Regional Initiative on Access to Justice steered by the Regional Centre. I personally participated in a regional workshop, which inspired me to conduct this assessment. The programme guide gave good orientation to the design of the project but it revealed that it could not be followed line by line. It was also not easy to convince national partners of the human rights-based approach that was truly very innovative."

However, given the complexity in applying a human rights-based approach, it was difficult to work through the implementing partner who did not share the same understanding of the methodology and key principles. As such, the human rights-based approach was essentially imposed on the implementing partner, who was given little leeway on basic assessment methodology and direction.

Gender equality and non-discrimination against indigenous people were also targeted throughout the A2J assessment and are currently being addressed by the LEAD project. Women were targeted as one of the disadvantaged groups, and violence and discrimination against women is an issue simmering beneath the surface in most, if not all, assessment locations. Although many women prefer not to discuss the issue in public, far less with people from outside their village, incidents of domestic violence were either openly acknowledged or more discretely hinted at by women in focus groups and interviews. Indigenous people's rights strongly influenced the LEAD project interventions both in

the land and natural resources sector as well as in the local government services sector. The National Strategy on A2J is also addressing these issues with a section dedicated to women's rights.

SEXUAL ASSAULT BY THE SECURITY FORCES – 'NOT UNCOMMON'

In 2004, an Indonesian Military (TNI) soldier from Palu sexually assaulted a 14-year-old girl in Tokorondo. In early 2005, she gave birth to a baby, however as of mid-June, the perpetrator had provided no support. With the support of an NGO, the family contacted the battalion, demanding that the soldier take responsibility. In a letter, central headquarters responded that it was handling the case, but at the time of the assessment the perpetrator was still stationed in Palu, with full benefits and duties. The soldier and his commander approached the family, offering Rp 2 million (around USD 200) to drop the case, but the family rejected the offer. One resident said: "It is not uncommon for soldiers at the end of their posting to take advantage of the situation, approach females without going through their parents, forcing or threatening them if they don't engage in sexual relations."

Sources: Interview with KPKP-ST NGO representative, Poso Pesisir, Central Sulawesi, January, 2005; FGDs in Tokorondo, Central Sulawesi, February and June 2005

The A2J Assessment Project identified access to government services and assistance as a main concern for respondents. This category encompasses both access to and inefficiency or corruption in the provision of government services and assistance, and accounts for approximately half of all examples of injustice cited by respondents throughout the A2J Assessment. The government services and assistance in question include health care, education, subsidy schemes of general application and aid packages targeting victims of conflict, particularly internally displaced persons. These issues reflect the respondents' view that poverty, education and health care are the three most frequently occurring issues.

It may come as little surprise that complaints of poor administration and corruption of government subsidy schemes were near the top of the list of respondents' complaints. For example, in some villages, the illegal imposition of additional charges on subsidized rice (beras miskin or raskin) by village officials renders it no cheaper than the market price. In others,

subsidized rice is simply distributed evenly throughout the village, thereby reducing the amount received by the poorest households whom the scheme is designed to benefit. Likewise, holders of health care cards (kartu asuransi kesehatan or askes) who are entitled to subsidized medical care and medicine are sometimes forced to pay market prices by community health care workers, or are given what they perceive to be 'second-class' treatment.

Meanwhile, there is a long list of examples of discrimination and abusive practices from the local government.

Again, such issues are being tackled both by the LEAD project, for example through the establishment of local public complaint mechanisms, and by the National Strategy on A2J, which contains response strategies.

According to the Director of BAPPENAS "...A2J is not a new issue and should be considered a normal mandate of the duty bearers, but in Indonesia this has been distorted by corruption. It has not been easy to increase awareness of duty bearers due to their corrupt nature. How can we reasonably expect these duty bearers to protect poor people? For this reason the NA2JS also adopts prevention strategies for combating corruption by focusing on improving public service in rural areas."

Indonesia has already adopted the UN Convention Against Corruption, and a National Strategy Against Corruption is being developed. There is an interest in grounding both strategies in the national context of promoting rights for the poor based on Indonesian constitutional and human rights.

Sustainability

Under the heading of sustainability the assessment tried to respond to the following sets of questions:

What measures have been taken to ensure the sustainability of the achievements of the project? Is there any evidence that the capacities at the individual, organizational and/or systems level have been strengthened through the project?

How have issues of ownership and participation of target groups/clients been addressed both in the formulation and implementation of the project? To what extent is the project embedded in a larger coherent strategy directed at enhancing democratic governance?

These questions can be grouped in the following categories: Ownership, capacity development, partnerships and synergies.

Ownership

From inception, target groups and clients were fully involved in the design and implementation of the A2J Assessment Project, as they have continued to be in the LEAD project. It is clear that the A2J Assessment Project contributed to the creation of A2J champions who are currently the driving force behind the National Strategy on A2J. A field trip for BAPPENAS officials to the provinces with a research team generated interest and triggered BAPPENAS's further commitment to and engagement in the process, and the Director of Law and Human Rights at BAPPENAS became more interested in A2J issues over the course of the project. Naturally the leadership and vision of senior management in the country office and the steady will of dedicated staff committed to A2J and a rights-based approach were also essential to jump-start the process of ownership by the national counterpart.

The LEAD project is now fully owned by BAPPENAS, which continues to reference the 'Justice for All?' survey assessment results in strategically bringing the A2J agenda into the planning process at the national and local levels. Long-term sustainability will depend on how A2J strategies continue to be implemented after the LEAD project, but so far there are good indications that the A2J strategy may be well accepted and implemented at the local level. For example, in at least two of the pilot provinces, Central and Southeast Sulawesi, local governments have committed to establishing public complaint system mechanisms. Other local governments have committed to supporting NGO-run legal information centres, women's shelters and other initiatives whose activities were seeded with LEAD project grant funding. The national government is seeking to secure a public declaration from all governors at the presidential launch of the National Strategy as a token of their commitment to support A2J at local level.

However, this commitment varies from province to province and is still quite dependent on the local administration in place. The LEAD project team stated that as a constraint, relationships of trust with the local administration have taken time to develop and that some civil society organizations are operating in very remote areas marked by recent conflicts and difficult relations with government. The LEAD project is now focusing more on working with local government bodies to encourage legal aid funding, budget allocations to LEAD-supported initiatives and ensure project continuity. It is critical to improve constructive relations between civil society organizations and local government. All proposals of LEAD grantees have a section dedicated to sustainability, and must detail how the proposed project supports the local Mid-Term Development Plan. With the development of the National Strategy and its incorporation into the National Mid-Term

Development Plan, A2J activities have been and will continue to be integrated at the local level.

The LEAD team also conveyed that in terms of government buy-in it was important to have the empirical research of the A2J Assessment Project, which functioned as an incentive for the government and contributed much to BAPPENAS' uptake of the LEAD project approach. Linking projects with policy at the national level has proven critical. The planning agencies in the provinces are the main focal points, and for this to be effective the prior work with BAPPENAS was very important.

The LEAD project is very good in terms of knowledge enhancement and awareness-raising on the demand side, but is regarded as limited in terms of accompanying measures to strengthen the duty bearers (in particular state duty bearers) to deal with increased demands. As an example, because of its grant mechanism nature, the LEAD project has not set up or strengthened any institutional structure. This may compromise sustainability, although in some cases the local governments have taken up the legal empowerment/A2J agenda. One local government, for instance, has decided to fund the community legal service centre, while another is funding a safe house for victims of domestic violence. Still, a foundation or endowment model could bring more sustainability to the project.

Capacity development

In the first place, the DGTTF project and the AP-A2J initiative have largely strengthened the CO project staff capacity to deal with its justice portfolio. There is evidence that the team learned a lot from its experiences and actively tried to document lessons learned. This result has without a doubt impacted on the national staff since the assessment project was mostly implemented by Indonesians (staff and researchers) and the current LEAD project is running with the support of only two international staff and fifteen national staff. The same can be said for the main national counterpart, BAPPENAS, which has mastered the issue and become capable of driving forward the National Strategy.

Less impressive has been the progress among national partners implementing the A2J Assessment Projects (i.e., university researchers and civil society organizations). Their challenges have been documented in some of the lessons learned from the project manager of the A2J Assessment Project.

Although much funding went into capacity of PSPK at the University of Gadjah Mada, more monitoring and evaluation capacity of UNDP itself would have been required to follow up adequately with the team of researchers in each province.

PSPK's understanding of the human rights-based approach was not fully aligned with that of UNDP. It was difficult to convince PSPK to go beyond the representatives of the community (community leaders) for the research and actually focus on the poor and speak with the most disadvantaged. At the provincial level, many organizations and researchers had never heard of the human rights-based approach before the project. In retrospect, the approach was largely imposed on them and they were not convinced that this was the way to go.

As such capacity development efforts were not sufficient and the partners ended up being more contractors than partners. The project did not do a capacity assessment nor a capacity development plan, and in the end too much of the researcher training was spent in the classroom with minimal practical hands-on training in interviewing and working with disadvantaged groups. The quality of the research and commitment of the researchers varied widely, and the large geographic scope of the research hindered the resource-intensive tasks of monitoring and capacity development.

Building on these experiences, the LEAD project seems to have incorporated strategies to ensure that capacity development is better sustained. LEAD is targeting grantees from remote areas that require strong capacity development at many different levels. Many of them, small civil society organizations, lack a strong institutional foundation. There is a risk that some may collapse once the project ends, though this concern may be premature as the project is still ongoing.

LEAD has recently (between October 2008 and January 2009) set up provincial offices with one provincial project officer and one grants associate to facilitate capacity development, reporting and monitoring and evaluation through on-the-job training and coaching.

It remains to be seen whether LEAD, in its function as grants mechanism, can move beyond the disbursement of funds, to contribute to authentic learning, consciousness-raising and 'reflective practitionership' (Schön, 1987).

The more limited scope of work with duty bearers at the local level, and with judicial authorities at the national level, may hamper sustainability and undermine capacity development for those primarily responsible for dispensing justice remedies.

It is important to reinforce that perspectives from claim holders and duty bearers are both valuable and should be balanced in any A2J project. Understanding problems from

the users' perspective offers guidance on which aspects of the justice system need strengthening to reach the poor and disadvantaged and how their capacities can be developed to access justice mechanisms. Similarly, understanding the challenges facing duty bearers, and any innovative strategies they have developed to deal with such challenges, is important to ensure such efforts are supported and strengthened.

As the A2J Assessment Project had a bottom-up orientation, so too did the LEAD project. Although both projects incorporated elements focusing directly on duty bearers in the justice system – including duty bearers at the local level to whom poor people most often seek recourse, based on several interviews, the assessment team concluded that work with the supply side has been limited during both projects. Advisory committees were never established during the A2J assessment, and there were difficulties bringing local administration together with local civil society organizations during LEAD implementation.

The LEAD project is a legal empowerment capacity development initiative. UNDP Indonesia opted to enter into project contract relationships with promising civil society organizations that had submitted technically feasible project proposals. The approach allows project contracts to serve as spaces for learning through action and discovery. Action and discovery learning processes are deeply experiential, and provide the cornerstone for transformational learning, skills development and consciousness-raising.

Capacity development and learning specialists confirm the value of experiential and discovery learning. They also argue, however, that optimal discovery learning requires the continuous availability of coaches capable of facilitating reflection and on-the-job feedback. Although still soon to assess if LEAD has been able to produce a transformational impact by serving as spaces for action-reflection-action, skills development and raising social consciousness, some conclusions can be drawn from its project proposal formulation process, reassessment of frames and budgets, avenues for joint analysis of its successes and challenges, feedback mechanisms, and other elements.

Given the well-designed monitoring and evaluation framework, and the fact that the project established provincial offices for closer contact with partners, it appears that capacity development efforts of the LEAD civil society organizations have been adequate at least on procedural, reporting and management issues. The project developed several tools to support the managerial task of civil society organizations, such as guidelines for project formulation,

questionnaires and reporting formats that provided opportunities for critical reflection and experiential learning.

In Central Sulawesi, local people reportedly have gained self-confidence in dealing with legal issues, and complaints and communications are now channelled effectively to government officials. A survey on grantee progress conducted at the end of 2008 found that ‘grantees have managed to improve local awareness of and trust in their legal services to the poor, which resulted in increasing numbers of people that find their way to their offices and legal aid providers’. However, the same survey emphasized that ‘the actual functioning of legal service points could not be assessed. It is advisable [that] LEAD staff monitors these posts more closely to learn if they need to be strengthened and how.’

Partnerships and synergies

University, PSPK and local researchers

Having the University Center PSPK as the main research implementation partner in charge of training and coordinating research teams proved difficult, time-consuming and inefficient. However, given the volume of community-level research of sensitive issues and perceptions, linking the well-established university research centre with national researchers from NGOs was the right choice, and proved effective in terms of final results.

The A2J Assessment Project manager observed that UNDP would have liked to deal directly with one institution in each province that would have been responsible for recruiting and managing a local research team. Provincial law faculties seemed to be the logical choice for this role; however, it became apparent that the institutions were not up to the task of managing a team of researchers, and that furthermore, the researchers would more likely be recruited based on personal relationships rather than on merit.

Later, PSPK assumed the role of coordinating the exercise. Capacity constraints were recognized by the project team regarding PSPK, leading the team to conclude that it may have been better to work with a well-established NGO (such as LBH or other legal aid providers with proven track records) with a firmer grasp of the human rights-based approach and A2J. PSPK required a lot of attention and technical input in terms of coaching and follow-up with national researchers in each province.

It is worth noting that PSPK described the partnership with UNDP as excellent, administratively transparent and very collaborative. The advantages of choosing PSPK as the main

implementation partner related to its local-level network, its researchers’ personal connections with formal sector actors, knowledge of the communities, and past experience with UNDP, among other factors. PSPK was also successful in bringing in other academic partners such as the faculty of political science, faculty of law and the Islamic university.

The research methodologies that PSPK, UNDP and local researchers developed differed by locality. Local NGOs were contracted to conduct surveys and then came to the PSPK base in Yogyakarta to collaborate on developing questionnaires. For PSPK, this was an exciting capacity development opportunity, as they found the NGO recruitment process enlightening in terms of transparency, gender sensitivity, diversity of faith, and so on. As the researchers themselves lived in the target communities, it was expected that they could establish trust easily. However, teams found that they often expended considerable energy building trust with village respondents in order to solicit accurate information. Despite best efforts, there remained highly sensitive political issues that community members were sometimes reluctant to discuss.

State institutions

Why did the project elect to partner with BAPPENAS rather than the sector line ministry or judicial institutions? This question immediately came to the attention of the assessment team.

UNDP’s counterpart for the A2J Assessment Project, the BAPPENAS Directorate of Law and Human Rights, has a mandate to coordinate all government planning in this sector. Although the team agrees with the choice of BAPPENAS as the main partner, given its specific role in the Indonesian context, it would have been beneficial to associate also with the Supreme Court, the Ministry of Law and Human Rights, and the Attorney General in a more coordinated and balanced framework. This could expand ownership of the subsequent process and enhance sustainability of strategies, since A2J is a long-term endeavour in Indonesia.

The choice of BAPPENAS has been strategic for developing a national A2J strategy, but at the sub-national level BAPPENAS does not wield much power. For this purpose, and following the example of the Aceh project on A2J, more groundwork was necessary with the Ministry of Justice and Human Rights, Supreme Court and the Attorney General. This is even more relevant now, under the ‘one roof’ system where the Supreme Court has assumed full responsibility for administration of the courts and judiciary.

It was left to the successor LEAD project to try and establish a broader partnership. UNDP will have to continue

its relationship-building efforts to ensure that these duty bearers own the A2J interventions on the demand side of justice. Indeed, at the judicial level there are good indications of openness to A2J. The Supreme Court is also implementing a broad judicial reform programme. A new judicial reform blueprint is being developed for 2010-2025, and the 'one roof' system has been established 'in the interest of independence' to bring full responsibility for administration of the courts and judiciary under the Supreme Court. The Supreme Court has taken on a series of projects to bring the courts closer to the people, facilitate access to information and improve transparency. These include mobile religious courts to reach remote areas, with increased budgets; a survey on the difficulties of reaching the general courts; and programmes providing free identity and land registration services by waiving fees for the poor.

State-provided legal aid remains a challenge, requiring budget discussions with the Parliament and planning agencies. The state obligation to provide legal aid should now fall under the Supreme Court, but as the law remains unclear about this allocation and accompanying funds within the court budget, this is still not being implemented. As a result, state-sponsored legal aid schemes are limited in scope, chronically under-funded and little known to prospective beneficiaries. Courts may appoint lawyers for indigent defendants only in more serious criminal matters, while those charged with less serious crimes may be unable to access even general legal advice. A basic allowance for these lawyers was previously channelled through regional offices of the Department of Law and Human Rights, but this has ceased since the 'one roof' amendments in 2004. The result is that lawyers rather than the state now bear the financial burden for providing legal aid in many cases, with limited exceptions where some provincial and district governments have made small allocations for legal aid out of their own budgets.

Unfortunately, the working group that is preparing the new judicial reform blueprint does not have a sub-group dedicated to legal aid and A2J. There are six working groups, each with its own responsibility: case management, supervision (code of conduct), human resources development, education and training, budget, information of technology (transparency). The Deputy Chief Justice was amenable to ensuring that UNDP could support the establishment of another working group on A2J. A2J is still perceived primarily in terms of access to information and to the courts, and as a means of building public trust in the judicial system. Still, this is a worthwhile entry point for working with the judiciary.

Local government

This is where the bulk of the LEAD efforts now focus regarding long-term sustainability. Building on the achievement of having a National Strategy on A2J, BAPPENAS now aims to ensure that the mid-term development plan coming from central BAPPENAS is carried through to provincial plans and district plans with adequate budgetary resources. This, however, also depends on a complex legislative process that encompasses several levels of legislative powers. Much depends on the receptiveness of local government, given that administration of justice was not devolved to local government and remains in the exclusivity of central government. There seems to be a common perception that A2J is not on the radar of local government, and that the legislative process fails to foster A2J at the local level.

The adoption of a law on legal aid or an amendment to the Ministerial Decree on Provincial Budgeting legalizing the inclusion of legal empowerment/legal aid in provincial budgets would contribute to local-level support for the current activities funded by the LEAD project. But in the meantime, based on the mid-term development plan, local governments will be able to take a proactive stance by supporting pro bono judicial assistance, legal aid programmes and legal empowerment NGOs.

The mid-term development plan will be adopted by presidential decree, which is not the strongest source of law. If the Government wants to pursue A2J in the full spirit of the plan, it will have to take it to the provincial legislative councils or through district-level regulations. This process may take many years, as it involves funding allocations. Committed local leaders with strong political clout can speed the process. A lot will depend on the ability of BAPPENAS and UNDP to generate sufficient interest through successful pilot experiences at the local level.

Once the National Strategy has been launched, it will be critical to have a strong monitoring mechanism with adequate indicators to measure achievement levels per sectoral ministry. This monitoring can be undertaken in cooperation with NGOs working on A2J and through public participation mechanisms.

For instance, LEAD partners are promoting the establishment of local and regional public complaints mechanisms and public dialogues, through which citizens can channel grievances related to service provision, conduct and accountability of public officials, natural resource management and environmental problems. Such mechanisms can also function as monitoring systems at the local level.

Complaints made have included illegal charges for issuing ID cards, illegal levies on students, double taxes for small businesses, pollution, illegal logging, land disputes and poor electricity services. On receiving a complaint, staff examines the issue, sometimes collecting additional data through investigations. Each complaint is categorized by issue, urgency and responsible institution. The grantee then channels the complaint to the relevant institution and monitors progress.

Among the local-level adherents to this system, the state environmental agency in Kendari offered to open a public complaint mechanism in collaboration with LEAD partners to increase community trust and to manage complaints more effectively.

The most challenging partnership has been with the Ministry of Home Affairs, responsible for decentralization and local government services. Without the buy-in of this ministry it will be difficult to sustain A2J efforts at the local level. The LEAD project could perhaps be assisted in widening the set of committed A2J partners by linking more closely with the decentralization programme at UNDP, already working closely with the Government for deepening devolution of power.

Many promises of support have been made, and in some districts (such as Banggai in Central Sulawesi and Ternate in North Maluku) actual contributions to grantee projects have been committed, and allocations made in local budgets for joint monitoring missions with LEAD. At the provincial level, LEAD coordinates with focal points assigned within the Regional Development Planning Agency (BAPPEDA), and a number of district-level BAPPEDAs are proposing a similar arrangement. Grantees have also reported increasing contact and coordination with district authorities, and in many cases have been invited to support BAPPEDA with its development planning.

Some positive advances have therefore been made in building stronger coordination with local government, and proactive support from BAPPENAS has been instrumental in helping this come about. Still, several challenges remain: managing local government expectations for support from LEAD; encouraging regular meetings and substantial cooperation between grantees and local government; and navigating through the poorly coordinated local government itself.

In the future, LEAD should consider developing a more active role in cooperating with provincial and district governments to mainstream A2J within these local government bodies, and to enable pilot projects to serve as laboratories producing answers to the question, "Can legal empowerment lead to reduction of poverty?"

Donors and aid coordination

Donor interest has been growing with the momentum of the National Strategy on A2J. The National Strategy will provide a framework for coordinating donor support in the legal and justice sector. LEAD is mapping donor support in this sector, and will assist BAPPENAS in launching a donor coordination mechanism aligned with Gol priorities.

LEAD and the World Bank Justice for the Poor Project (J4P) will shortly start collaborating on a national initiative to promote the use of paralegals in Indonesia. This focus is crucial: experience in many countries indicates that such non-lawyers can be vital sources of legal information and assistance to disadvantaged populations.

The fledgling civil society legal empowerment activities supported by LEAD will continue to require donor support beyond its current phase, which ends in 2010. The team agrees with voices in civil society and with Steve Golub that it would be useful to seek further support from donors to enable the project to demonstrate its full potential. In this regard, the recommendations as made by Steve Golub in his Strategic Review of the LEAD project in August 2008 are still relevant:

The LEAD project should focus on an entry strategy that converts LEAD from a relatively short-term project to an ongoing programme. There would be at least three dimensions to this:

- ✓ *Document progress toward the end of seeking follow-up funding. First, LEAD should estimate what progress (however partial and tentative) it can reasonably hope to demonstrate to current and potential donors a year from now as it begins to gear up for a follow-up three-year funding phase. As part of the studies that its research/M&E unit is planning to undertake, it should seek to gather qualitative and quantitative data that can help make the case for additional funding.*
- ✓ *Learn lessons for use down the line. LEAD's research should include an explicit effort to learn lessons from both progress and problems experienced by LEAD and its partners, and to adapt strategies and activities accordingly.*
- ✓ *Think like an NGO: start to cultivate contacts that can prove useful in seeking ongoing funding. Most contacts with donors and other sources should be pursued for their substantive merit. Nevertheless, the Project Management Unit (PMU) should not simply rely on UNDP to secure funds. The project should be entrepreneurial in the same ways that NGOs are in paving the way for seeking funding down the line.*

- ✓ *In pushing a long-term perspective, it is not suggested that the project commit to extend support to all grantees in a second phase of LEAD, or even beyond their current grants. It can and should learn which ones are performing best, which can improve their work as they learn lessons, and which may not merit further support. Such learning will flow partly from the project's M&E efforts, but also from the more subjective but still valid impressions that the sector coordinators and provincial field personnel form over time.*

Relevance and strategic positioning

The assessment addressed the following issues: Does the DGTTF respond to a governmental request or documented need? Would the implementation of the selected project have been possible without the DGTTF? Has the DGTTF project enabled the country office to position itself strategically within the concerned democratic governance service area?

Most of these issues have been addressed in previous sections, but it is important to reiterate the valued contribution of DGTTF to the UNDP Indonesia governance portfolio.

As documented in the 2007 case study prepared by the A2J Assessment Project manager:

"[DGTTF] funds were instrumental in starting the design process for the project, and led to the design of a much broader and comprehensive assessment (complemented by other resources), which provided a basis for developing a longer-term programme to improve access to justice. These seed funds resulted in the mobilization of significant resources (approximately USD 15 million)."

DGTTF is considered a flexible and rapid source of funding critical for seizing opportunities to promote breakthroughs in advancing democratic governance. This has been the case in Indonesia, with the A2J jump-start for the country office justice portfolio. Naturally, it comes with administrative burdens (largely attributable to normal UNDP operations management, as reflected in the experience of the non-DGTTF-supported LEAD project), but these have been outweighed by the positive effects. The one-year time frame for disbursement of funds was a problem, as the Project started later than envisaged due to delays in setting up partnerships and securing government approval.

Nonetheless, the DGTTF funds were critical for launching the A2J Assessment Project and securing trust and cooperation. As noted above, the project proved instrumental in establishing a justice portfolio within UNDP Indonesia. Currently, UNDP and the World Bank are the leading agencies working on A2J in Indonesia.

The Indonesia A2J Assessment Project is unique in the region for the depth of its research and focus on developing local capacity in the human rights-based framework. The project positioned UNDP as a credible partner in A2J. Donors had positive feedback for both the A2J Assessment Project and the LEAD project. LEAD is currently the main project supporting the National Strategy for A2J that will be part of the mid-term development plan. UNDP, for which A2J was the first major justice intervention with the Government, is now the leading partner for the national strategy launched by the President in May 2009.

Efficiency

Time constraints prevented the current assessment from analyzing this criteria in detail, the strategic decision having been taken to prioritize effectiveness, sustainability and capacity development to better serve the dual purpose of analyzing the DGTTF mechanism and the substantive importance and influence of the AP-A2J initiative.

As such, the comments below derive more from empirical evidence gathered from the oversight and reporting mechanisms (themselves also a product of the efficiency of the mechanisms) and interviews with the project team than from an analysis of the ratio of outputs to inputs.

Against that backdrop, the assessment addressed the following concerns:

To what extent does the institutional setting of the fund mechanism facilitate the achievement of the objectives? To what extent have there been adequate human, technical and physical resources to manage the project efficiently? To what extent has the support of the different partners in the project and within UNDP been instrumental in the achievement of the reported results?

The A2J Assessment Project suffered from a late start and was unable to complete its work plan on time. DGTTF funds were critical to launch it, but final expenditures exceeded \$1.5 million. Fortunately, the project was additionally funded by TRAC (although, regrettably, not by donors). Because of the late approval and start of the project, DGTTF funds had to be spent in just a few months to fit the one-year time frame.

Early delays also affected the selection of project sites based on physical accessibility. The administrative complexity of dealing with large-scale geographical and human resources (over 40 researchers) overburdened the project.

Altogether the process took more than three years. After securing DGTTF approval in early 2004, the Indonesian government approval process took over six months – until November 2004. DGTTF then disbursed \$100,000 to start implementation. The research ran from January 2005 until September 2005, whereafter it took almost 16 months to produce a report, published in early 2007.

As senior management in the country office shifted, and with it the institutional memory acquired through trust and close involvement with project staff and national counterparts, the team became harder pressed to deliver a tangible product from the A2J assessment. Senior management felt that after two years of implementation it was time to produce results. Fortunately results were positive to compensate for the delays. It should be noted, however, that the administrative burden did not appear to emerge from DGTTF but mostly from the operational complexity of managing a large team scattered in five provinces of a large country.

Substantively, the A2J Assessment Project benefited largely from the expertise and policy support from RCB, which provided steady guidance in the design stage and throughout implementation.

In terms of efficiency (costs, time, and managerial aspects, as opposed to results) there are lessons to be captured from the experience. LEAD also experienced delays in its government approval and start of implementation, as well as the ordinary human resource constraints of recruitment. Managerial and administrative burdens have emerged from the LEAD project's grant mechanism structure and the lack of standard UNDP policy and procedures to deal with such fund disbursement mechanisms.

One of the main constraints seemed to be UNDP's lack of clear grant implementation guidelines for civil society organization partners. The project needed more clear and detailed practical guidelines and SOPs. The modality was also widely debated – it was supposed to be NEX, but both UNDP and the government partner preferred it to be DEX to avoid administrative burdens and perceptions of impropriety, and ensure high management and accountability standards in grant-making. In future, an information package for the grant scheme would be useful.

However, LEAD's grant-making facility is now well established, and after working on a complete funding cycle the project staff have gained experience with UNDP operating procedures as applied to grant making. In addition, the three provincial offices are fully staffed and management arrangements

between the provinces and PMU are clear and are working well. Cooperation with BAPPENAS continues to be close and effective, while BAPPEDA at provincial and district levels has responded well to LEAD's proposals to get involved in monitoring and supporting grantees' projects. PMU is still very aware that managing four separate grant making processes (in rounds), as well as supporting 35 or more grantees, is going to be very challenging. The most difficult aspect is in obtaining timely and accurate reports from grantees, and processing these for prompt disbursement of funds. As responsibility for monitoring and evaluating grantees is shared by many staff, there is significant potential for confusion and tensions. This has been improved by the development of a detailed monitoring and evaluation framework setting forth roles and responsibilities. Most efficiency issues within LEAD – some similar to those experienced by the A2J Assessment Project – have thus improved substantially.

Political economy

This section attempts to address 'whys' of the success or failure of a project by providing some insight into the external factors that have boosted the promising achievements of A2J in Indonesia.

The following questions are addressed: What was the political context? Who were the key national/international stakeholders and what were their interests? What was their ability to promote these interests through formal or informal channels? How did this affect the performance of the project?

With the *reformasi* in the post-Suharto era, Indonesia has undergone an enormous change by moving from one of the most centralized states to one of the most decentralized. The political landscape is now very different from what it was 10 years ago with respect to devolution of authority from the central government. This has led to the need to make planning processes more participatory, consensus-based and bottom-up. As such, the Gol was relatively open to the proposed A2J assessments at the local, community level. There seems to be wide consensus within BAPPENAS and UNDP that the central government will not succeed if a national A2J strategy it is imposed on the local administration without participation and consensus. For this reason, there have been extensive consultations on national policy to foster buy-in of local administration – a reflection of the changing political environment.

The post-Suharto *reformasi* has also included comprehensive and ongoing reform of the legal architecture governing Indonesia's formal institutions of justice. Perhaps the single most significant achievement to date has been the bolstering

of judicial independence through the ‘one roof’ reforms of 2004, under which administrative and financial authority over the courts was transferred from the then Ministry of Justice to the Supreme Court. Other important developments have been the separation of the police from the armed forces and their placement under direct civilian control, together with the creation of a constitutionally-mandated Judicial Commission empowered to monitor, investigate and recommend punishment for inappropriate judicial behaviour. Continuing community disillusionment with the performance of the justice system and other government institutions has also led to the establishment of new bodies such as the Police Commission, Prosecutorial Commission and National Ombudsman Commission.

In addition to the overhaul of the legislative framework regulating Indonesia’s formal institutions of justice, a number of important advances have been made in relation to the normative protection of human rights since the fall of the New Order. Indonesia’s recent accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights means that the country has now ratified most of the major international human rights instruments, while Indonesia’s national laws now guarantee a greater range of human rights than at any other time in Indonesian history. However, with the exception of the six absolute rights enshrined in Article 28(1) of the Constitution that cannot be limited under any circumstances, the protections offered to human rights are somewhat illusory, as they remain vulnerable to abrogation by future legislation.

This change process and the enabling openness and policy framework do not fully account for the choice to target A2J. Other factors have contributed to the strong ownership of the project. As one partner stated:

“The legal aid bill is being requested to the government since 1998 but the Indonesian government never paid due attention to legal aid. Only thanks to the exposure of international community discourse the government was influenced and is now more open to legal aid, in particular after the 2007 High-Level Commission on Legal Empowerment for the Poor meeting in New York where Indonesian government officials attended and participated.”

Supportive leadership was another enabling factor. In particular, the support of the former Country Director and the former Project Manager were critical to a project that showed results only after nearly three years. Thanks to their trust and patience, UNDP is now one of the leaders of the A2J agenda.

Strong national leadership was also indispensable, and it is now widely recognized that the Director of Law and Human Rights of BAPPENAS is the champion of A2J from whose leadership the project benefited tremendously.

Codification of tools and lessons learned

This section documents lessons learned from the A2J Assessment Project in terms of effectiveness in innovation and catalytic nature, sustainability, relevance, strategic positioning, and efficiency, and offers conclusions on project successes and failures. It also aims to analyse and codify the tools and instruments used (training manuals, laws, regulations, etc) for potential further use or adaptation by other UNDP country offices and counterparts.

Codification of tools

The production of a guide/tool kit to undertake A2J assessments in conflict-affected areas and the design of knowledge-sharing strategies and mechanisms was an explicit output of the project (output 2). The project did develop various tools and guidelines that were piloted and used for the training of PSPK and local research teams. These included an A2J assessment framework, training materials on A2J concepts, conflict sensitivity and human rights-based approach, interview and case studies guidelines and surveys for disadvantaged groups, data-collection guides, reporting guidelines and research-validation guidelines.¹² However, because of time constraints and the project team’s heavy workload, these tools have never been formally refined, revised and integrated into a toolkit. Given the potential of such tools as knowledge-management products that can be replicated and extensively used, RCB is currently working throughout the region to refine these tools to support dissemination of experiences and knowledge sharing.

Some of the tools considered most valuable by the assessment team, both from the A2J Assessment Project as well as from the LEAD project, are listed in an Annex to this report.

Unfortunately, PSPK, which continues to do equity and conflict-related research, did not have any materials to share with RCB team members. This came as a surprise to the mission, since PSPK was the main implementing partner of the survey process, responsible for supporting training of the local researchers. It is strongly recommended that projects as innovative as this one make a point of saving and documenting the tools used to serve as knowledge products to be replicated in other countries.

¹²As detailed in Wojkowska, Ewa, ‘Indonesia Access to Justice Assessment’, cases study, p. 2.

The project manager has documented the project in terms of case study and lessons learned. The mission had access to a report on project lessons, a case study, an Indonesia A2J assessment and a paper on process lessons learned while designing a rights-based approach to programming. Some of the lessons learned below have been extracted from these case studies, but in an attempt not to fall into repetition the team has added others that resulted directly from its analytic mission.

Lessons learned

The main preliminary lessons learned extracted from the mission assessment are:

On A2J, the human rights-based approach and legal empowerment

1. Human rights-based approach tools, and in particular the Human Rights-Based Approach to A2J Programming Guide should serve as orientation guides to programming and field implementation, but the Guide cannot be perceived as a static framework that must always be followed in all its 10 steps. These tools need to be adapted to the dynamics of field implementation and can benefit from an update based on these practical experiences. The developmental stage of the country may also require a more flexible approach to the Programme Guide. In some countries, as the case of Indonesia, it has been possible to target A2J since inception of the project; in others A2J has been included in project revisions, thus not following the 10-step approach. Regardless, the existence of such a Guide provides a critical analytical framework for developing an A2J programme that can be adapted and interpreted to the local context.
2. In a project like this it is important to stick to basics and not strive for the optimum. A good A2J project is one that reaches the most disadvantaged and is capable of enabling them to advocate for justice and change on their own behalf. A useful human rights-based programme framework must be accessible to practitioners and national partners. The A2J Assessment Project did not establish sustainable platforms of dialogue between duty bearers and claim holders. It is expected, however, that its successor LEAD can benefit from the seeds sown by the A2J assessment to achieve this result.
3. The A2J Assessment Project made appropriate choices for capacity development and sustainability: using national partners to foster knowledge sharing and practical experience; cultivating an A2J champion to lead the national agenda; and generating credible community-level data on A2J by the most disadvantaged as a precursor to establishing a legal empowerment Project. (Similar results from LEAD still need to be evaluated further for this assumption to be confirmed.)
4. The A2J Assessment Project report yielded results that were to some extent unexpected by national stakeholders, such as the conclusion that the community sense of justice is more related to economic and social justice than to the formal/informal justice system in itself. The report 'Justice for All?' has been instrumental in providing a sound basis for developing a National Strategy on A2J, which has adopted strategies to tackle the issues raised by the report.
5. It is important to balance the perspectives of claim holders and duty bearers in any A2J project. Understanding problems from a user's perspective offers guidance on strengthening the justice system to reach the poor and disadvantaged and developing capacities to access justice mechanisms. Similarly, understanding the challenges facing duty bearers, and any innovative strategies they have developed to deal with them, is important to ensure such efforts are supported and strengthened in the future. It is correct to assume that the best opportunities for advancing legal empowerment in Indonesia likely reside in the work of NGOs and their partners and, especially as compared to national government institution reform, local civil society is in greater need of outside support due to the relative paucity of its resources. The A2J Assessment Project focused on the community-level experience of claim holders, and the LEAD project design was influenced by its emphasis on civil society and its focus on the community level. However, UNDP should also focus on the supply side, even at the national level, with small but catalytic and innovative initiatives that can impact policy, such as supporting the establishment of a working group on A2J for the new judicial reform blueprint (just as LEAD has supported the development of the National Strategy on A2J). At the local level, UNDP A2J projects should encourage civil society partners to engage local duty bearers and cultivate good relations with local government.
6. Balancing grassroots support with policy-oriented research will enable LEAD and other legal-empowerment projects to directly impact the lives of the disadvantaged in ways that inform systemic improvements.

On the overall DGTTF support and project results

1. Capacity development is expensive and time consuming, and cannot be underestimated. The A2J Assessment Project would have benefited from a capacity assessment and development plan for national partners prior to implementation, but time constraints made this difficult. In the end, capacity-development efforts were not sufficient; partners ended up being more contractors than partners, and the human rights-based approach more imposed than owned.
2. The leadership of senior management and commitment of project staff willing to test and apply human rights-based strategies is fundamental for success.
3. Quality advice from the regional policy staff was available and critical both for projects' results and for capacity development of country office and project staff.
4. Involvement of the government counterpart from inception-catalyzed ownership and national leadership.
5. The LEAD project should seek synergies with decentralization and other relevant programmes to capitalize on power devolution to local levels and ensure the promotion of access to rights and use of local justice systems (traditional and formal) by the most disadvantaged groups.
6. The A2J Assessment Project and LEAD would benefit from a broader coalition of partners from the justice sector to ensure continued project implementation. A project with LEAD's broad scope should not rely solely on one champion, but cultivate many partners who can promote A2J nationally. The National Strategy on A2J provides a good platform for coalition building, and LEAD is already following up by supporting BAPPENAS in launching a donor coordination mechanism.
7. Proactive collection, analysis and dissemination of the DGTTF project experience among donors, national counterparts and local stakeholders raises catalytic potential and strengthens knowledge management.
8. For the LEAD project, it is critical to document case studies emerging from the pilot projects and to use community-impact research methods to track improvements among specific disadvantaged communities or sub-groups. This is the best way of documenting the impact and results of the legal-empowerment approach, and may prove essential to securing support for continuation of the project. Documentation should also be linked to evidence of tools for poverty alleviation and to the impact of policy and regulatory interventions.

Annex I – List of codified tools

- ✓ Mapping Framework and Methodology for Access to Justice Assessment
- ✓ Access to Justice Mapping Framework
- ✓ Guide for FGDs with the Most Disadvantaged Group
- ✓ Guide for In-depth Interviews with Justice Actors
- ✓ Guide for In-depth Interviews with Most Disadvantaged Group Members
- ✓ Guidelines for Desk Review Nov 2004
- ✓ Indonesian Formal Justice System Overview
- ✓ Indonesian Informal Law System
- ✓ Interview Guidelines
- ✓ Training and Field Guide
- ✓ Human Rights Tools:
 - Examples of human rights from the Universal Declaration of Human Rights
 - Examples of human rights from the Convention on Economic, Social and Cultural Rights
 - Examples of human rights from the Convention on Elimination of Discrimination Against Women
 - HR Tool for the Convention Against Torture
 - HR Tool for the Convention against Racism
 - HR Tool for the Convention on the Rights of the Child

Annex II – List of persons interviewed

Ibu Diani, Director of Law and Human Rights, BAPPENAS

Dianne van Oosterhout, Research and M&E Coordinator, LEAD

Rachael Diprose, Researcher, University of Oxford

Frederik Frisell, First Secretary/Development Cooperation, Embassy of Sweden/
Sida

Risya Kori, Sector Coordinator of Justice & Gender, LEAD

Mohammad Doddy Kusadrianto, Programme Officer, Human Rights, Legal and
Justice Reform, UNDP

Agus Loekman, Sector Coordinator of Justice & Legal Service, LEAD

Paulus Lotulung, Deputy Chief Justice of the Supreme Court

Mochammad Maksum, PSPK University of Gadjah Mada

Allison Moore, Programme Manager, Human Rights, Legal and Justice Reform,
UNDP

Igor O Neil, World Bank Justice for the Poor Programme

Patra M. Zen, YLBH

Yesua Pellokila, Sector Coordinator of Justice & Local Governance, LEAD

Jhank Regmi, Grants Administrator, LEAD

Taufik Rinaldi, World Bank Justice for the Poor Programme

Meissy Sabardiah, Secretariat, Judicial Reform Team, Supreme Court of Indonesia

Mas Achmad Santosa, Senior Advisor, Human Rights, Legal and Justice Reform,
UNDP

Leonard Simanjuntak, Programme Manager, Decentralization, UNDP

Ari Suyudi, Director, PSPK University of Gadjah Mada

Abdul Wahib, Sector Coordinator of Justice & Natural Resources, LEAD



United Nations Development Programme

Regional Centre Bangkok
United Nations Service Building
3rd Floor, Rajdamnern Nok Avenue
10200 Bangkok, Thailand
regionalcentrebangkok.undp.or.th

United Nations Development Programme

Bureau for Development Policy
Democratic Governance Group
304 East 45th Street, 10th Fl.
New York, NY 10017
www.undp.org/governance

Oslo Governance Centre

Inkognitogata 37, 0256 Oslo, Norway
www.undp.org/oslocentre