AIPJ Program Strategy

General Framework for Defining End-of-Program Outcomes

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Introduction

An evaluability assessment was conducted for AIPJ in August 2011. The main conclusion of that assessment was that end-of-program outcomes needed to be constructed beneath the design's existing, high level outcomes before a rigorous approach to either planning or monitoring and evaluation could be developed.

It was agreed that a workshop would be conducted to provide a clear starting point for developing those end-of-program outcomes. The Strategic Stocktake Workshop was conducted on September 21 and 22, and was attended by AIPJ and AusAID staff. It provided the opportunity to reflect on the Program design, ensure a clear understanding of the implications and limitations of a program approach, and to discuss the scope of each Program component.

The analysis in this document is based on the proceedings of the workshop (a summary of which is provided at Annex 1) and subsequent analysis of its themes by the Program Director and Monitoring and Learning Specialist, with additional technical input from the AIPJ team. The document:

- Proposes an overall Program strategy that aims to ensure a targeted approach;
- Where necessary, interprets areas of ambiguity in the sector outcomes in the program design;
- Suggests the key partners that will be the focus of work under each component; and
- Outlines the general parameters within which end-of-program outcomes might be considered (in terms of partner *practices*).

Once the general directions outlined in this document are agreed between AIPJ and AusAID, the next step will be to define the end-of-program outcomes through a short series of workshops with Program partners.[1]

General Program Strategy

In the process of analysing the individual Program components, a number of important points emerged about the *overall* approach to the Program. These provide a useful framework that will assist with defining end of program outcomes, and subsequently with the planning process.

The framework is presented overleaf, based on the following argument:

- Components 1, 2 and 4 provide the primary focus for the Program. It is these components that relate to the delivery of services to or on behalf of the public – court services (including legal aid) and public prosecutions. The institutions at the core of these outcomes are the Courts (and its Directorates General), the AGO, and the Ministry of Law and Human Rights (principally in relation to legal aid).

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[1] Separate advice will be provided on the nature and timing of this process.

- Component 3 involves legal information. Legal information fundamentally serves two purposes – it enables citizens to protect their rights, and it provides the basis for accountability. AIPJ support under Component 3 will be implemented to reinforce interventions in Components 1, 2, and 4 – either by promoting awareness of how to access targeted services, or by promoting accountability for performance in relation to specific reforms.
- Component 5 involves engaging with Commissions and civil society to support reform efforts. CSOs and Commissions will be engaged specifically to strengthen initiatives under Components 1, 2, and 4. This will help to ensure a clear strategic focus, and will avoid the significant risk of a diffuse focus under this component.[2]

Conceptual Program Structure

This model has two main implications for the operation of the Program. First, it involves a holistic approach to reform in the core law and justice sector institutions. Thus, for support to any partner under Components 1, 2 or 4, analysis will be conducted of how external stakeholders (specifically, State Commissions and CSOs) can be engaged to strengthen the given reform process. State Commissions and CSOs will only be engaged in light of their potential contributions to Components 1, 2, or 4. (This is further discussed under Component 5 later in this document.)

(One exception to this will be support in the disability field and to DPOs , which have an important role to play in enhancing access to justice for people with disability. However, because of current capacity buildind needs among DPOs and limited access to information, they are yet unlikely to be able to make a *direct* contribution to Outcomes 1,2 or 4 during the lifetime of AIPJ. They will nonetheless receive AIPJ

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[2] Sector Outcome 5 currently focuses on "capacity". Having any objective focused on *capacity* without a specific *performance expectation* in mind runs the risk of losing strategic focus. (See for example Standard 1.8 in AusAID's M&E standards for program logic.)

support given the Program's emphasis on people with disability, and recognising the longer term capacity development effort required in order for them to fulfil an effective role in the law and justice sector.)

Second, activities under Component 3 will also primarily be developed in relation to partners already being supported under Components 1, 2 or 4, with a particular focus on how legal information can enhance the work of CSOs in supporting reform processes.

Two additional points are important in terms of the Program's overall approach:

- For institutions supported under Components 1, 2 and 4, the ability to *manage reform* is *critical* to long term success. This is particularly important as the two key institutions in the Program – the Supreme Court and the AGO – have adopted unique reform management models, the effectiveness of which has not yet been formally considered. Reforming institutions need support with change management processes, and the reform teams that are at the centre of the model will require continued assistance to become more effective. Details are discussed under the relevant outcomes below.
- The approach to meeting the needs of the various marginalised groups highlighted in the Sector Outcomes is important. While individual details are discussed under each component, it is proposed that a *universalist approach* be taken to marginalised groups. This means that the primary focus is on improving systems and practices *as a whole* – ensuring that they are appropriate to the needs of the community at large. Where meeting the needs of particular marginalised groups requires additional or different approaches, these can then also be accommodated within the overall structure of those systems.[3]

Sector Outcome 1

Improved judicial resolution systems for marginalised groups (including the poor, women and people with a disability).

Interpretation of Key Terms
Judicial resolution systems. This term typically refers to formal, court-based methods of dispute resolution. It will also include Court-based mediation. However, given the emphasis that the AIPJ design has on the needs of marginalised groups, it is proposed that this term be broadened to include some semiformal (state-based) resolution systems.

Specifically, it is proposed to allow for the Ombudsman to be included under this component. Anecdotal evidence suggests that marginalised groups demonstrate a willingness to lodge complaints with the Ombudsman. This suggests that there may be value in considering how the Ombudsman can promote access to justice for marginalised groups, even though not formally part of a 'judicial' resolution system. Consideration will also be given to including Komnas HAM under this component as it receives complaints in relation to human rights violations under Law No.39/1999.

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[3] Taking the needs of the marginalised as the starting point would result in a disjointed approach likely to result in the development of separate systems.

Marginalised groups. This term has specific meaning in the GOI policy context, referring to 27 different groups. It will be important to narrow this down to ensure a sufficiently clear focus within the scope of AIPJ resources. It is proposed that the focus be on vulnerable (poor) women and people with disability. (Taking "the poor" as a marginalised group would be too broad. However, the universalist approach will mean that the focus on these groups will not be at the expense of other groups in society.)

Component Approach

Working to improve judicial resolution systems (as defined above) means that the primary stakeholder focus under this outcome would be the custodians of those systems, namely:

- The Supreme Court and the three Directorates General responsible for the General Courts, Religious Courts and Administrative Courts. These organisations are responsible for the overall policy and administration of judicial resolutions systems;
- Selected lower courts. These are important because it is in the lower courts that the majority of justice seekers the enter the court system; and
- The Ombudsman (subject to further analysis).

In the short term, the focus will be on the Supreme Court and Badilag as these are the organisations with which AIPJ and AusAID have established relationships, and are the main areas where commitment to reform has been demonstrated. This focus may be expanded incrementally (for example to Badilum and the Ombudsman) as relationships are built, as specific needs within AIPJ's scope are identified, and as commitment to reform becomes clear.

Identifying the above organisations provides a broad starting point that needs to be tightened significantly. The Supreme Court's Reform Blueprint, which outlines overall reform priorities for the coming twenty five years, provides the main tool through which to develop a more targeted focus.

Initial discussions have indicated two elements in the Blueprint, building on previous success (under LDF and the AIPJ Transition Program):

- *Access to justice*. This includes improving client services, and ensuring that the needs and expectations of citizens are understood and met by the courts. This is fundamentally about the quality of service that the public receives when accessing court services. (Other critical aspects that strengthen access to justice – the availability of legal information, and the provision of legal aid, will be addressed under Components 3 and 4 respectively[4].)
- *Case management*. This refers to all the management processes that support a case from the moment it enters the court system until a final judgment is published. Improving these processes will improve the efficiency and quality of judicial decision-making.

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[4] The design document discusses prodeo and circuit courts and related resource allocation practices. However, in the Indonesian context these are elements of legal aid, and will therefore be considered under Outcome 4. It is also noted that "access to justice" is a very broad concept which can include a wide range of stakeholders. However, the focus under this component is the judicial system itself.

Reform Management

The Judicial Reform Team (JRT), and the Judicial Reform Team Office (JRTO) that supports it – are the key reform bodies within the court system. The JRTO comprises members of civil society who both drive and facilitate reform within the Courts.[5]

The JRTO faces a number of challenges. Many of the reforms in the courts are technically complex. However, underlying the technical elements of reform is the need to drive genuine behaviour change, ensuring that both the leadership and operational levels of the courts have ownership of reform. It will be important that AIPJ monitors this ownership and, where feasible, assists JRTO to adopt practices that enhance it.

Supporting Stakeholders

There is a range of stakeholders that play a role in Court reform.

Of the state-based Commissions, the most significant is the Judicial Commission, which is responsible for appointing judges to the Supreme Court, jointly appointing judges to lower courts (with the Supreme Court), and monitoring Judicial conduct. It plays a key role in the overall performance of the Courts. Unfortunately, the Commission currently has a weak relationship with the Supreme Court, hindering its effectiveness.

Civil society is also involved in court reform, both as technical specialists supporting reform, and as monitoring bodies or advocates. However, the numbers of CSOs engaged in a technical support role is limited, and the Supreme Court has a tendency to turn to the same CSOs for assistance. AIPJ will assess whether it may be possible to use the program to expand the base of CSO engagement to ensure a sufficient range of expertise and views exists, to support a rigorous reform process.

Partner	Targeted Practices (*basis for end-of-program outcomes*)[6]
System Custodians	
Supreme Court Badilag	▪ Operationalising and monitoring service standards (*access to justice*) ▪ Case management practices – process design and compliance (*case management*) ▪ Implementing chamber system to improve efficiency and quality (*case management*)
Selected lower courts	▪ Compliance with service standards
Supporting Stakeholders	
Ombudsman	▪ Monitoring compliance with public service standards[7]
JRT / JRTO	▪ Change management practices

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[5] It is important to distinguish the JRT (comprising senior Court officials) from JRTO (comprising staff drawn from civil society). It is also important to distinguish JRTO from civil society at large, as they have been integrated into the Supreme Court structure and play a management and coordination role – not just a technical support role.

[6] This information suggests the possible areas of focus for end-of-program outcomes. They should <u>not</u> be interpreted as draft end of program outcomes in themselves. End-of-program outcomes will be more specific, and will be pitched at a level that is feasible for AIPJ to achieve (or contribute significantly to).

[7] This refers only to the Ombudsman's legislated role in monitoring public service standards. It does not refer to AIPJ's potential support to the Ombudsman in their capacity as a dispute resolution mechanism discussed earlier.

Partner	Targeted Practices (*basis for end-of-program outcomes*)[6]
Judicial Commission	■ Recruitment and oversight practices ■ Definition of policies / standards (eg code of ethics and similar) ■ Dialogue with Supreme Court
Komnas Perempuan	■ Advocacy on behalf of vulnerable women (access to justice)
Selected CSOs	■ External support: advocacy, monitoring ■ Internal support: technical advice

As discussed, Badilum and the Ombudsman may also receive support as system custodians, as may Komnas HAM both as a system custodian and as a suporting stakeholder in relation to advocacy on behalf of persons with disabilities. However, any such support is unlikely to be immediate given Komnas HAM commissioners will be re-elected in 2012, and current concerns around Komnas HAM's effectiveness.

Work under this component will also include strengthening the capacity of organisations of people with disabilities (DPOs) as part of the disability cross-cutting theme within the Program. These organisations may not currently be actively involved in the law and justice sector, but over the long term need to be playing a role in addressing two key principles embedded in the Convention of Persons with Disabilities: removing inequalities before the law, and strengthening access to justice. (These are relevant to both Components 1 and 4 of AIPJ.)

Sector Outcome 2

Prosecutorial agencies better able to process corruption cases.

As outlined in the design document, the agencies addressed in this component are the KPK and AGO, as the agencies primarily responsible for processing corruption cases.

To date, there have been limited discussions with KPK. Interaction has thus far focused on facilitating the MOU between KPK and various Australian Government agencies: the Attorney General's Department, the Australian Commission for Law Enforcement Integrity, and the Australian Public Service Commission.

KPK is currently in a state of transition and faces continued attacks, with four new Commissioners (out of five) to be appointed by the end of 2011. Thus, further discussions will take place in 2012 regarding AIPJ's specific focus after the new Commissioners have taken up their positions. The arrival of new Commissioners should present a useful window of opportunity in which to scale up AusAID's support.

The remainder of discussion under this component focuses on the AGO.

Component Strategy

The AGO faces many challenges. It is a large, complex organisation that has traditionally had limited dialogue with both donors and civil society.

The outcome statement above specifically focuses on the function of "processing corruption cases". However, support to improving the performance of a given task within any organisation requires first understanding the broader organisational context in which that task is performed. Addressing technical aspects of "processing

corruption" would not be successful if the broader organisational systems that support that task are not in place.

There is a strong consensus amongst experts[8] that the AGO requires *significant* reform to its management practices. Most fundamentally, a lack of transparency and accountability for prosecutor performance is a core issue that, until it is addressed, will be a major constraint to improved performance.

It follows that the focus of AIPJ support will be on management and bureaucratic reform. Not only is this necessary and appropriate – it is also a main area in which the AGO currently invites significant donor support.

Analysis by the AIPJ team has had numerous discussions with the PRPO and has reviewed the AGO's and PRPO's workplans to determine their overall strategic clarity. This analysis has resulted in an initial framework for conceptualising reform at the AGO (attached at Annex 2), which will also provide a useful starting point for structuring the end-of-program outcomes.

Reform Management
The PRPO supports the AGO's management reforms. Like JRTO, its staff is drawn from civil society. This work is currently focused principally on the implementation of Menpan's Bureaucracy Reform agenda.

The PRPO faces a large number of significant challenges, at the core of which is the need to transform the AGO's reform agenda from a compliance oriented, bureaucratic process into a genuine change program. Addressing this challenge is critical to success. If that change in mindset does not happen, the AGO will not achieve the kind of reform that is necessary. Initial consultations and analysis suggest that achieving this shift remains a challenge.

Meeting this challenge requires a specialised (organisational change) skill set on the part of PRPO, and sophisticated, confident approaches to *driving* reform. Further consideration will need to be given to how to support the PRPO in this regard – recognising that the PRPO is a critical stakeholder in the reform process, and not simply an implementation mechanism for Bureaucratic Reform activities.

Supporting the PRPO in this respect must be a priority for the Program, as will monitoring the effectiveness of the overall model for reform at AGO.

Supporting Stakeholders
The formal state body that provides oversight to the AGO is the Prosecutorial Oversight Commission. Although not specifically mentioned in the Program Design, it will be important to explore opportunities to enhance the Commission's role as an oversight body. This is particularly important given the apparent lack of substantial, genuine progress within AGO, and the related need to ensure that there is a range of change agents in place.

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[8] Including experts from the AIPJ technical team, the PRPO, Bappenas, AIPJ's predecessor programs including LDF, and other donor programs including USAID's Changes for Justice Program.

The Commission is currently a fairly weak institution in terms of its profile and sense of establishment. It would be a new partner for AusAID, but it is considered that any risk involved in developing this relationship is worth taking, given the above concerns.

Related to this, civil society engagement with the AGO (as either reform advocates or sources of technical support) is currently very limited. AIPJ will seek to explore ways to expand this cooperation, recognising the important role that civil society typically plays in reform processes in Indonesia.

Partner	Targeted Practices (*basis for end of program outcomes*)
AGO	▪ Strategic planning processes ▪ Defining and managing organisation structure and responsibilities ▪ Internal business processes are clearly defined and used as the basis for operations ▪ Design and operation of information systems that support decision-making and accountability ▪ Human resource practices (eg recruitment, training management) support operational requirements and a merit-based approach. ▪ Prosecutor supervision practices
Supporting Stakeholders	
Prosecutorial Oversight Commission	▪ Planning processes ▪ Communication practices (with key stakeholders) ▪ Monitoring / resolving public complaints lodged with AGO ▪ Monitoring the progress of Bureaucratic Reform within AGO
PRPO	▪ Strengthened dialogue with AGO, shifting from implementation mechanism to strategic partner. ▪ Change management practices
Selected CSOs	▪ External support: advocacy, monitoring ▪ Internal support: technical advice ▪ Engage in open communication with AGO about reform progress.

Constraints

AIPJ (and AusAID more broadly) has had limited direct interaction with the AGO (as opposed to the PRPO). This means that it is difficult to draw confident conclusions about AGO commitment to reform, and their capacity to progress reform successfully. Although there is an apparent commitment to the Bureaucracy Reform agenda, this is largely driven by the need to meet externally mandated requirements.

AIPJ will need to monitor the situation carefully to determine whether:

▪ The PRPO is able to take on the type of strategic role that is necessary for AGO reform to succeed; and
▪ The AGO is committed to genuine organisational change. One indicator of this will be its willingness to engage in more open and direct dialogue about reform issues. This will be an important milestone for AIPJ. If, by mid 2013, AGO and AIPJ have not achieved this direct dialogue, then consideration will need to be given to a new approach, including a possible withdrawal from AGO.

Until the above two factors are more clear, it will be very difficult to define end-of-program outcomes, with confidence about their feasibility and AIPJ's level of influence. A staged approach may need to be taken that aims first to build AIPJ understanding

and dialogue, build reform management capability and awareness (in both AGO and PRPO), and then focus on more substantive reform outcomes within the scope outlined in the table above.

Even these early stages will be challenging, requiring a significant shift in mindset from the current approach to reform on the part of PRPO and AGO.

Sector Outcome 3

Increased public access to and use of legal information, particularly relating to human rights (including women's rights) and anti-corruption.

Interpretation of Key Terms

"Legal Information". The Program Design Document provides a useful starting point by making clear that 'legal information' can include a wide range of information – information about cases, judgments, legislation, information about how to access court services (including fees), and general corporate information about law and justice sector actors.

"Human Rights". The Sector Outcome addresses legal information *"particularly relating to human rights (including women's rights) and anti-corruption."* This is a broad scope which requires more focus. It is proposed to focus on women's rights and the rights of people with disability (as subsets of human rights), rather than on human rights in general. Apart from being so broad, this general focus is not evident in other components of the Program design, which tend to focus on the needs and rights of the marginalised.

"Anti Corruption". AIPJ will focus on the general principle that institutional transparency is a key factor that mitigates against the risk of corruption. Thus it will not focus on information that relates specifically to corruption, but on enhancing transparency in all aspects of operations and on increasing public awareness of actors that promote clean, transparent system custodians (such as the Prosecutor Oversight Commission). (This is a common approach for many GOI agencies in their anti corruption practices.) Transparency will thus be considered as it relates to initiatives under Components 1, 2 and 4.

Component Strategy

As noted in the introductory section of this document, there are two main reasons that legal information is important to the law and justice sector:

- It provides the basis for transparency and accountability, both of which have the potential to drive performance. In this respect, the availability of reliable information links strongly to the ability of civil society and other stakeholders to advocate for reform (Component 5), which in turn contributes to progress under Components 1,2 and 4.
- It provides the basis on which citizens can exercise their rights: knowing what their rights are, and how to protect them through the courts (or other mechanisms). It is thus central to access to justice, and particularly important to the marginalised, for whom access to information is often limited. In this respect, it has particularly

strong linkages to Component 1 (judicial resolution systems) and Component 4 (legal aid).

Exploiting these links will be central to AIPJ's strategy in this component.

The primary focus will be on those actors who generate legal information (as defined above) that facilitates improved access and/or accountability.

Partner	Targeted Practices (*basis for end-of-program-outcomes*)
Main Partners	
Supreme Court / Badilag	▪ Dissemination of accurate information about judgments, case status, information about accessing court services, general corporate information, in line with MA Decree on Information ▪ Responsive information desks
Selected Lower Courts	▪ Responsive information desks
AGO	▪ Dissemination of timely and accurate publication of information about cases and general corporate information, in line FOI obligations ▪ Responsive information desks
Possible Additional Partners	
Selected Universities	▪ Development of virtual libraries, online systems (principally for purposes of advocacy) (link to Component 5).
Komisi Kejaksaan	▪ Awareness raising regarding role (link to Outcome 2).

(KPK will not be a priority under this component as they already have a comprehensive approach to information disclosure, and an advanced attitude to access to information and transparency in general.)

In terms of the "*use of"* legal information, the Program's focus will be on how information is used by CSOs in their support roles (as defined in Component 5). It is not feasible, within the resources available, to target use of information by the public directly.

Sector Outcome 4

Improved framework and delivery of a legal aid system.

Clarification of Terminology
"Legal Aid System". AIPJ will take a broad view of what legal aid comprises, as follows:

▪ Formal System (state based):
  o Court fee waiver system (administered by the Supreme Court);
  o Circuit courts (administered by the Supreme Court);
  o Duty station lawyers;
  o Legal aid services (lawyers) delivered by accredited organisations –

- the latter two most likely to be taken over by the Ministry of Law and Human Rights under the Legal Aid Act. (currently administered by the Supreme Court.[9]);
- Informal System (non-state based):
  - Paralegal services (through CSOs).

This is the common interpretation of legal aid (although the Legal Aid Law tends to focus on lawyer based services given with its emphasis on accreditation processes).

"Framework." This term refers to all the legal provisions and supporting regulations, guidelines and institutional arrangements of the formal elements of the legal aid system.

"Delivery". Refers to the actual provision of all forms of legal aid through both the formal and informal elements of the system.

Component Strategy

The Framework

The quality of the framework is of critical importance to the long term effectiveness of legal aid in Indonesia. Serious questions have been raised about the quality of the legislation. However, experience suggests (based on the lobbying efforts during the drafting of the legal aid law) that it may be difficult for stakeholders outside the immediate decision-makers to significantly influence the content of the framework.

Thus, AIPJ's approach will require careful analysis as end of program outcomes are developed to ensure that there is a sufficient understanding of what can be feasibly achieved, how, and through whom – in light of the interests and priorities of the key stakeholders.

Key stakeholders will include: the Supreme Court (and the Directorates General), the Ministry of Law and Human Rights (the 'home' for the regulation of legal aid), DPR, and CSOs (as advocates).

End of program outcomes may need to be pitched quite modestly: for example focusing on helping civil society to provide rigorous analysis to support debate about the framework, or to obtain access to key decision-makers. AIPJ may not be to demonstrate any specific influence on the structure of the framework; however that should not be a reason *not* to be engaged in the process given the importance of the framework.

Delivery

AIPJ's approach to strengthening *delivery* of legal aid will address both the formal and informal elements of the system.

Possible areas of support in relation to both the framework for and the delivery of legal aid are summarised below.

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[9] It is likely – but not certain – that Supreme Court will continue to administer the first three components under the new law.

Partner	Targeted Practices (*basis for end of program outcomes*)
Core Stakeholders (responsible for framework and / delivery)	
Supreme Court / Badilag	▪ Resource allocation and utilisation. ▪ Design and implementation of procedures for administering relevant elements of legal aid.
Selected Service Providers (formal)	▪ Service delivery (compliance with standards)[10]
Selected Service Providers (informal)	▪ Service delivery
Supporting Stakeholders	
Selected CSOs	▪ Contribute to policy debate on legal aid framework. ▪ Develop dialogue with Ministry of Law and Human Rights.
Selected CSOs	▪ Paralegal support

The Ministry of Law and Human Rights may be included at a later date as the nature of their role becomes clearer and as relationships are developed.

Challenges

As explained above, the major challenge in relation to legal aid is the high level of uncertainty about the implications of the legal aid law. It will be important to monitor and analyse developments closely to determine the role of AIPJ in trying to influence the framework, and the level at which to pitch end-of-program outcomes in this component.

Another challenge will be to obtain clarity about the role of other donors. Legal aid is a significant area of interest, and a clear division of responsibility will be important to enable effective planning.

A final challenge will be to determine how (and whether) Badilum may be supported by the Program. Their current approach to legal aid is unclear and has been the subject of discussion with the Supreme Court for some time. Once clarity has been improved it will be possible to make a further assessment of possible support from AIPJ.

Sector Outcome 5

Increased capacity of CSOs and national commissions to support Indonesian law and justice sector reform efforts.

Interpretation of Key Terms

"*Support*". This term is interpreted to refer to two functions:

▪ *External support*: monitoring and oversight of justice sector actors – by both CSOs and National Commissions. Oversight of Judicial performance by the Judicial Commission is an example.
▪ *Internal support*: the provision of technical support to or cooperation with law and justice sector institutions. LEIP involvement in developing the chamber system at the Supreme Court is an example.

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[10] The Justice for the Poor Program may be involved in this area so careful coordination will be required.

"Capacity." Capacity in this context will refer to the full range of factors that provide the basis for organisational performance. Capacity should, as defined in the Program Design Document, include consideration of mandate, leadership, technical knowledge and capability, enabling management capability and incentive structures. It does not refer narrowly to skills, and by extension – capacity *development* is not restricted to training.

Component Strategy

As foreshadowed in previous sections, support to CSOs and National Commissions will be focused on using these organisations to contribute to results in the components 1,2 and 4 of the Program.

In this sense, Component 5 is a supporting one that contributes to the other Components. This does not make it less important; rather it recognises the critical role that civil society plays in achieving substantive reform outcomes.

This approach is preferred to treating Component 5 as a standalone area of work (in which a wide range of CSOs could be supported, regardless of their specific law and justice focus), because of the significant risk of resources becoming spread too thinly.

This must be avoided, particularly given the need to expand the range of CSOs within AIPJ's areas of focus (as discussed under Components 1 and 2). Doing this successfully will require a focused and sustained effort.

Developing the capacity of CSOs and Commissions may be achieved as a *by-product* of support under the first four sector outcomes, or may be a specific objective pursued *in order to* achieve desired results under one of the other outcomes (or cross-cutting policy issues). "Substantive" results will be captured under Components 1,2 and 4; institutional development results will be captured under Component 5.

Likely partners have already been highlighted in preceding sections. The types of outcomes that might be captured under Component 5 are suggested below.

Partner	Targeted Practices *(basis for end of program outcomes)*
Judicial Commission	▪ General management practices ▪ Communication
Prosecutorial Oversight Commission	▪ General management practices, in particular planning ▪ Research, advocacy, and communication
Selected CSOs	▪ General management practices ▪ Research, advocacy, and communication

The Program Design also mentions the possibility of support to Komnas HAM. However, Komnas HAM is not focused on law and justice sector *reform* efforts, which is the intention of this sector outcome. This is not likely to be an initial priority. Likewise, any support to Komnas Perempuan is likely to be focused on support to reform efforts or on disability advocacy.

One additional possibility may be to include the Bar Association – which could have useful links to Components 1 and 4 in particular.

Cross-Cutting Issues

The design identifies four cross cutting issues. Each will be discussed briefly below.

Issue 1: Human Rights (particularly women's rights and the rights of people with disability).

As discussed in relation to the wording of Sector Outcome 3, the term "human rights" will be interpreted to address the needs and rights of vulnerable women and the rights of people with disability. The rights of women and people with disability will be particularly relevant under Outcome 1 and 4, which broadly relate to access to justice.

Issue 2: Anti-Corruption

Although identified as a cross-cutting issue (consistent with the structure of the Indonesia Country Program Strategy), this issue is in practice addressed under Component 2 and does not require separate discussion.

Issue 3: Partnerships and Policy Dialogue

This issue was discussed in the Evaluability Assessment Report and will be an important factor to consider in the way AIPJ is implemented. This issue was not discussed during the Strategic Stocktake Workshop, but will be examined further during the next stage of developing the program logic.

It is recognised that, in the interests of developing partnerships between Australian and Indonesian justice sector actors, some activities may need to be funded that do not fit logically within the program logic structure that will be developed. However, it is important, even for such activities, to maintain a clear strategic focus. This should be made possible by clearly defining the objectives of 'partnership' so that the rationale for such activities can be clearly argued.

See related discussion under the *Emerging Issues Fund* heading below.

Issue 4: Performance – Improving systems and capacity to monitor and evaluate activities, strategies and policies.

This issue will be considered as the M&L Framework is designed. The M&L Framework will (as foreshadowed in the evaluability assessment) have a strong focus on understanding behaviour change within reforming institutions. Helping partners to understand this principle, and to understand the role that M&L can play in that process will be a feature of the M&L Framework.

This cross-cutting issue will also be important in monitoring higher level results at the sector outcome level – which should ultimately be a GOI responsibility. The design of the M&L Framework will propose specific strategies to ensure that monitoring of sector outcomes includes helping GOI to strengthen their own ability to produce the kind of analysis required to understand the state of the sector.

Emerging Issues Fund

The Emerging Issues Fund (up to 10% of the annual activity budget) is intended to allow for flexibility in the program. The program logic will develop more specific objectives for this fund to ensure that flexibility is exercised only within agreed parameters. It will be important to ensure that the Fund does not allow AIPJ to become a source of miscellaneous activities that cannot be made to fit within other programs.