

AUSTRALIA INDONESIA PARTNERSHIP FOR JUSTICE (AIPJ)

INDEPENDENT PROGRESS REVIEW REPORT

November 2012

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The views expressed in this report are those of the authors and do not necessarily represent the views of the Governments of Australia or Indonesia.

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Review Team Members

The Independent Progress Report (IPR) team included:

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Consultations were undertaken in Jakarta and Lombok between Monday 26 June and Friday 6 July 2012, with further consultations with Australian Whole of Government partners in Canberra on Monday 17th and Tuesday 18th July and in Melbourne on Tuesday 24th and Wednesday 25th July 2012.

Terms of Reference for the review

The purpose of this Independent Progress Review (IPR) is to improve the AIPJ program, both its design and implementation and to generate broader program learning.

The review adopted a formative approach to its function, both in its analysis and findings. The findings are designed to assist the primary audience of the review - AusAID and their development partner Bappenas (National Development Planning Agency of Indonesia), and the AIPJ Implementation Team by:

- Contributing to structural organisational and program improvement, particularly in relation to improving the program strategy to ensure that AIPJ delivers results against the end-of-program-outcomes (EOPOs).
- Exploring how AIPJ might focus on the poor and marginal communities as explicitly as possible.¹

¹Consistent with the fundamental purpose of Australian aid –to help people overcome poverty. See: *An Effective Aid Program for Australia Making a real difference—delivering real results.*

The review assessment was undertaken against three specific criteria – *Design, Implementation Arrangements* and *Integration and Synergies*. Areas of investigation against each criteria included:

1. **DESIGN:** To what extent has AIPJ selected the right interventions that will achieve its outcomes, considering the current environment in the justice sector and considering the program should benefit the poor? To what extent does AIPJ have a line of sight to poor people from its interventions?
2. **IMPLEMENTATION ARRANGEMENTS:** Consider whether AIPJ has adequate resources to deliver the program and whether there is adequate breath of engagement for the purpose of decision making. It will also consider whether there is adequate contestability and clarity of roles and responsibilities within the current program structure.
3. **INTEGRATION AND SYNERGIES:** Identify potential synergies with other AusAID programs to maximise the program's overall benefits to poor people.

Abbreviations, Acronyms and other Information

ACCESS	Australian Community Development and Civil Society Strengthening Program
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
AGD	Australian Attorney General's Department
AGO	Indonesian Attorney General's Office
AIPJ	Australia Indonesia Partnership for Justice
AIPD	Australia Indonesia Partnership for Decentralisation
APSC	Australian Public Service Commission
AusAID	Australian Agency for International Development
Bappenas	Indonesian National Development Planning Agency
CSO	Civil Society Organisation
DFAT	Australian Department of Foreign Affairs and Trade
DIAC	Australian Department of Immigration and Citizenship
DIPA	List of Activities Funded through the Indonesian State Budget
Ditjen HAM	Directorate General for Human Rights, Indonesian Ministry of Law and Human Rights
Ditjen PP	Directorate General for Legislation, Indonesian Ministry of Law and Human Rights
DPO	Disabled Person's Organisation
DPR	National Parliament
EC	European Commission
ELSAM	Institute for Social Advocacy (an NGO)
GoA	Government of Australia
GoI	Government of Indonesia
IALDF	Indonesia-Australia Legal Development Facility
IDLO	International Development Law Organisation
ICW	Indonesia Corruption Watch
IMF	International Monetary Fund
ISP	Implementing Service Provider
IPR	Independent Progress Review
J4P	Justice for the Poor (World Bank)
Kabupaten District	A <i>kabupaten</i> is the same level as a municipality (<i>kotamadya</i>) – the difference in terminology is simply to indicate whether the economy of the particular region is predominately rural (district) or urban (municipality).
Kecamatan Sub-district.	Sub-districts do not have their own parliaments or executive governments; they are simply an extension of the <i>kabupaten/kotamadya</i> government.
Kepala Daerah	Head of a sub-national executive government.
Komnas HAM	National Commission on Human Rights
Komnas Perempuan	National Commission on the Elimination of Violence Against Women

Kotamadya Municipality.	A <i>kotamadya</i> is the same level as a district (<i>kabupaten</i>) – the difference in terminology is simply to indicate whether the economy of the particular region is predominately rural (district) or urban (municipality).
KPK	Indonesian Corruption Eradication Commission
KPP	Coalition of Court Observers (an NGO)
KTP	Indonesian Identity Card
LBH	Legal Aid Organisation
LeIP	Indonesian Institute for Judicial Independence
LRP	Legal Reform Program
M&E	Monitoring and Evaluation
MAMPU	Maju Perempuan Indonesia untuk Penanggulangan Kemiskinan (Empowering Indonesian Women for Poverty Reduction) – an AusAID Indonesia Program
MaPPI	Justice Sector Monitoring Community (an NGO forum)
MCC	Millennium Challenge Corporation
MTI	Indonesian Transparency Society (an NGO)
MTR	Mid Term Review
Musrenbang	Community consultations for budget planning
ODA	Overseas Development Assistance: ‘Flows of official financing administered with the promotion of the economic development and welfare of developing countries as the main objective, and which are concessional in character’
Pemda	Sub-national executive government
Perda	Regional Regulation (law passed by a sub-national parliament and approved by the relevant <i>kepala daerah</i>)
Perpres	Presidential Regulation
PD	AusAID contracted Program Director
PPP	Purchasing Power Parity
PRIP	Program Review and Implementation Plan
PSHK	Indonesian Law and Policy Study Centre (an NGO)
RAN-PK	National Action Plan on Corruption Eradication
RKP	Annual Government of Indonesia Work Plan
RPJMN	Government of Indonesia National Medium-Term (five-year) Development Plan, formulated by Bappenas.
RPJPN	Government of Indonesia National Long-Term Development Plan (25 years), formulated by Bappenas
SAKIP	Government of Indonesia’s Bureaucratic Accountability and Effectiveness System
Stratnas PK	National Strategy on Corruption Eradication
TAF	The Asia Foundation
TII	Transparency International – Indonesia (an NGO)
ToR	Terms of Reference for the IPR
TSP	Technical Support Pool
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime

USAID	United States Agency for International Development
WGLC	Australia Indonesia Working Group on Legal Cooperation
YLBHI	Indonesian Legal Aid Foundation

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2 Executive Summary

AIPJ is a five year, AUD50 million AusAID-funded program which commenced in June 2011. Twelve months on, it was considered timely to carry out an Independent Progress Review (IPR) to evaluate progress. This is the report for that review.

AIPJ represents the continuation of AusAID's decade long contribution to Indonesia's law and justice sector and the gradual scaling up of Australia's support to this critical sector. The Design sums up the priorities for engagement for current support in the following statement.

*'Australia's assistance to Indonesia will prioritise funding to strengthen the supply of accessible and high-quality legal services, while also assisting communities to articulate more effective demand for such services in order to encourage the provision of better quality services by the formal sector.'*²

A key objective for the program therefore, is ***"Increased access to better quality legal information and services for people of Indonesia"***.

The Terms of Reference for this review provide three criteria, *Design, Implementation Arrangements and Integration and Synergies*, against which the progress of the program would be assessed.

More specifically, the question for the Review Team was to evaluate whether, against the assessment criteria, sound progress is underway as measured against the overall program objective. The Review Team recognises that twelve months is insufficient time to assess AIPJ's impact, however the following recommendations are provided to enable AIPJ to meet key objectives.

In summary, the Review Team found the following essential points:

2.1 Design

AIPJ has probably selected interventions that in sum total will prove to be insufficient to benefit the poor. The current set provides a very limited *'line of sight to the poor'*. There is a degree of difficulty in selecting 'the right interventions' when working to deliver pre-set outcomes (as is the case with AIPJ). But given the AIPJ Program Director (PD) and the Implementing Service Provider (ISP) believe they are directing the focus towards institutional support as required by the design and legacies from the previous program, it is clear there is going to be an issue with selecting the right interventions. Essentially, the current interventions are not balanced between system level improvements and justice sector service delivery especially, those likely to deliver measurable benefits to the poor, in particular poor women and people with disability. Regardless of the reasons for selecting or not selecting particular interventions to date, it is now timely to reassess the balance and renew the policy directing intervention selection. This should be achieved through high level policy discussions between AusAID and Bappenas and then followed by design and implementation by the ISP.

² AIPJ Design Document July 2010

AIPJ is not, in all cases, working with the right partners to ensure the program reaches and measurably benefits the poor. This is discussed further under Integration and Synergies below. However, the Review Team consulted briefly with potential partners who could, with the right support from AIPJ provide greater reach through more direct and better quality services. This needs to be investigated further by the PD and ISP.

There is inadequate breadth of engagement by the PD and the ISP with partners (including with potential future partners) for the purpose of decision making, with partners reporting they do not feel adequately consulted. There is also a lack of engagement and discourse within the ISP team itself. This means that management decision-making lacks authenticity. There is an opportunity to better embed the program in the ongoing legal reform dynamic in Indonesia. This should recognise the critical importance of ownership and commitment to change and should optimize the experience and expertise of technical experts for the benefit of the program. Without improvement in this practice, the right interventions are unlikely to be found.

AIPJ needs to broaden and deepen its strategic management. This should be developed through a strategic plan, to set direction, identify current need and develop a more comprehensive assessment of what are the best interventions to pursue over the next four years and beyond. As part of this work, the PD and ISP need to clearly identify the mission,³ objective, goals of the program and how the program will measure its success. This needs to be done in full consultation with partners and it should commence immediately.

AIPJ has adequate budget to deliver the program but is not currently operating at expected expenditure levels. This needs to be followed up by the PD and ISP and advice provided to AusAID and Bappenas with forecasts and strategies to ensure expenditure progresses as planned.

The review process indicated that some of the current AIPJ interventions are aligned with GoI priorities but some GoI partners also indicated there was insufficient linkage to GoI policy and planning. The PD and ISP should undertake a review of current interventions to test the extent to which they are in line with relevant GoI policy. This also needs to be done in consideration of AusAID policy.

2.2 Implementation Arrangements

The Review Team heard that there may be insufficient staff within the ISP to meet the demands of the program. There was concern expressed that administrative staff were being over loaded with the volume of contracts requiring processing and it was said this was 'not sustainable'. Some stakeholders expressed concern that vacancies were not filled quickly enough. The Review Team were unable to determine, through our consultations, whether there are sufficient personnel to manage the work load. Moving forward this should be assessed by the PD and ISP (as part of effective operational management) with a business case (strong analysis and recommendations) made to AusAID for their approval.

The roles of AusAID, the AusAID contracted PD and the ISP are not clear to the 'partners' and there is some negativity surrounding the PD being the AusAID lead representative of AIPJ. As a result of this

³ The mission is a brief description of the program's fundamental purpose. Every business should have a mission statement, both as a way of ensuring that everyone in the organization is "on the same page" and to serve as a baseline for effective business planning.

structure, there is a lack of adequate contestability and clarity of roles and responsibilities within the current program. This needs to be addressed by AusAID.

Regardless of who performed or who was supposed to perform these roles to date, for the remainder of the initiative AusAID Post needs to be responsible for (and make clear to stakeholders that it is responsible for) the role of **(1) high-level policy making and management**, while **(2) strategic direction, management and performance of the implementation program** should be managed by the ISP under a new management structure. **(3) Corporate Service support** should also be provided and managed by the ISP.

A clarification of these roles is needed immediately. A more structured reporting process between AusAID, and the ISP would alleviate the current confusion and indeed, improve the contestability between the roles.

2.3 Integration and Synergies

More pro-active engagement to develop synergies between AIPJ and other donor programs and other AusAID Indonesia programs should be explored. Coordination needs to be two-way, in which both (or more) programs must be open to such cooperation. This can be achieved through direction from AusAID.

The Review Team met with a number of AusAID programs⁴ and other donors working in Indonesia.⁵ The meetings identified there is potential for AIPJ to work together with some or all of these programs to maximise opportunities for AIPJ and also for the cooperating programs. Many (if not all) of the AusAID programs indicated a limited knowledge of AIPJ and certainly were not aware of the AIPJ objective. However, all indicated a willingness to cooperate with AIPJ and identify potential linkage areas.

AIPJ to date has focussed its current and planned future support largely on Jakarta based justice institutions. However, there is clear potential to investigate how the work of other AusAID-funded programs and their partners (in common and new), particularly at the sub-national level, can contribute to implementing against a reengineered AIPJ strategic framework that may provide more interventions to benefit the poor.

There is potential for some of the AusAID programs and other donor programs to contribute to the delivery of part or all of AIPJ objectives. For example, with the work of the World Bank Justice for the Poor program, the Australia Indonesia Partnership for Decentralisation (AIPD) and the Australian Community Development and Civil Society Strengthening Program (ACCESS), there is a real opportunity to work together, and there are others where cooperative planning across the AusAID programs (as well with other donors) could be enhanced. AusAID together with the AIPJ PD and ISP should investigate these possibilities and determine the viability through a risk/benefit analysis.

More proactive engagement to secure effective program synergies will require more exploration, clarification and prioritisation, including with respect to activities to improve outcomes for

⁴This includes the Australian Community Development and Civil Society Strengthening Program (ACCESS), the Australia Indonesia Partnership for Decentralisation (AIPD), the Empowering Women for Poverty Reduction program (MAMPU), the Knowledge Sector Social Protection, Decentralization, and the Ombudsman Partnership.

⁵Notably TAF and other donor-funded programs such as Justice for the Poor and PNPM (the World Bank).

marginalised groups (women, people with a disability and potentially, juveniles). There is a need to re-direct the focus onto the ultimate beneficiaries of the program, and think strategically about how they will benefit, as a lever towards increasing cooperation between AusAID programs.

The Review Team recommends the following:

Recommendations

Recommendation	Party responsible	Timeframe
Design (and scope of activities)		
1. AIPJ's activities should seek a more appropriate balance between institutional reform and support for local-level service delivery, with support at both levels having a line of sight to the poor and marginalised. At present, striking this balance will require greater investment to support local-level service delivery, including through piloting activities at the district level. Where necessary, institutional reform activities should be dropped or refocused to ensure they support the poor and marginalised.	The ISP to propose new activities and, if required, areas to be dropped; AusAID and Bappenas to approve	October-December 2012
2. AIPJ should work with relevant stakeholders to develop a Strategic Framework which, using the original design as a starting point, explains what results AIPJ will achieve and how it will achieve them. The Strategic Framework should align with relevant Indonesian state and civil society policies and organisational plans, and should acknowledge the importance of reformist networks and coalitions.	The ISP to draft the Framework; AusAID and Bappenas to approve the Framework	October-December 2012
Implementation arrangements		
3. AIPJ should establish communication protocols which ensure constant discourse with partners (both in Indonesia and Australia) and a consultative annual planning process. A budget forecast for the remainder of the program should be produced and shared with key stakeholders.	The ISP, in consultation with AusAID	October – December 2012
4. AIPJ should establish more effective governance arrangements, involving: <ul style="list-style-type: none"> a. structured consultation with senior, experienced reformers (primarily Indonesians but possibly also international experts), to ensure independent strategic advice and contestability. These resource people should be properly engaged and remunerated; b. refining the composition and role of the Partnership Board, which should focus on ensuring AIPJ has visibility and ownership 	The ISP to propose new arrangements; AusAID and Bappenas to approve	October-December 2012

<p>by major government and non-government partners in Indonesia and Australia;</p> <p>c. reinforcing the role of the Working Committee (AusAID and Bappenas) as the body which approves and is consulted in advance on AIPJ's work plans.</p>		
<p>5. The Program Director role should be discontinued and stakeholders should be informed that all high-level policy-making responsibilities are the responsibility of AusAID's Counsellor for Democratic Governance (regardless of whether this was already the case or not). Other Program Director responsibilities – including those relating to strategic direction, activity implementation and quality assurance – should be transferred to the Implementation Service Provider.</p>	<p>The ISP to propose new roles; AusAID to approve</p>	<p>Jan – March 2013</p>
<p>6. AIPJ should deepen its engagement with The Asia Foundation (TAF), drawing on TAF's knowledge and experience in fostering reformist networks and coalitions in Indonesia.</p>	<p>ISP</p>	<p>Immediately</p>
<p>Integration and synergies</p>		
<p>7. AIPJ should establish a modest level of local representation in one or more sub-national target areas where AusAID's decentralisation programs work.</p>	<p>ISP</p>	<p>Jan – March 2013</p>
<p>8. AIPJ should produce and regularly update a brief matrix outlining possible integration and synergies with other Australian aid investments (both those funded by AusAID and other Australian Government agencies). This matrix should inform the design and implementation of AIPJ activities.</p>	<p>ISP</p>	<p>Immediately</p>
<p>9. AIPJ should draft a brief Donor Coordination Framework, explaining how its activities will avoid duplication and maximise complementarity with other donor-funded law and justice programs in Indonesia – particularly those funded or managed by the World Bank (Justice for the Poor), USAID (Changes for Justice, Educating and Equipping Tomorrow's Justice Reformers), UNDP (Strengthening Access to Justice in Indonesia) and the Open Society (Open Society Justice Initiative).</p>	<p>The ISP to draft the Framework; AusAID to approve the Framework; Bappenas to hold regular donor coordination meetings to ensure the Framework remains valid</p>	<p>Early 2013</p>

3 Introduction

The Australia Indonesia Partnership for Justice (AIPJ)⁶ has been in operation since June 2011. The task of the Review Team was to conduct an independent assessment of AIPJ progress to date as measured against the specific assessment criteria provided in the Terms of Reference, namely, *Design, Implementation Arrangements* and *Integration and Synergies*.

The Review Team collected and assessed data through a range of methods including a desk review of project documents and in-country consultation with AusAID, Bappenas, AIPJ implementing partners, government and non-government actors in the justice sector, and justice seekers. The Review Team drew conclusions based on this research and makes its recommendations accordingly. The findings have been designed to assist the primary audience of the review, AusAID and Bappenas (National Development Planning Agency of Indonesia), and the AIPJ PD and ISP by:

- contributing to structural organisational and program improvement, particularly in relation to improving the program strategy to ensure that AIPJ delivers results against the end-of-program-outcomes (EOPOs);
- identifying potential synergies between AIPJ and other AusAID programs to maximise the program's overall benefits to poor people; and
- exploring how AIPJ might focus on the poor and marginalised communities as explicitly as possible.⁷

The evaluation process was based on a collaborative approach within the team. Team members each assumed responsibility for tasks including interviewing stakeholders and confirming the questions under each of the evaluation criteria.

4 AIPJ Background

AIPJ is a five-year, \$50 million program which commenced in June 2011 with the objective of ***“increased access to better quality legal information and services”*** for people in Indonesia. AIPJ is an initiative of the Governments of Australia and Indonesia.

The Australian Government has been investing in Indonesia's law and justice sector for the past ten years, including through the \$25 million Indonesia Australia Legal Development Facility (IALDF) (April 2004 - December 2009), during which time a number of high-level reform commitments were made. The focus of the AIPJ is on transforming these commitments into concrete improvements in the way

⁶ For the purposes of this report the term 'Partnership' or 'AIPJ' is used to denote the formal Government to Government partnership between GoA and GoI represented by AusAID and Bappenas respectively. It is this high-level relationship that sustains and maintains the objectives and goals of the program.

⁷ Important to note this requirement from the terms of reference is consistent with the fundamental purpose of Australian aid - help people overcome poverty. See: *An Effective Aid Program for Australia Making a real difference—delivering real results.*

Indonesia's law and justice institutions support community needs through "the provision of quality legal services and information, particularly at the local level".

AIPJ's objective has been designed to contribute to the Government of Indonesia's current Medium-Term Development Plan (2010-2014) goal of ***"improved adherence to good governance principles, based on the rule of law and human rights and supported by government agencies which are clean, respected, responsible and professional"***.

AIPJ is targeted at priorities which Indonesia has identified as being of critical importance to the sector and for which Australian assistance is likely to bring about sustainable and meaningful impacts. The five outcomes identified in the design document to assist Indonesia to achieve its aims in the law and justice sector are:

- a) Improved judicial dispute resolutions systems for marginalised groups (including the poor, women and people with a disability);
- b) Prosecutorial agencies better able to process corruption cases;
- c) Increased public access to and use of legal information, particularly relating to human rights (including women's rights) and anti-corruption;
- d) Improved framework and delivery of a legal aid system; and
- e) Increased capacity of civil society organizations and national commissions to support Indonesian law and justice sector reform efforts.

The design also identifies four cross-cutting themes which should directly inform AIPJ's activities:

- f) Supporting human rights, particularly the rights of poor women and people with disabilities;
- g) Supporting anti-corruption;
- h) Enhancing partnerships and policy dialogue between Indonesian and Australian law and justice institutions; and
- i) Improving systems and capacity of Indonesian law and justice sector institutions to monitor and evaluate activities, strategies and policies.

AIPJ has commenced implementation in the midst of what is likely to be a large scale-up of Australia's development assistance to Indonesia, particularly in the areas of education, infrastructure and social protection. While this entails challenges for AusAID in managing a larger portfolio with fewer human resources relative to overall expenditure, the scale-up also provides opportunities for AIPJ to leverage larger Australian investments and contribute to their success.

AIPJ is funded by AusAID, currently through AusAID Jakarta's Democratic Governance Section, and is implemented by an implementation service provider, Cardno Emerging Markets, under the direction of an AusAID-contracted Program Director. This is a new model for delivering Australian aid to Indonesia's law and justice sector and its effectiveness remains untested.

5 AIPJ Strategy or Theory of Change

AIPJ is structured around five program outcomes, and each is supported by end-of-program outcomes.

AIPJ programming therefore works backwards from these pre-set outcomes through various activities to ultimately, bring about the desired change. At present this approach has not been developed to its full potential. As part of AIPJ strategic development, AusAID, Bappenas and other stakeholders should review the current AIPJ strategic plan. It should be determined whether the five sector outcomes, and activities which sit underneath them, are still relevant and will deliver results within the program timeframe and budget. This exercise should be undertaken immediately by the AIPJ PD and ISP. The results of the review should be presented to AusAID and Bappenas.

The AIPJ PD and ISP currently employ an annual planning process together with a monitoring and evaluation process to measure success. Consultation with stakeholders needs to take place in order to increase program coherence and ensure that future programming will achieve results. More needs to be done by the AIPJ PD and ISP to strategically develop and manage AIPJ. The process of strategic management should be ongoing throughout the life of the program, allowing the program to build on lessons learnt at all stages of the program cycle.

During consultations, the review team was told the design is restricting this practice. There is nothing in the design which prevents ongoing strategic management of AIPJ, including the development of a coherent narrative. There is opportunity to implement a more rigorous strategic regime now to ensure greater performance as measured against the assessment criteria for this review and others in the future.

6 Evaluation Criteria-Assessment

6.1 Design

To what extent has AIPJ selected the right interventions that will achieve its outcomes, considering the current environment in the justice sector and considering the program should benefit the poor? To what extent does AIPJ have a line of sight to poor people from its interventions?

AIPJ needs to develop interventions which have a clearer line of sight to the poor.

There is a threshold question that should be clarified. Do the sector outcomes remain a contemporary goal? AusAID and Bappenas can provide such confirmation. That is to say, given the information provided to the Review Team, it appears there is some doubt about the ability to deliver successfully against the Sector Outcomes and some query as to whether they represent the best opportunity for reform. For example, on its face, it is difficult to see how the current activities, immediate outcomes and end of program outcomes will deliver against *Sector Outcome 1: Improved judicial resolution systems for marginalised groups (including the poor, women and people with a disability)*. The PD and ISP should re-assess this situation and provide advice to AusAID and Bappenas.

In sum, the strategic development of AIPJ needs to be re-assessed and further developed, not the design. New opportunities and partners can be developed through more strategic planning within AIPJ.

The AIPJ design was developed with two fundamental principles as its platform. It was firstly, designed:

“In the context of the Indonesian Government’s long-term goals of ‘entrenched rule of law and the enforcement of human rights’”

And secondly, the design:

“Recognises the widely accepted view that governance reform, including of the law and justice sector, is a long-term endeavour and that substantive and sustainable change requires long timeframes and local ownership by both state and civil society organisations”.

To date the ISP has focussed much of its energy and attention to supporting institutional capacity development so that institutions are better able to supply quality legal services and information to the community. This strategy is targeted at benefiting the poor by developing the capacity of institutions that are charged with the responsibility of providing access to justice for all citizens (including the poor). It is well recognised that inadequate capacity of government law and justice sector institutions leads to poor administration of justice and other law and justice sector issues which have a direct impact on the poor and marginalised. So a direct link can be drawn between supporting formal justice institutions and helping the poor and the marginalised. While it is reasonable that institutional strengthening should be part of the overall AIPJ program, institutional strengthening should be undertaken in conjunction with other activities which focus more directly on benefiting poor Indonesians.

While institutional reform is needed, it is also not enough. The Office of Development Effectiveness’ (ODE) Evaluation of Australian Law and Justice Assistance, Draft Indonesia Case Study, noted: ‘This is not to say that Australia should not invest in supporting reform processes that look promising. But to be sure of delivering results, support for long-term and uncertain reform processes need to be balanced with a more explicit focus on service delivery and problem-solving approaches that deliver immediate benefits to the intended beneficiaries.’⁸

Other strategies should also be employed that would include working (and partnering) with others (such as NGOs, DPOs and CSOs) to deliver more explicit support to the poor. Indeed, the original design supports both strategies and they are complementary to each other.

The Review Team recommends the PD and ISP engage with civil society groups (including DPO’s) and Komnas HAM and Komnas Perempuan to develop activities which directly and measurably benefit the poor, including women.

In addition to key civil society partners the Review Team advises AIPJ to explore working with new partners, both law and justice institutions and CSOs. The nature of some of the program activities may require closer engagement with government departments and institutions such as the Ministry of Home Affairs (MoHA) and the National Statistics Office, as well as universities. The Review Team also recommends that future programming under AIPJ include a greater regional and local focus, drawing on established CSO networks and existing AusAID programs (such as the Australian Community Development and Civil Society Strengthening Program (ACCESS) or the National Program for Community Empowerment (PNPM)).⁹

⁸ODE Evaluation of Australian Law and Justice Assistance, Indonesia Case Study at p 28.

⁹ The Review Team’s visit to Lombok provided sufficient evidence to suggest this strategy has positive possibility.

Recommendation 1: AIPJ’s activities should seek a more appropriate balance between institutional reform and support for local-level service delivery, with support at both levels having a line of sight to the poor and marginalised. At present, striking this balance will require greater investment to support local-level service delivery, including through piloting activities at the district level. Where necessary, institutional reform activities should be dropped or refocused to ensure they support the poor and marginalised.

AIPJ is twelve months into implementation. The PD and ISP need to do more to discern how this program will help increase access to better quality legal information and services for people of Indonesia and particularly, how these benefits will flow on to poor Indonesians. The PD and ISP have cited the design as a source of inhibition to identified change including doing more to benefit the poor. However the design cannot and should not be the sole determinant of contemporary policy. Instead the PD and ISP need to re-assess the program’s capacity to deliver against AusAID and Bappenas requirements.

It is recommended that AusAID and Bappenas reconfirm the strategic policy directions of AIPJ to the PD, ISP and implementing partners. Together, AusAID and Bappenas should reconfirm or make new agreed statements of intent or commitment about what AIPJ will support in its activity program going forward.¹⁰ The PD and ISP should then operate in accordance with these agreed policies. This would ideally be progressed through consultation between AusAID and Bappenas to confirm agreement on a mutual policy. This policy would guide AIPJ decision making to achieve expected outcomes.

The Review Team finds there is sufficient focus and scope within the design to develop interventions to deliver against program objectives, including doing more to directly benefit the poor. For example; the design refers to the end of program objective which:

“Focuses on strengthening Indonesia’s leading law and justice sector institutions to become more effective and eventually provide more cost-effective, accessible and predictable legal services and information. AIPJ recognises that the most effective way to strengthen these services is to work with both those demanding improved services and those tasked with supplying these services. It recognises that poor and marginalised groups face particular problems in accessing services and focuses particularly on the obstacles facing women and people with disability”.

AusAID and Bappenas may want to use this objective to set the new strategic policy direction for AIPJ. This objective in itself provides a clear intention of AIPJ - to work with both the supply and demand side of justice sector service delivery. In so doing, AIPJ should seek to support broad and powerful enough reformist networks and coalitions that span government institutions and civil society. This is consistent with international research suggesting that treating demand and supply approaches separately is unlikely to be as successful in advancing reform.¹¹ Even if there is perhaps an emphasis in the design to a focus of AIPJ being on Jakarta based institutions it should be clearly

¹⁰ The PD and ISP should also provide advice to AusAID and Bappenas to assist in the development of the policy.

¹¹ AusAID (November 2011) *Effective Governance Thematic Strategy* at p 16

<http://www.ausaid.gov.au/aidissues/Documents/thematic-strategies/governance-strategy.pdf>

recognised the institutions themselves are not the ultimate beneficiaries, but rather serve as vehicles or funnels to achieve that higher outcome.¹²

The design should not be viewed as a barrier¹³ to designing interventions that specifically deliver access to justice for the poor and marginalised. Interviews indicated that the initial response to the AIPJ design was positive and the design was viewed as “exciting” and “a new approach”. The design provides sufficient scope to develop activities that would see a greater response to marginalised groups, including the poor, women and people with disability. AusAID and Bappenas should instruct the PD and ISP to design activities which directly benefit poor Indonesians. These interventions should be developed in partnership with relevant stakeholders, including CSOs and DPOs.

AIPJ is fundamentally aligned with the priorities of the Government of Indonesia, notably the Medium-Term Development Plan and the Blueprints for the Supreme Court and the Attorney General’s Office (AGO). However, Bappenas and other key stakeholders indicated dissatisfaction with the degree to which AIPJ synergises with broader government policy and planning. AIPJ needs to engage in dialogue with the Government of Indonesia when developing activities and determining the strategic direction of the program to ensure alignment with government policy and – though it will be no easy task – the strategic plans of the organisations with whom AIPJ partners.

From what the Review Team understood, sound corporate and strategic planning is needed across the law and justice sector and the law and justice institutions in Indonesia need to have a clear reform plan. Such planning would provide greater opportunity for AIPJ to link to and support this policy and planning. Those organisations interviewed indicated they either had organisational strategic plans or would like to develop them. There may be an opportunity for the PD and ISP to assist the organisations with this capacity development.

The Review Team particularly welcomes plans for the Australia-Indonesia Partnership for Pro-Poor Policy (the ‘Knowledge Sector Program’) since it addresses this more fundamental gap precisely. The proposed ‘Revitalising Indonesia’s Knowledge Sector for Development Policy’ program aims to enable Indonesian policy-makers to make contestable, evidence-informed decisions on how best to spend national budgetary resources in ways that help the poor. It will support the domestic supply of knowledge products – produced by government, the private sector and civil society organisations – to inform policy, as well as the ability of decision makers to use those products to inform their policy choices. The Review Team regards it as important that AIPJ, in anticipation of the establishment of the Knowledge Sector Program, invests in the design of sound framework supporting the design of justice sector institutional reform policies based on an evidence-based approach.

¹²This understanding of ‘beneficiaries’ also means that the program should begin and end with an analysis of the needs of marginalised groups. It should be noted however that the AIPJ Annual Plan 2012 at p 6 seems to adopt a different approach: *‘AIPJ has adopted a ‘universalist’ approach to the needs of the marginalised. Taking the needs of the marginalised as the starting points would result in a disjointed approach, would not be in keeping with partners’ preferred approach, and would be likely to produce separate systems which would be neither effective nor sustainable. Reforms to benefit marginalised groups can only be implemented if they are initiated (or at the very least endorsed) by central institutions.’*

¹³ Some members of the AIPJ management team indicated they believed they were bound by the Design and further believed they were unable to contemplate other activities which they interpreted to be outside the design.

The Review Team were unable to evaluate whether AIPJ should expand the scope of its targeted groups to include children in conflict with the law per se. AIPJ's Sector Outcome One refers to improved judicial resolution systems for marginalised groups – with a particular focus on the poor, women and people with a disability. Therefore, while activities focused on children in conflict with the law could potentially come under this sector outcome, they are not a current focus. The fact that the Juvenile Justice Law was passed during the Team's in-country mission was raised by only one Indonesian stakeholder. Potential areas for future AIPJ engagement in the area of juvenile justice were not substantively discussed. AIPJ's *Sector Outcome 4: Improved framework and delivery of a legal aid system*, is another area of activity clearly relevant to the issue of children in conflict with the law. Support for legal aid organisations that are part of a revitalised legal aid network could build on AusAID support provided through the Human Rights Grants Scheme. Depending on the areas of focus this could also include child rights.¹⁴

Human trafficking was also not discussed at length with the Review Team. One stakeholder mentioned an apparent decline in the funding of other donors in this area over the past decade, but apart from this the issue was not raised. The Review Team did not have the opportunity to investigate potential synergies with other AusAID regional trafficking programs or the work of other donors.

Recommendation 2: AIPJ should work with relevant stakeholders to develop a Strategic Framework which, using the original design as a starting point, explains what results AIPJ will achieve and how it will achieve them. The Strategic Framework should align with relevant Indonesian state and civil society policies and organisational plans, and should acknowledge the importance of reformist networks and coalitions.

6.2 Implementation Arrangements

Consider whether AIPJ has adequate resources to deliver the program and whether there is adequate breath of engagement for the purpose of decision making. It will also consider whether there is adequate contestability and clarity of roles and responsibilities within the current program structure.

6.2.1 Resourcing

AIPJ has adequate budget to deliver the program. However, the program is not currently operating at expected implementation or expenditure levels. This should be rectified by the PD and ISP and advice provided to AusAID and Bappenas with forecasts and strategies to ensure expenditure progresses as planned.

The funding requirements are intrinsically linked to the size and scope of the planned activity program. At this stage the exact size and scope of the program plans are not known or at least understood and given there is potential to increase and broaden the program, more strategic analysis is needed to determine budget requirements (including allocation and rate of expenditure) against size, scope, strategy and deliverables. Until this work is done it is likely that a broadening of the program would further exacerbate the capacity issues within the management of the program.

¹⁴ See e.g. <http://www.usaid.gov/au/business/Documents/hrgs-projects-10-11.pdf>

It remains uncertain whether AIPJ has adequate staffing resources at this stage but it is clear that the program has sufficient funds. There was some complaint made to the Review Team about staff resources. For example, it was noted that administrative staff had processed around 52 contracts in one month for bureaucratic reform activities and that this was 'not sustainable' going forward. Also some key positions remain to be filled (e.g. Gender and Human Rights adviser position and a Monitoring and Evaluation adviser position). While this could be of some concern in the short-term, a greater issue however is the lack of overall strategic development and management of the program and there was evidence that the program was not on track to operate at expected expenditure levels in the forward years. This fact should be investigated by the PD and ISP and advice provided with forecasts and strategies to ensure expenditure progresses as forecasted, together with a value for money analysis of planned activities.

The Review Team found that through greater strategic planning, there is opportunity and scope to expand the AIPJ program, but a deeper analysis than can be gathered in a two week review mission needs to be undertaken. Activity planning including forecasting and costing should be included in the development of a new strategic operating platform for the program. Staff resourcing levels should also be assessed as part of this strategic development, and should be based on what is required to deliver the AIPJ work plan. The AIPJ PD and the ISP should make this assessment and make recommendations to AusAID for approval.

The annual budget allocation for each of the current interventions is outlined in AIPJ's 2012 Annual Plan; however budget allocation against the delivery of AIPJ outcomes for future years has not been fully devised. Partners did not display knowledge about the overall budget process; how it is developed, the quantum and the apportionment strategy. The Review Team found that the budget process is not sufficiently transparent to all partners.

6.2.2 Breadth of Engagement and Discourse

AIPJ should make better use of the skills and experience of the staff within the ISP team as well as external expertise to improve the strategic development and implementation of the program. The complexities of a law and justice program are difficult to address by a single or even small group of persons. If confined to only a small group of persons, the program is denied the richness; versatility and leverage that large and complex programs need to succeed. Overreliance on few people with little to no contestability both inside and outside the program also carries significant risks. AIPJ is operating in a multi-layered field where the formal legal system interacts with bureaucratic as well as social and political dynamics. The premise of the current approach taken by the PD and the ISP is that a good idea will be recognized on its own merits, and that academic knowledge suffices to make a program go forward, however the reality is different.

Regardless of their actual merit, for ideas to go forward, they need to be more broadly embedded in the field dynamics, answering and accommodating stakeholder interests. It is therefore critical that the program strengthens its discourse, both internally (by creating more space for staff to give input and develop agendas)¹⁵ and externally. The Review Team believes that AIPJ staff could have more to offer within a stronger team environment.

¹⁵ Through consultations with the partners and with limited time with the staff themselves, the Review Team concluded the staff generally, seemed to be focused on their own particular area rather than being involved more holistically across the AIPJ program.

The consultative process within the program, regarding the development of activities, needs to be strengthened with an aim to enrich the internal discourse, to better embed the program in the broader ongoing reform dynamic recognizing and to optimize the experience and expertise of technical experts for the benefit of the program.

Recommendation 3: AIPJ should establish communication protocols which ensure constant discourse with partners (both in Indonesia and Australia) and a consultative annual planning process. A budget forecast for the remainder of the program should be produced and shared with key stakeholders.

AIPJ should engage in structured consultation with senior and experienced domestic and international reformers on whose experience the program can draw and who in turn can give the program the constituency support it needs to succeed. This could take the form of an advisory board or panel and should be properly constituted and employed (unlike the previous experience under the Indonesia Australia Legal Development Facility (IALDF)). Structured consultation with senior and experienced domestic reformers will enrich the program, provide constituency support, and raise comfort levels with both partners and AusAID. Such a group of senior and experienced advisors will not just help enrich the program and focus program strategy, but will also improve communication between the program and its partners, as well as AusAID. If such a group is properly engaged¹⁶, it will replace the current one-to-one rapport between AIPJ management and partners (or with AusAID as the case may be) with a triangular rapport. This means that AIPJ planning and decision making will have been first processed and vetted by an experienced team of advisors, who also can be called upon by partners (or AusAID, as the case may be) for information, or more generally, to explore program strategy.

Such triangulation affects power relations: it cushions the position of management, notably in their rapport with partner institutions, by embedding the program deeper in an Indonesian context, and so gives power and credibility to content and reduces the space for unfair criticism. Such institutionalized internal contestability therefore not only enriches the program, but actually strengthens the position of those managing the program without it being fully apparent.

The review finds, as provided in the design, the need for a commitment by AusAID and Bappenas to governance and implementation arrangements that foster shared commitment and principles and that also foster joint decision-making and increase GoI leadership and ownership of AIPJ.

The role of the AIPJ Partnership Board¹⁷ aims to provide joint oversight of the program, foster joint leadership as well as provide guidance to the program. This review hasn't been able to evaluate the effectiveness of the AIPJ Partnership Board in this regard but wishes to underscore the importance of the Board, and the need to sustain and, where necessary, further enhance its role. It is suggested that AusAID and Bappenas might find an assessment of the role and function of the Board timely. Informative questions that may assist in this process are the following:

¹⁶ Once identified as suitable, available individuals could be engaged on a needs basis. They could for example, be consulted at particular times during the management annual cycle. This could be during strategic planning, activity development, budget development and assess M&E etc.

¹⁷ The Design indicates the Board is co-chaired by AusAID's Minister Counsellor and a senior representative of Bappenas and comprises ex officio representatives of the Indonesian judiciary, GoI, GoA (including Attorney-General's Department and DFAT, the Indonesian National Human Rights Commissions and Indonesian civil society.

1. Is it a Board to oversee and strategically direct AIPJ?
2. Is the annual Board meeting a primary stakeholder annual meeting? Who are the primary stakeholders?
3. Is it a coordinating mechanism or indeed, something else?
4. Is an annual meeting sufficient?
5. What is the role of the Working Committee? Who are the members and how often should they meet?

Recommendation 4: AIPJ should establish more effective governance arrangements, involving:

- a. **structured consultation with senior, experienced reformers (primarily Indonesians but possibly also international experts), to ensure independent strategic advice and contestability. These resource people should be properly engaged and remunerated;**
- b. **refining the composition and role of the Partnership Board, which should focus on ensuring AIPJ has visibility and ownership by major government and non-government partners in Indonesia and Australia;**
- c. **reinforcing the role of the Working Committee (AusAID and Bappenas) as the body which approves and is consulted in advance on AIPJ's work plans.**

6.2.3 Program Organisational Structure

The roles of AusAID, the AusAID contracted Program Director (PD) and the ISP are not clear to AIPJ's partners. Indeed, the role of the PD, as an AusAID contractor, is confusing to many. "*AusAID one*" and "*AusAID two*" is how the reference was made-jokingly (but with a discomfiting ounce of cynicism included). Other observations included, for all intents and purposes, "*the PD role is Cardno*" – or "*couldn't see AusAID in the PD role*". There was also uncertainty as to whether the program had a "*Program or Partnership Director*" and a query about the difference? Suffice to say, there is negativity surrounding the PD being the AusAID lead representative of AIPJ and it is confusing.

During Review Team meetings, there were consistent reports that demonstrated that partners are beginning to wonder who AusAID is in the context of AIPJ. It is felt AusAID is used as a trump card in routine program operations to either reject or allow something. There is muddying of waters, which ends up eroding the authority both of AusAID and of the PD. It is also discomfiting that this leads to stakeholders not feeling (or acting) like true partners of AusAID when the AusAID rank or authority is used to justify a negative response to their requests. It leads to an unbalancing (indeed subservience) of the partnership which negatively impacts on what AIPJ is trying to achieve.

There is also uncertainty amongst Gol partners about who truly represents AusAID and when? Who represents the Partnership between AusAID and Bappenas? Inconsistency is felt, sometimes AusAID is the PD and other times it's the AusAID Counsellor for Democratic Governance. Clarity about these roles is sought by partners and is needed immediately.

The design of the current implementation arrangements rests the strategic direction and implementation management with one person - the AusAID contracted Program Director (with a deputy to manage some of the day-to-day aspects and a part-time deputy to manage report writing and M&E). This situation needs to change. It may have been the intention to outsource policy and strategic direction with a contractor (contracted directly to AusAID) in the belief AusAID was in fact, providing this input, but in the present case, the reality is the contractor cannot truly represent the views of AusAID.

AusAID policy and how it is conveyed is often sensitive and is always evolving and consequently (for this and other reasons) it is best positioned with 'in house' AusAID personnel. AusAID personnel possess the necessary access to broader AusAID policy, information and knowledge and are best placed to synthesise this intelligence and make the ultimate calls on program policy direction. Added to this complication, is the difficulty, under this current model, for there to be sound governance, independence, contestability, and indeed, accountability for performance. With the current arrangements as they are, there is much confusion in the sector and this is reflecting negatively on AusAID performance. A separation of the policy making role from the strategic management and implementation role would alleviate this confusion and the doubt about the legitimacy of a contractor representing AusAID at this level.

The ISP role seems to be understood by the partners. The Review Team also believe, from our desk review of program documents and in-country consultations, that the ISP could provide more support to the program. For example, it was indicated to the Review Team that essentially, all strategic programming decisions were left to the PD when the ISP could or should be more active in guiding the program strategic direction. The Review Team suggests the ISP role is too narrow and given the ISP is a development specialist, the opportunity to use their professional strategic and management capacity (to provide more opportunity to deliver development outcomes) should be sourced.

The program needs three elements of program management: **(1) policy making and management; (2) strategic direction, management and performance of the implementation program** and **(3) corporate service support.**

The **policy making and management** first and foremost needs to ensure both partners (of the GoA and GoI partnership) have AIPJ operating as they desire and are getting the results they seek. AusAID and Bappenas are the Government to Government representatives and are responsible, on behalf of their respective governments, for AIPJ (the Partnership). They, along with the leaders of the partnering organisations are indeed, the partners (or the high-level leaders and sponsors of the program). Thus, AusAID high-level policy making, management and accountability for AIPJ, should lie with the AusAID Indonesia Democratic Governance Unit and in particular, the Counsellor Democratic Governance, Public Affairs and Policy Coordination in partnership, and with Bappenas. These two organisations should provide, through high level policy direction - the ultimate leadership, management and accountability for AIPJ. The assumption of this role by the Counsellor and away from the PD would provide less confusion (within AIPJ) and would clearly demonstrate that AusAID (as the partners understand AusAID to be) is managing the high-level policy for AIPJ with Bappenas.

The **strategic direction, management and performance of the implementation program** is a separate function from the policy making and management function and is the function that supervises and manages the strategic planning, development, management and implementation of the activities that support the GoI and GoA partnership to deliver against AIPJ's strategy, goals and objectives. This is the typical project management role and should be done by the ISP, in consultation with AusAID. This function is accountable to AusAID (Counsellor Democratic Governance, Public Affairs and Policy Coordination) and works with the partners and stakeholders to develop programs and activities and manages the successful implementation of the program to deliver the program's objectives to the satisfaction of the Partnership.

The **corporate service** support currently provided through the ISP arrangements should continue. Their role is to support the roles of **policy making and management** and **strategic direction, management and performance of the implementation program.**

Recommendation 5: The Program Director role should be discontinued, with that position’s high-level policy-making responsibilities transferred to AusAID’s Counsellor for Democratic Governance and the remainder of responsibilities – including those relating to strategic direction, activity implementation and quality assurance – transferred to the Implementation Service Provider.

6.2.4 The Asia Foundation and the International Development Law Organisation

The Asia Foundation (TAF) has from the outset been a relevant partner for the program with the potential to add significant value, a point which was apparently reflected in the program’s tender documents. It has extensive experience in building and maintaining civil society networks and a long-standing local presence. Engaging TAF early in the program would have likely strengthened the program’s capacity to develop other effective relationships and synergies and therefore, strengthen the breath of engagement and discourse. While one TAF staff member is seconded to work on the program’s anti-corruption component, engagement has been otherwise limited. It is encouraging to note recent approaches by AIPJ to work with TAF and deepen the rapport. This affiliation needs to be pursued with some renewed enthusiasm. The leverage opportunities provided through TAF need to be identified and employed as part of the strategic framework.

The intended role of the International Development Law Organisation (IDLO), as a founding partner for the program, was not discussed with the Review Team in depth. IDLO’s mission is to strengthen the rule of law, human rights and good governance in developing countries, through offering legal expertise, resources, tools and professional support.¹⁸ Before AIPJ, IDLO’s experience in Indonesia included, for example, technical and financial support for HIV-related law reform and legal services and for research on natural resources management. Unlike TAF however, IDLO does not have a country office in Indonesia and, since the resignation of AIPJ’s Deputy Program Director from IDLO, it no longer has a secondee working with the program or other apparent program links. Depending on the activity to be pursued, IDLO may yet prove to be an appropriate AIPJ partner. However IDLO’s relatively small-scale engagement in Indonesia on particular niche areas of expertise¹⁹, combined with these other considerations, supports a finding that AIPJ need not re-establish engagement with IDLO as a current priority.

Recommendation 6: AIPJ should deepen its engagement with The Asia Foundation (TAF), drawing on TAF’s knowledge and experience in fostering reformist networks and coalitions in Indonesia.

6.2.5 Whole of Government Cooperation

Delivery of assistance by Australian courts and other Australian Government departments in Indonesia is positive and there are advantages for both countries in building and maintaining long term relationships between Australian and Indonesian institutions. In particular, the multi-layered and subtle relationships currently in place between the Indonesian Supreme Court and the Federal Court of Australia and the Family Court of Australia and between Indonesian Government institutions such as the Attorney General’s Office and with the Commonwealth Attorney General’s Department are valued by both Indonesian and Australian counterparts. Other Australian partners, such as the Australian Human Rights Commission, New South Wales Judicial Commission and Australian

¹⁸ <http://www.idlo.int/english/WhoWeAre/Pages/Home.aspx>

¹⁹ Compare also with IDLO Annual Management Plan 2012, Program value by Country Region in 2012, Figure 1 at p6 <http://www.idlo.int/DOCCalendar/Annual%20Management%20Plan%20and%20Budget%202012.pdf>

Commission for Law Enforcement Integrity (ACLEI) are, with their respective counterparts, developing partnerships and it is important to support these relationships.²⁰ This assistance (and strategy) should continue to be supported through AIPJ and must be linked to the AIPJ mission and goals. Care in the management of the various inputs from the various WoG partners should be taken to ensure there is not confusion amongst Indonesian partners. It is also important that the whole Australian Government effort in the sector can link to the AIPJ strategic framework and can measurably contribute to the delivery of AIPJ's outcomes. It would be beneficial if all activities could be collated and included in an annual report.

The team further recommends that the AIPJ program communicates and coordinates with all the legal sector programs and activities supported by Australian legal institutions in Indonesia, with the aim to keep each other informed, and streamline activities where possible. The Review Team commends all Australian legal institutions to consult with AIPJ and AusAID when engaging in Indonesia.

6.3 Integration and Synergies

Identify potential synergies with other AusAID programs to maximise the program's overall benefits to poor people.

6.3.1 General Observations

The Review Team met with other AusAID programs in Indonesia and with other donor programs.²¹ The meetings were informative and the team identified there is potential for AIPJ to work together with some or all of these programs to maximise opportunities for AIPJ and for other programs. Many (if not all) of the AusAID programs indicated a limited knowledge of AIPJ and certainly were not aware of the AIPJ mission. However, all indicated, given the opportunity, a willingness to cooperate with AIPJ and through discussion with the team, identify potential linkage areas such as sharing systems and knowledge. There is also potential for some of these programs to actually contribute to the delivery of AIPJ's objectives. For example, there is a real opportunity for AIPJ to work more closely with the AusAID's AIPD and ACCESS programs as well as with the World Bank's Justice for the Poor program. Meanwhile, there are others where cooperative planning and action across the AusAID programs (as well with other donors) could be enhanced to provide a more demonstrable strategic approach. There is a clear opportunity to do this now. What was clear from the Review Team's consultations was that dialogue between AusAID programs should be enhanced and that there is a real opportunity for more pro-active engagement to secure effective program synergies.

To date, AIPJ has focussed its interventions mostly on Jakarta based justice institutions. There is clear potential to investigate how the work of other AusAID-funded programs and their partners, particularly at the sub-national level, can contribute to implementing AIPJ's reengineered strategic framework. Any program synergies and any joint programming in this regard needs to be further discussed and clarified by AusAID and should focus on how any potential joint programming would increase the benefit delivered to the poor.

²⁰ Though not an implementing partner for AIPJ, it is also important to keep the Law Council of Australia, which has a partnership with its Indonesian counterpart, abreast of AIPJ's work.

²¹ This includes ACCESS, AIPD, MAMPU, the Knowledge Sector, PNPM, Social Protection, Decentralization, as well as AusAID-supported outside agents, notably TAF and the World Bank's Justice for the Poor program.

It should be recognised that in reality, development programs (and those implementing them) are not naturally focused on synergizing and coordinating with other programs. Programs will recognize synergizing as a desirable thing to do, but will have difficulty translating this into something concrete. This is because joint programming generally imposes extra bureaucratic burden, requires extra effort from program staff, is often deemed to dilute program profile and often does not sit neatly within program documents. Further, program synergizing and coordination is two-way, in which both (or more) programs must be open to such cooperation.

Recommendation 7: AIPJ should establish a modest level of local representation in one or more sub-national target areas where AusAID’s decentralisation programs work.

6.3.2 AusAID Role

6.3.2.1 Synergizing matrix

To develop program synergies, AIPJ must give clearer direction to AusAID programs on possible areas of interaction and potential joint programming. This direction can be captured in a synergy matrix, which should be developed over time. The matrix may include the following:

- **Geographic synergy:** We recommend that programs focus on the same geographic areas. This allows them to draw on each other’s local knowledge and networks of local experts. Also, a number of programs working side by side ideally will increase donor leverage vis-à-vis local partners, and improve program outcomes. For AIPJ we recommend that it focuses activities at a local level and with areas where programs such as ACCESS, AIPD and Justice for the Poor are currently engaged.
- **Thematic synergy:** We recommend that programs seek out themes and areas of activity that, while fully within their program ambit, create ‘synapses’ with other programs and program activities, with close inter-connectivity. Currently, programs typically address an issue from their particular angle, even though in reality that issue is part of a broader social-economic landscape. Programs should aim that, with some tweaking, their activities sit shoulder to shoulder with other programs to address the full range of issues across the landscape and thereby enhance results. For AIPJ we recommend that it explores greater inter-connectivity with the local data-bases and networks developed by ACCESS, possible synergies with the public expenditure tools developed by AIPD for justice sector institutions, and close cooperation with Justice for the Poor on the Religious Courts and the issuance of marriage certificates (PEKKA). Other new programs in which synergies could be explored include the women in leadership (MAMPU) program and the Knowledge Sector program.
- **Logistical synergy:** We recommend that programs pool resources, where possible. This includes the usual overhead costs (offices, administrative support staff, utilities), but equally extends to technical assistance experts (and possible exchange of technical assistance expertise), so that local offices share local knowledge. For AIPJ we recommend that it explores sharing logistics for its local activities with other AusAID-supported programs already placed in the field.

6.3.2.2 AusAID further engagement

AusAID should more pro-actively facilitate program synergies. Currently, AusAID programs operate in silos intellectually, per sector, in their contracting arrangements and even in AusAID’s internal structure. AusAID should explore taking the lead on the issue by setting up routine cross-program

consultations. The objective of these meetings would be to inform AusAID and allow it to direct programs to work together more closely on specific issues and/or in certain regions.

AusAID programs pull together a lot of knowledge and experience, both in terms of local knowledge and networks and in terms of program experience. There is a risk that such local knowledge, and the networks that underpin them, remain internal to the program without being shared to the broader benefit of the community (and of AusAID), and consequently will dissipate after program completion. With so much funding being contributed to certain sectors and certain regions, generating detailed data and in-depth knowledge about such sectors and regions should be organized, structured and managed by AusAID - all the more so because Jakarta Post staff rotation erodes acquired knowledge and experience.

AusAID may explore setting up a local knowledge centre on Indonesia, properly staffed, which is a repository of the factual knowledge on local data generated by programs, as well as a resource centre on program history, strategies, approaches and challenges. Such a centre will be critical in driving joint programming in the future.

Recommendation 8: AIPJ should produce and regularly update a brief matrix outlining possible integration and synergies with other Australian aid investments (both those funded by AusAID and other Australian Government agencies). This matrix should inform the design and implementation of AIPJ activities.

Recommendation 9: AIPJ should draft a brief Donor Coordination Framework, explaining how its activities will avoid duplication and maximise complementarity with other donor-funded law and justice programs in Indonesia – particularly those funded or managed by the World Bank (Justice for the Poor), USAID (Changes for Justice, Educating and Equipping Tomorrow’s Justice Reformers), UNDP (Strengthening Access to Justice in Indonesia) and the Open Society (Open Society Justice Initiative).

**Annex 1 - Consultations for the Independent Progress Review of the Australia Indonesia
Partnership for Justice**

Consultations in Indonesia

Jakarta

Australian Attorney-General's Department

Catherine	Hawkins	Assistant Secretary	28/06/12
Margaret	Close	Director	28/06/12
Samuel	Wade	Resident Legal Adviser	28/06/12 09/07/12

Attorney-General's Office and Reform Team 04/07/12

H.	Darmono	Vice-Attorney-General
Feri	Wibisono	Head of Planning
Hani	Hasjim	Reform Team

AusAID, Democratic Governance, Policy & Coordination 25/06/12
09/07/12

Rachael	Moore	Counsellor
Hannah	Derwent	Second Secretary, Democratic Governance
Doddy	Kusadrianto	Senior Program Manager
Rosyidah	Handayani	Program Manager

AusAID, Sector Programs 28/06/12

Leonard	Simandjuntak	Unit Manager (Decentralization)
Kate	Shanahan	Unit Manager (Poverty Reduction - PNPM)
Lisa	Hannigan	Unit Manager (Poverty Reduction - Social Protection)
Naomi	Cook	Policy/Program Officer (MAMPU)
Maesy	Angelina	A/g Unit Manager (Knowledge Sector)

Australia-Indonesia Partnership for Justice (AIPJ)

Nicola	Colbran	AIPJ Program Director	25/06/12 06/07/12 09/07/12
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Miles	Young	AIPJ Deputy Program Director	25/06/12
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Judhi	Kristantini	AIPJ Senior Manager: Anti-Corruption	25/06/12
Windu	Kisworo	AIPJ Coordinator: Anti-Corruption	
Cucu	Saidah	AIPJ Coordinator: Human Rights and Disabilities	
Binziad	Kadafi	AIPJ Senior Manager: Court Reform & Access to Justice	

Peter Aang	deMeij Sutisna	AIPJ Coordinator: Court Reform & Access to Justice Manager: Monitoring and Learning	
Gary Endang	Ellem Suyatin	AIPJ Deputy Program Director (teleconference) 26/06/12 AIPJ Manager: Grant and Contract 26/06/12	
Hilda Junardi	Suherman Nurlete	AIPJ Coordinator: Partnerships AIPJ Manager: Finance	
Afnia	Sari	AIPJ Manager: Admin	
Mark	Pruden	Cardno Representative	26/06/12
 <i>Bappenas</i>			
Diani	Sadiawati	Director for Law and Human Rights	26/06/12
 <i>Civil Society Organisations – AIPJ Implementing Partners</i>			
			29/06/12
Dian	Rosita	LEIP	
Choky	Ramadhan	MAPPI	
Riyanti	Ekowati	Mitra Netra	
Eryanto	Nugroho	PSHK	
Alvon	Kurnia	YLBHI	
 <i>Civil Society Organisations – non-AIPJ Implementing Partners</i>			
			29/06/12
Agung	Putri	ELSAM	
Maharetta	Maha	HWPCI	
Revita	Alvi	HWPCI	
Uli	Parulian Sihombing	ILRC	
Firmansyah	Arifin	KRHN	
Estu	Rakhmani	LBH APIK	
Nurkholis	Hidayat	LBH Jakarta	
Rachmita	Harahap	Sehjira	
 <i>Department of Foreign Affairs and Trade</i>			
Annie	Hildebrand	Second Secretary Political	28/06/12 09/07/12
 <i>Donors working in the Law and Justice Sector in Indonesia</i>			
Theodora	Putri	C4J	27/06/12
Yudit	Yuhana	C4J	
Dewi	Novirianti	C4J	
Ruth	Panjaitan	C4J	
Anja	Roelofs	Netherlands Embassy	27/06/12

Muhammad	Husain	UNDP	27/06/12
Sonja	Litz	World Bank, Justice for the Poor (J4P) program	
Bambang	Soetano	World Bank, Justice for the Poor (J4P) program	
Karrie	McLaughlin	World Bank, Justice for the Poor (J4P) program	
<i>Judicial Commission</i>			04/07/12
Danang	Wijayanto	Head of Investigation and Internal Control	
<i>Judicial Reform Team Office</i>			05/07/12
Aria	Suyudi	Coordinator	
Wiwiek	Awiati	Senior Consultant	
<i>Komnas Ham</i>			05/07/12
Ifdhal	Kasim	Chairman	
<i>Komnas Perempuan</i>			27/06/12
Yuniyanti	Chuzafah	Chairwomen	
Yanti		Project Management Unit	
<i>KPK</i>			06/07/12
Sisca	Susanti	Investigator	
<i>Prosecutorial Oversight Commission and the Reform Team</i>			28/06/12
Halius	Husen	Commissioner	
<i>Ombudsman</i>			04/07/12
Danang	Girindrawardana	Head of Ombudsman	
Patnuaji	Agus Indriarto	Ombudsman Assistant	
<i>PEKKA</i>			06/07/12
<i>Prosecutors Reform Team Office</i>			04/07/12
Sukma	Violetta		
<i>Supreme Court</i>			05/07/12

Secretary-General, Directorate General for Religious Court, Directorate General for General Court, Directorate General For General for General Administration Court, Judge on the Reform Team

<i>The Asia Foundation</i>			06/07/12
Sandra Laurel	Hamid McClaren	Country Representative Deputy Country-Representative	
<i>Lombok</i>			
<i>ACCESS</i>			03/07/12
Paul	Boon	Program Director	
<i>AIPD</i>			03/07/12
Dan	Hunt	Deputy Program Director	
<i>PEKKA</i>			02/07/12
18 PEKKA members at			
<i>Religious Court, Giri Menang</i>			02/07/12
10-15 judges and court officials, including the Head of Court			
Consultations in Australia			
<i>Canberra</i>			
<i>Attorney-General's Department</i>			16/07/12
Margaret Emily	Close McKay	Director South East Asia Section	
<i>AusAID, Indonesia Section</i>			
Luke	Arnold	Policy/ Program Manager	16/07/12 17/07/12
Jessica Emma	Mackenzie Hunt	Policy/ Program Manager Senior Policy/ Program Officer	16/07/12
Luke	Wild	Director	
<i>AusAID, Law and Justice Policy Section</i>			16/07/12
Daniel Robin	Woods Perry	Director Senior Policy Officer	
<i>Australian Commission for Law Enforcement Integrity</i>			16/07/12
Nick	Sellars	Director	
<i>Department of Foreign Affairs and Trade</i>			16/07/12
Stephen	Burridge	Executive Officer	

<i>Family Court of Australia (via teleconference)</i>			25/07/12
Leisha	Lister	Executive Adviser	
<i>Law Council of Australia</i>			16/07/12
Margery	Nicoll	Deputy Secretary-General	
Hanna	Jaireth	International Law Section	
Sydney (via teleconference)			
<i>Australian Human Rights Commission</i>			17/07/12
David	Robinson	Director	
Sandya	Manickam	Program Manager	
Natasha	de Silva	Executive Officer	
<i>Judicial Commission</i>			17/07/12
Murali	Sagi	Director	
Melbourne (via teleconference)			
<i>Asian Law Centre</i>			25/07/12
Tim	Lindsey	Director	
<i>Federal Court of Australia</i>			24/07/12
Sia	Lagos	District Registrar	

Annex 2 - An example for potential program synergy

This example illustrates how joint programming on the issue of establishing legal identity might increase the impact and benefit of a current AIPJ priority and indeed, a broader Indonesian development priority. What the Review Team aims to show with this example is how working together between programs should be more than just about sharing ideas, or getting ‘more bang for your buck’, but that is critical to program effectiveness.

The example below sets out a strategic approach which would have broader program impact. By outlining points of entry for program synergies at the sub-national level for a particular issue (in this case - establishing legal identity), this example also serves to demonstrate how potential synergies could be identified for other issues that would benefit from support at the sub-national level and/ or from working with local CSO networks (such as legal aid, domestic violence or trafficking). The AIPJ programs in these sectors from their current, somewhat diffuse character can thus, be geared to drive at a common goal, creating greater program coherence and focus.²²

Working on issues at the sub-national level however, has consequences for AIPJ’s program set-up. The program would need more staff, it would require a (modest) local representation in target areas (such as ACCESS, AIPD, PNPM), as well as various internal administrative changes. These consequences are logical and legitimate as an integral part of the strategic ramp-up of the program to maximise its benefits to poor people.

The example chosen here is one of the current cornerstones of the AIPJ program, which is the religious courts service delivery to marginalized communities (notably single women and children).²³ The courts authorize the issuance of marriage and divorce certificates long after the actual marriage or divorce has occurred – and this work complements the work of the General Courts in authorizing the issuance of birth certificates. All such certificates are required under modern Indonesian law to access certain facilities (such as state pensions), establish rights or (for children) to access schools.²⁴

²²For example, such program focus could serve to change the current engagement with the AGO, changing it from the current institutional reform basis to a product based approach, in which the AGO is pulled into dealing with a societal problematic (such as trafficking) because the full scale and, no less important, the geography of the problematic is forcefully identified, and the underlying power relations have shifted. The IALDF Mid-Term Review (2006) found that while there were insistent reports of child trafficking and illegal logging from NTB and NTT, the Police and AGO actually had very few cases in those sectors. The majority of criminal cases which they handled involved domestic violence. One explanation is that child trafficking and illegal logging, unlike domestic violence, are financially important and so disincentivizing pro-active criminal enforcement. The way by which this must be addressed is to change the underlying power balance at local levels, by giving victimized communities a platform through CSO networks, as well as institutional partners through regular university monitoring and studies and media exposure. In this approach, the enforcement agencies bring to focus their attention to the problem by a public discourse, based on a routine identification and quantification of the problem. That is called accountability.

²³There are various more serious publications on this, including Cate Sumner & Tim Lindsey, *Courting Reform. Indonesia’s Islamic Courts* (Lowy Institute, 2011). See also Tim Lindsey & Cate Sumner, ‘Real Islam’ in Action in Indonesia. *The religious courts are agents of reform*. (The Australian 8 December 2010)

²⁴See recently *NO ID and no proof of birth: Meet Indonesia’s uncounted millions* (the Jakarta Globe 5 August 2012).

Briefly summarized, the previous IALDF and AIPJ programs facilitate this service delivery through a legal aid program (waiver of court fees), circuit courts to small villages (bringing justice to the community) and information services in court (Posbakum), the core idea being that marginalized communities benefit. The project is highly regarded, and has been an area in which the Indonesian courts and Australian Family courts have a close cooperation.

Whilst recognizing the successes of the religious court program, the Review Team also found that the program was not without challenges, as might be expected. These can be roughly categorized into three groups, as follows: (i) imperfect service delivery by the religious courts, the circuit courts and the legal aid facility, (ii) imperfect empowerment, access and organization by the target groups (notably women at village level), and (iii) imperfect horizontal coordination between government agencies. The system as a whole operates so that some members of marginalized communities get served by the courts, yet clearly the system could reach more people. The system does not yet cover the target groups of PEKKA organized women, fails to honour commitments given to that group, it does not address the inadequacies of the institutional infrastructure set up for issuance of legal identity documents, nor the budget allocation issues (though the expenditure for circuit courts and duty station lawyers appears on track for 2012, the Review Team heard that the budget for court fee waivers may be falling below projected expenditure) and nor does it address the formal and informal costs²⁵ that must be borne by users (principally poor women).

These issues became apparent to the Review Team when talking to poor women in Lombok during the review mission. This program would benefit from an approach that is more forward leaning in all respects: more local in the focus of its activities, more aggressive in its support and rolling-out, more critical in its implementation and more enveloping in its approach. To achieve this, the Review Team recommends that AIPJ explore close cooperation with other AusAID supported projects, of which some examples may be mentioned here.

- **AIPD & public expenditure analysis.** The official religious court data shows that there has been underspending of the court fee waiver budget, with approximately 40% underspend against current allocations. Unfortunately, the religious courts appear to have been unable to re-allocate the budget to other components of its access to justice program due to financial policy restrictions, despite allocations for those components being exhausted. Further, the Review Team heard from a number of representatives of poor women that accessing court-based programs to promote access to justice does not mean that poor women can receive benefits from these services free of charge, as informal costs are often attached.

The Review Team proposes that AIPJ explore closer cooperation with AIPD, drawing on its expertise and local networks to conduct a public expenditure analysis of the funds relating to legal aid and the circuit courts.

²⁵ Informal costs in accessing the system and transportation for multiple hearings and formal costs in securing the certificates, which come from a different government office.

The Review Team recognizes that public expenditure analysis is not in itself a ‘legal’ assistance activity. However, with the One Roof System²⁶, budgeting fully falls within the mandate of the judiciary and is an integral part of the judicial portfolio. Also, it is clear that the budget issue sits at the heart of the religious court program, with the legal aid program in particular being an intrinsically financial instrument, developed with assistance from the previous IALDF program. Public expenditure within the judiciary therefore is an integral and very active part of the judicial reform portfolio.

The Review Team further deems it important that the public expenditure analysis does not only look at the budget implementation cycle (i.e. budget implementation from central to local levels) but also extends to the realization of the policy objective. If the policy objective is to ensure that poor and marginalized communities can get key certificates for free, it is important to look at all the bureaucratic steps required to obtain a legal certificate, whether they be at the court where there is a fee waiver or whether they be at a civil registry office, where fees are incurred.

- **ACCESS, information and empowerment.** The Review Team visited Lombok as part of the review mission and this generated three main pieces of information: first, religious court coverage is inadequate even with the various outreach instruments (notably circuit courts and legal aid); second, the power relations between the court and marginalized communities remains asymmetrical- local organizations (such as PEKKA) do an excellent job in mobilizing marginalized communities, but they lack the traction at local levels to fully assert their rights under existing public/government facilities, even when such rights have been previously recognized by the court; and third, AIPJ has inadequate local presence and local knowledge.

From the Review Team’s perspective, AIPJ retains an institutional perspective even at the local level. It tends to look at issues from the perspective of the religious courts. Yet local communities must be able to have their voices truly heard and impose some level of power equilibrium with state institutions if these types of justice programs are to deliver real benefits to the poor. The legal aid and circuit court programs will not sustain themselves by bureaucratic willpower alone. They will sustain themselves and become truly successful through the mobilization and engagement of local communities.

The Review Team proposes that AIPJ explore closer cooperation with ACCESS, drawing on its local expertise, its network of 71 CSO partners and 5600 facilitators to boost a demand driven reform dynamic focused on the legal aid and circuit court components of the program. This includes participation of the Household Welfare Classification mapping exercise, by inclusion of target constituents therein (single women as head of households).

The Review Team notes that the issue of certificates is of high importance, for both adults and children. Taking children as an example, the number of Indonesian minors lacking birth

²⁶ The one roof court system gives the judiciary full control over administrative management of the courts (budget, personnel and assets). It was introduced by law in 1999 and progressively developed until becoming fully effective in 2006.

certificates is said to be more than twice the entire population of Australia²⁷, and is the majority of all children in some of the focus areas of Australian Aid such as Nusa Tenggara Barat province.²⁸ This calls for an approach that is more strategic, more holistic and cuts across AusAID programs.

The Review Team proposes that AIPJ also engages state institutions at central levels to explore the development of a much broader certification project in which children and other target communities are covered in a single day process by state institutions, notably the religious circuit court and the civil registry (in line with Ministry of Home Affairs targets), in a staggered process covering the 20 districts that sit with ACCESS.

In addition, the Review Team proposes a bottom up localised approach, in which local power dynamics are strengthened by broadening the constituency base. PEKKA should be embedded in broader local CSO networks, a process on which ACCESS assistance will be vital.²⁹ Such an approach would also facilitate a districting approach, driving at comprehensive coverage on a geographic basis as described above.

The approach outlined in the previous paragraph presumably would involve a joint AIPJ-ACCESS local mapping exercise (by adding a number of variables to the currently ongoing ACCESS SPOT PETA Component) for the purpose of identifying which children have birth certificates and which have not. This would lead to a more ambitious and packaged certification program than the current approach allows for. However, such mapping exercise might serve other purposes which stand at the heart of AusAID and GoI policies. One example is combating child trafficking. A local mapping exercise for purposes of inventorying birth certificates can serve equally well to inventory reports of child disappearances and localizing those geographically. Indeed, it may well be that the certification issue and trafficking are to some extent connected, in that children lacking proper documentation may be more exposed to 'disappearances' and structural abuse, than might otherwise be the case. An added benefit of matching these activities is that it weds a domain which is neutral, administrative and ultimately positive and helpful (certificates), with a domain which is more sensitive (trafficking). This approach ideally will result in hard local datasets on trafficking, which will allow for the development of projects in a much more direct, targeted and measurable fashion. The hard datasets will further help to mobilize GoI support, including of local law enforcement agencies. This example therefore shows that cooperation between AIPJ and ACCESS on child certification can spin off in a number of other directions.

²⁷ According to media reports 50 million children under the age of 18 do not have a birth certificate in Indonesia. (The Jakarta Globe 6 October 2011.)

²⁸ *Birth certificates still a problem in Indonesia's Nusa Tenggara, official says.* (The Jakarta Globe, no date) <http://www.thejakartaglobe.com/home/birth-certificates-still-a-problem-in-indonesias-nusa-tenggara-official-says/345952>

²⁹ The Jakarta Globe article cited above says that 91% of Jakarta street children lack birth certificates. It does not refer to PEKKA, but to other CSO such as LAPAM and ISCO. Other CSOs working in this area are Sahabat Anak (The Jakarta Globe 16 March 2012).

- **MAMPU.** One of the focuses of the religious court program is single women, and securing access to marriage and divorce certificates (or ‘identification documents’). There is a significant overlap with Thematic Area 1 (Access to Social Protection and Poverty Reduction Programs) of the MAMPU Program³⁰ and it makes sense for these programs to cooperate closely on this issue.

The Review Team was informed that a key problem for justice seekers, particularly from marginalized communities, is that by law they are required to come to court at least three times, must bring witnesses, and after obtaining judgment must secure their certificate from a different agency than the court. All these different steps involve significant costs which are not covered by the legal aid facility. Also, there are unexplained delays and occasional bottlenecks at the actual delivery of certificates which end up being very burdensome to justice seekers, particularly from marginalized communities. Over the past year, a number of regions in Indonesia have experimented with packaged deals (described above), in which the court and the civil registry process applications promptly, in the same office. This process is not entirely without complications or risk, and has faced difficulties in being rolled out extensively.³¹

Even so, the current regime in its practical implementation is impractical and burdensome to justice seekers that it calls for reform. One of the reform possibilities that may be explored is for a packaged deal, including witness statements that are submitted *in situ* (i.e. in the village), which would allow for a single visit to court.

In this process, the Review Team recommends that AIPJ and MAMPU work as a single team, and package their proposals and organize their engagement together.

- **The Australian-Indonesian Partnership for Pro-Poor Policy: Knowledge Sector:** One of the key challenges of the religious courts program, and of the statutory framework underpinning it (as well as the overly ambitious government implementation goal³²), sits in the weakness of the data systems and intellectual discourse that underpins the entire framework, and tracks its implementation. Policies are developed in a relative void, implementation is rarely tracked, and accountability and effectiveness measurement is weak, or absent. It is encouraging that there have been some initiatives in this field, but without a more driven and comprehensive intellectual framework, challenges will remain endemic.

³⁰**MAMPU Thematic Area 1: Access to Social Protection and Poverty Reduction Programs.**[...] ‘A third entry point is the ‘socialisation’ of program eligibility requirements and registration procedures. Poor women with low education or literacy and poor access to media (in remote areas, for example) are among the most vulnerable. A fourth access issue is access to identification documents. PEKKA, a CSO working with approximately 16000 poor households, has identified this as a major barrier, and provided excellent support to its members in accessing identification and other important official documents, such as marriage and divorce certificates. Government agencies have been very supportive of PEKKA’s work to provide the documentation that female-headed households urgently need to become eligible for social protection programs, and in fact have begun providing new counterpart budget funds, a move which bodes well for its replication and scale-up under this project.’ <http://www.usaid.gov/countries/eastasia/indonesia/Documents/mampu-part-a.pdf>

³¹One risk is that the certification of a marriage may be pushed by the new spouse, overriding an existing marriage and failing to recognize existing children. The Supreme Court therefore insists on witness statements.

³²The Ministry of Home Affairs sought full implementation of the birth certificates by 2011. According to figures reported in the press more than 60% of the currently 80 million Indonesian children born in the last 8 years lack a certificate. (The Jakarta Globe 5 August 2012.)

The Review Team proposes that AIPJ explores pilot projects in the target regions of the religious court program. Such pilot projects should be aligned with the Knowledge Sector Program currently under development by AusAID.

The pilot projects should contribute directly to improved data-systems and accountability of the religious court projects, through field studies and data development. The way this could be implemented, in close consultation with the Knowledge Sector design team, is by supporting the development of teaching and research centres in local universities in legal sociology, possible in close cooperation with Australian academic experts and universities, focusing on the implementation of the religious court program. Various support activities can be conceived, such as a national conference in cooperation with the religious courts and the Australian Family Court, in which the local universities present and discuss their field data, and make recommendations.

Bringing in universities, and making them partners in the broad range of religious court programs broadens stakeholders, gives local communities an institutionalized and articulate ally, deepens understanding and improves skills in local universities, and so creates the local accountability mechanisms that improve policy making, implementation and service delivery. Like politics, all accountability is local, and bringing in local universities will be a critical contribution towards improving service delivery.

The AusAID-supported PNPM program has not been mentioned here; but at first sight there is a strong parallel between a local credit program and local service delivery, and this should be explored more deeply. The parallel is important not solely in substantive terms, but also in terms of the domestic political support for the PNPM program.

The religious courts program is a critical part of the AIPJ program. It is firmly embedded in Indonesian state policies and has the strong support of state institutions, both on the executive (Ministry of Home Affairs) and the Judiciary. It is one of the vehicles which gives real substance and meaning to Indonesia-Australia institutional cooperation, notably through the family courts. Australia helped put this program together under the predecessor program IALDF. However, the religious court program faces challenges - coverage of marginalized communities is weak, access remains problematic and the program's sustainability is in doubt. It is important that the religious court program develop a more comprehensive strategy. To achieve this, it is necessary that the program cooperate closely with other AusAID programs, under AusAID guidance.

Bearing in mind previous recommendations on the need to reassess the intended outcomes of AIPJ, if the above example remains one of AIPJ's cornerstones it could translate into the following tentative action matrix with engagement with all or some of the organisations listed.

- AIPJ would engage with the authorities on the following topics:
 - Assist in the design of a national program for the efficient processing & issuance of certificates to marginalized communities (which might be called '**Program Sertifikasi Nasional**' – **ProSerNas**) with MAMPU

- Include within such a program rolling out of a targeted service at local levels, with district wide coverage (**'No-one gets left behind'**) with MAMPU
- Include within such a program a pre-packaged deal (**'Satu loket'** – all processes and documents are to be processed on a single day in a single spot) with MAMPU
- AIPJ would engage with the Judiciary on the following topics:
 - Effect a public expenditure assessment of the religious courts fee waiver program; (with AIPD);
 - Assist in designing the legal grounding for the pre-packaged deal.
- AIPJ would engage with the Ministry of Home Affairs on the following topics:
 - Secure support for the ProSerNas (with MAMPU)
 - Secure civil registry cooperation in the pre-packaged deal, including a fee waiver (with MAMPU and AIPD).
- AIPJ would engage with local civil society on the following topics:
 - Establish a local presence (with ACCESS, AIPD, MAMPU);
 - Develop a network of CSOs in the regions with a single platform (with ACCESS & MAMPU);
 - Facilitate structured inter-action between the CSO network and the courts and local authorities (with ACCESS & MAMPU);
 - Creating an inventory of effectiveness and coverage at the village level (supporting ACCESS in cross-funding)
- AIPJ would engage with local universities on the following topics:
 - Design local research programs on local courts, particularly the local implementation of the religious courts program (with ACCESS, MAMPU, the Knowledge Sector)
 - Conduct regular seminars at local & national levels with data and results feed-back (with ACCESS, MAMPU, the Knowledge Sector)
 - Establish a routine working rapport between the CSO network and universities (with ACCESS, MAMPU, and the Knowledge Sector).