

Australia-Indonesia Partnership for Justice Phase 2

Mid-term review

29 September 2019

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Executive Summary

The Australian Indonesia Partnership for Justice Phase 2 (AIPJ2) was launched in April 2017, as the latest initiative in a long-standing process of cooperation between Australia and Indonesia on law and justice reform. The design of AIPJ2 also incorporated and extended oda-eligible security assistance, previously provided under the Australian Indonesia Security Cooperation Program. AIPJ2 is a AUD 40 million investment by DFAT due to complete in March 2022.

This review of AIPJ2 was conducted at the mid-point of the current phase. The motivation for the review was primarily formative: to determine whether AIPJ2 needs adjusting to maximise its value in the remainder of the phase. A summative assessment of AIPJ2 achievements was not undertaken. Given the broad range of AIPJ2's work, the review could not look at all aspects of the facility in equal depth. Instead, areas of AIPJ2's work were purposively sampled to illustrate and inform the review's judgement for key questions of interest to DFAT. Two areas were omitted from detailed examination: AIPJ2's work on disability inclusion; and results of partnerships between Australian Government agencies and Indonesian counterparts in the security/ transnational crime fields (under pillar 2).

Effectiveness

Stakeholders' perceptions of AIPJ2 are in the main very positive: AIPJ2 is generally well-thought of by Indonesian partners and viewed as a largely effective investment by DFAT in its annual performance checks. The mid-term review findings suggest those perspectives are well-justified. The review examined results in a number of areas where AIPJ2 provides support: court reform, access to justice for women and girls, corruption prevention, corrections reform and prevention of violent extremism. Findings indicate AIPJ2 has provided valued support for a number of important reform initiatives, aimed at strengthening:

- women's and girls' treatment by courts and access to justice;
- implementation of the Small Claims Court and e-Court system, again enhancing access to justice;
- Indonesia's national strategy and action plan to tackle corruption;
- corrections reform planning and prioritisation and capacity and quality of detainee management; and
- the legal framework for counter-terrorism activities and the national plans and strategies for preventing violent extremism.

The review did not include a detailed value-for-money assessment but on the basis of the evidence available the team considers it highly likely that AIPJ2 will generate a sufficient rate of return to justify DFAT's investment by the end of phase, if indeed not before. Furthermore, AIPJ2 could most likely utilise effectively additional resources. However, in the event that additional funds are not available, there are potential adjustments (discussed below) that AIPJ2 could make to maximise the value for money during the rest of the phase.

Strengths

These results have been achieved despite the fact that AIPJ2's investment is relatively small and the areas of work are in the main sensitive and highly political. AIPJ2 has tackled sensitive issues in smart ways that get traction through a combination of skilled, experienced team leader, good relationships

with Indonesian state institutions, effective partnerships with generally strong civil society organisations, selection of issues with sufficient local ownership and flexible and responsive support.

- AIPJ2 works through partnerships with both Indonesian government and civil society organisations, typically building on existing relationships between relevant bodies. A key factor enabling AIPJ2's effectiveness is the openness and willingness of Indonesian government and civil society organisations to work together on areas of reform where shared interests exist.
- AIPJ2 also works with good quality partners, who are prominent in their fields and have established networks of their own on which they can draw. This is true of Indonesia partner organisations but also of the bilateral partnerships supported by AIPJ2, for example, those between the Indonesia Supreme Court and both the Family Court of Australia and Federal Court of Australia.
- Most of AIPJ2's civil society partners are organisationally quite well-developed, but the funding and platforms provided by AIPJ2 helps to amplify their advocacy and research. AIPJ2 has provided some valued assistance to build capacity directly, although partners indicated they would welcome a more systematic way to communicate areas where support would be useful.
- AIPJ2 is ably led by a trusted and respected Team Leader who prioritises relationships and who is supported by a strong team. AIPJ2 has been able to capitalise on existing, locally-created opportunities and capacity thanks largely to the quality of the relationships it has established with its partners:
 - AIPJ2's support is valued because it is flexible and responsive to emerging issues, enabling partners to adjust workplans and activities as implementation opportunities and challenges arise.
 - Civil society partners appreciate the sense of genuine partnership with AIPJ2 and the process of routine reflection on progress facilitated by AIPJ2. Even potentially onerous reporting requirements are viewed as valuable – though compliance challenges exist.
 - AIPJ2 has tackled sensitive issues facing the Indonesian Government in nuanced ways that reflects understanding of the challenges faced by partners and the wider reform environment. The review team found some evidence that stronger analysis by AIPJ2 of the structure, culture and key actors at different levels within complex state institutions could help establish more secure relationships that go beyond current incumbents, but overall AIPJ2's relationships are a key strength.

Overall, the review team found current governance arrangements broadly effective. Nonetheless, AIPJ2 faces challenges in this respect given the range of its interests. Attention is required to address Bappenas' demand for more information and more substantive discussion about AIPJ2's forward workplan and priorities.

Opportunities

Recent new administrations in Australia and, in particular, in Indonesia means that the mid-point of AIPJ2 also coincides with a period of significant opportunity. AIPJ2 is in many respects uniquely

placed to engage on a number of high-profile reform priorities set out by the new Jokowi administration and which are likely to resonate with Australia's interests in the region:

- reform of the integrated criminal justice system and restorative justice agenda
- the significant challenge of prison overcrowding – an issue closely associated with wider reform of the justice chain;
- judicial corruption, a highly visible and damaging problem but one where scope for progress now appears to exist
- opportunities to deepen AIPJ2's existing work on women in contact with the law.
- the reform agenda for the civil justice system and in particular the priority given to improving Indonesia's ranking in the World Bank's Ease of Doing Business survey.

None of these represent significant changes in direction for AIPJ2 but do imply a deepening and potential increase of support, as well as the need to develop some new partnerships in the sector.

Furthermore, given DFAT's expected interest in continuing to support Indonesia's efforts to strengthen the rule of law after the current phase ends, there is a strong argument for AIPJ2 to engage actively on the new reform agenda – to ensure DFAT's assistance is well-positioned to develop beyond March 2022.

Risks

AIPJ2 is a relatively small and yet wide-ranging investment, addressing more than 20 reform issues across the law, justice and security sectors and funding 21 civil society partnerships and ten Australian government agencies. Notwithstanding the positive progress achieved to date, this scope poses some performance risks for AIPJ2.

- a. All the reform successes supported by AIPJ2 require further work to embed change and fully realise their potential value in terms of a development dividend for Indonesian citizens. The lion's share of this responsibility rests with Indonesian stakeholders, but there is a danger that being spread too thinly across too many initiatives means AIPJ2 cannot strategically support those efforts. This criticism was heard, for example, in relation to legal aid reforms, where AIPJ1 supported the passing of the law and launch of the national program, but implementation has subsequently faltered.

Determining the optimal trade-off between breadth and depth is not easy. It depends in part on views about how reform occurs and the role of donor-funded initiatives. It also depends on the explicit objectives being pursued. In this regard, AIPJ2's emphasis on informing 'policy and plans' risks directing insufficient attention and effort towards the challenges of implementation. The possibility that this risk is exacerbated by the design of DFAT's own Performance Assessment Framework for the Australian aid program in Indonesia also needs consideration.

- b. Pursuing a large number of diverse reform interests also potentially reduces AIPJ2's internal management capacity to operate in the adaptive and iterative manner envisaged at design. Such an approach was considered essential given the complex and sensitive nature of law and justice and security reforms. However, working in this way requires management time and resources, to develop clear objectives and strategies for change and to subject these to

continual review and modification through a regular process of monitoring, evaluation, learning and reflection. These are all areas where, formally at least, AIPJ2's approach is quite underdeveloped at the Facility level.

- c. A diverse program of work also significantly complicates the challenge of explaining the Partnership to external stakeholders, including DFAT. In an environment of tightening budgets, the inability to present a clear, coherent and compelling narrative for development assistance represents a risk.
- d. Finally, a large and diverse list of reform priorities can reinforce the 'separateness' of issues and limit the scope to exploit linkages and synergies between AIPJ2 activities and other DFAT programs. This need not be the case but, given that coordination is not cost-free, in practice it is a likely outcome in the absence of a broader management strategy driving coherence. Yet maximising the collective value from different activities is vitally important in the face of continued budget constraints, and in a sector with multiple interdependent agencies across the justice chain. At the halfway stage of AIPJ2, internal and external linkages have been exploited through largely informal processes, and remain rather underdeveloped – especially with work under pillar 2.

Recommendations

AIPJ2 is an effective investment for DFAT. The mid-term review did not identify any major shortcomings in the Partnership. The challenge for AIPJ2, however, is to maintain its relevance and performance in the second half of the phase. The mid-term review's recommendations are offered with this objective in mind.

Overall approach

A key question for AIPJ2 is how to limit spread and increase coherence, while at the same time pursue a number of new opportunities, and assuming no additional resources. To address this, **AIPJ2 should undertake a stocktake exercise in discussion with DFAT and Bappenas (Recommendation 1)**. The purpose of the exercise would be to look beyond the annual plan and consider priorities for the remainder of the phase, as well as where most value is being delivered. Specifically, the stocktake should reflect on scope to:

- *Adopt a more problem-oriented approach.* Identifying fewer, substantive issues of concern – such as prison overcrowding or access to justice for women and girls – that sit above the list of individual policies and plans could provide the means for a more coherent, compelling narrative for AIPJ2, a clear rationale for directing and coordinating related activities and a basis for identifying lower priority activities. Such an approach need not be comprehensive: AIPJ2 could (indeed should) still retain some flexibility to support new 'outlying' activities in response to unforeseen opportunities. But it should influence programming and resourcing decisions. The concept of 'democratic resilience' could be useful in this regard but requires further elaboration by DFAT and AIPJ2 to be of substantive value in this regard.
- *Reconsider the 'pillar-based' structure currently used to organise AIPJ2.* A problem-oriented approach would most likely be facilitated by a shift from AIPJ2's current pillars to a more problem-oriented structure. In the case of the pillars 1 and 4, this might also offer scope for

cost savings if new management arrangements are introduced for work previously conducted under pillar 4.

The question was also posed whether, with respect to AIPJ2's engagement with civil society, there is a more efficient division of responsibilities across the Australian aid program in Indonesia. Given the importance of justice expertise in informing the strategies pursued by civil society in work under AIPJ2, this is unlikely. In addition, the centrality of government–civil society cooperation to AIPJ2's successes suggests that offering these in combination within a justice program is critical. While not impossible to deliver through a generic 'civil society support' function, the management and coordination challenges to achieve such collaboration are likely to be significantly greater if a cross-program arrangement. The review team also noted, in the case of joint work on child marriage and inclusive prisons, the leverage potentially obtained from tackling common issues from different technical vantage points (legal, social, economic, etc).

In addition to the above stocktake exercise, there are a number of specific areas where AIPJ2 can usefully strengthen its approach, set out below. These could be facilitated by the outcome of the stocktake exercise but regardless should be addressed in their own right.

Governance arrangements

AIPJ2 should explore in discussion with DFAT and Bappenas effective means of fostering more substantive discussion of strategy at Partnership Board meetings (Recommendation 2). This should include how civil society representatives could be most effectively involved. Options to consider might include reinstating the Partnership Conference and inviting (limited, perhaps rotating) civil society participation in Partnership Board meetings, or establishment of a (limited) number of discussion working groups with AIPJ2, government and civil society representation, that report to Partnership Board meetings.

Strengthening AIPJ2 strategies and M&E systems

The AIPJ2 team leader has recently been revising/refreshing AIPJ2 strategies for major areas of work. This effort needs to be intensified. **AIPJ2 should establish clear strategies for all main areas/strands of the Partnership's work that set out clearly the objective(s) being pursued, the assumptions about how change will occur and AIPJ2's role in that process (Recommendation 3).** AIPJ2's theory of change is too general to serve this function. Such strategies are essential tools in helping explain AIPJ2's approach to external stakeholders, prioritise/shape new activities and facilitate performance assessment, reflection and adaptation – particularly in areas of support where there are few if any tangible, objective measures of progress.

In order to facilitate the setting of meaningful objectives, **DFAT and AIPJ2 need also to agree the distinction between what AIPJ2 is trying to achieve and what AIPJ2 is accountable for (Recommendation 4).**

Alongside the development of strategies, **AIPJ2 should introduce its own internal reflection process, equivalent to a partner's quarterly reflection exercise but conducted at the level of its strategies (Recommendation 5).** This process should draw on partners' reflection reports, additional evaluative work conducted by AIPJ2 and staff judgement, as well as potential insights from expert advisors.

For the programs implemented currently under pillar 2, **AIPJ2 and Australian Government agencies should continue on-going efforts to improve the quality of M&E reporting including: revising the**

template for routine reporting along the lines of that developed by PROSPERA; and instituting a program of short case studies – at least one per funding agreement – to provide the basis for deeper insights about the effectiveness of support (Recommendation 6).

AIPJ2 should also strengthen M&E arrangements for its support for the prevention of violent extremism (Recommendation 7). Given the uncertainties associated with assistance in this field, more effective M&E arrangements will most likely hinge on a clearer objectives and strategy for this work and on an M&E framework centred on learning about what works (and what does not) that can accommodate ‘judgements’ about progress (in the absence of ‘objective’ measures). But there is also scope for use of deeper dive case study approaches on a selective and proportionate basis. These should focus on the bigger spending areas of support and include an explicit focus on lesson-learning.

Internal and external linkages

The recommendations above relating to a problem-orientated approach, reconsideration of the pillar structure, sharpening of strategies and adoption of AIPJ2 quarterly reflection exercises would naturally facilitate a more joined up approach across (relevant) AIPJ2 activities.

But there is also scope to share information better across the Partnership, even between activities that are not directly related to the same problem objective. This applies particularly to activities conducted by Australian Government agencies under pillar 2, that tend to be both separate from other parts of AIPJ2 and from one another. **DFAT should promote and organise a more structured exchange of information between Australian Government agencies and AIPJ2 (Recommendation 8).**

Regarding linkages between AIPJ2 and other DFAT programs, the review found active examples of positive collaboration, though these appeared dependent to an important degree on the personalities of the individuals involved. A formal mechanism does not exist to promote collaboration across DFAT programs and help overcome institutional obstacles. **The recent initiative by the Australian Embassy to convene a Team Leaders’ meeting, which was attended by senior Embassy staff should be formalised into a routine event (Recommendation 9).**

1. Introduction

1.1 The Partnership

1.1.1 The Australia Indonesia Partnership for Justice phase 2 (AIPJ2) is a five-year, AUD 40 million investment by the Department of Foreign Affairs and Trade (DFAT) that began in April 2017 and is due to complete in March 2022, with the possibility of a five-year extension subject to DFAT approval. The current AIPJ2 was created from both the earlier, larger phase of Australian support for law and justice reform in Indonesia (AUD 55 million) and ODA-eligible expenditure on security/transnational crime prevention and counter-terrorism support – which previously amounted to AUD 5 million as part of the Australia Indonesia Security Cooperation Program (AISCP).

1.1.2 AIPJ2 is designed as a wide-ranging, flexible facility to enable iterative, responsive programming in a dynamic and sensitive sector. It is also a relatively small investment, annually at less than 0.1% of the Indonesian State Budget for law and security organisations¹. With relatively modest resources, AIPJ2 works primarily through partnerships – with both government and civil society – to leverage existing Indonesian capabilities and resources in support of reform. Some assistance is also provided to augment partners’ capacity. AIPJ2 is organised around five ‘pillars’:

Pillar 1:	predominantly justice for women and girls, court reform, commercial dispute resolution and anti-corruption activities;	<i>Law and justice related</i>
Pillar 4:	corrections reform;	
Pillar 2:	transnational crime prevention and security strengthening	<i>Security / trans-national crime related</i>
Pillar 3:	activities aimed at the prevention of violent extremism	
Pillar 5:	partnership development knowledge management and communications, coordination and some gender equity and social inclusion-related work ²	<i>Cross-cutting</i>

1.1.3 Pillars 1, 3, 4 and 5 are managed by Cardno (the managing contractor) and governed by a Partnership Board made up of DFAT, Indonesia’s National Planning Agency (Bappenas) and Cardno, that agrees the workplan annually. Pillar 2 sits outside of this arrangement and comprises a series of partnerships between Australian Government agencies and their Indonesian government counterparts. Pillar 2 activities are largely managed and implemented separately by the respective Australian agencies, though DFAT approves the funding for activities and AIPJ2’s Partnership Board receives progress reports on the work every six months.

1.1.4 The goal of AIPJ2 is to contribute to:

¹ The Indonesian State Budget for the law and security sectors in 2019 alone was worth AUD 13,2 billion, covering the Supreme Court, the Prosecutor’s Office, the Police, the Corruption Eradication Commission, the Judicial Commission, the National Agency for Combating Terrorism, the Maritime Security Agency and the State Cyber and Code Body.

² Gender equality and disability-related activities have been largely ‘mainstreamed’ into pillars 1, 3 and 4, in the sense that specific activities are conducted in each pillar. Limited GEDSI-related work is under pillar 2 is limited.

“strong and accessible justice and security institutions that enhance respect for enforceable rights and rules-based governance systems and, over time, contribute to stability and prosperity in Indonesia and the region.”

The objectives originally proposed for AIPJ2 have been elevated to ‘broader goals’ and replaced with end-of-facility outcomes that focus on informing the development of policies and plans relevant to AIPJ2’s areas of interest (see box 1). AIPJ2’s theory of change – i.e. how AIPJ2 expects those outcomes to come about – is relatively simple and largely outlines AIPJ2’s main forms of support: enhancing partnerships, enhancing knowledge (including on the rights of women and people with disability) and helping build organisational capacity (annex 4).

Box 1: AIPJ2 objectives

<u>Initially proposed objectives</u>	<u>Current end-of-facility outcomes</u>
<ol style="list-style-type: none"> 1. Transparency, accountability and anticorruption reforms within judicial and government institutions are embedded in process and practice 2. Indonesian organisations are preventing and investigating transnational crime more effectively 3. Violent conflict is reduced through government and civil society promoting tolerance and countering radicalisation 4. Police, courts and correctional services are collaborating to enforce rights and uphold the rule of law 5. Justice and legal services promote greater accessibility and enhance gender equality 	<p>GOI partner policies and implementation plans that...</p> <ol style="list-style-type: none"> 1... <i>promote transparency, accountability and anti-corruption ...</i> 2... <i>help prevent and investigate transnational crimes ...</i> 3... <i>prevent violent extremism ...</i> 4... <i>support correctional service reform and uphold the rule of law....</i> 5... <i>support gender and disability rights ...</i> <p>... are informed by evidence of sub-national practice, the rights of women and PWD, inputs from CSOs and international good practice</p>

Abbrs: GOI: Government of Indonesia; PWD: People with disability; CSOs: Civil society organisations.

Source: AIPJ2 design document and MEL framework (Dec 2017)

1.1.5 The original design of AIPJ2 earmarked up to AUD 23.5 million for law and justice related activities and AUD 16.5 million for security/counter-terrorism related activities. Expenditure to date and has been in line with overall budgets but programmatic allocations have been estimated by the mid-term review as follows:

Table 1: Estimated programmatic and operational expenditure (AUD millions)

	<i>Apr17 – Jun18</i>	<i>Jul18 – Jun19</i>	<i>Total to date</i>	<i>%</i>
Pillar 1: Law and justice reforms	1.6	1.6	3.2	18%
Pillar 2: Security and transnational crime	2.1	1.6	3.7	21%
Pillar 3: Prevention of violent extremism	1.7	1.6	3.3	19%
Pillar 4: Corrections reform	1.0	0.7	1.7	10%
Pillar 5: Partner development and GEDSI-specific funds	1.3	0.9	2.2	12%
Programme/strategic management	0.7	0.6	1.3	8%
Operational management & running costs	1.2	0.8	2.0	6%
TOTAL	9.5	7.9	17.4	

Source: Mid-term Review estimates from AIPJ2 management data

1.2 Australia-Indonesia law and justice and security cooperation

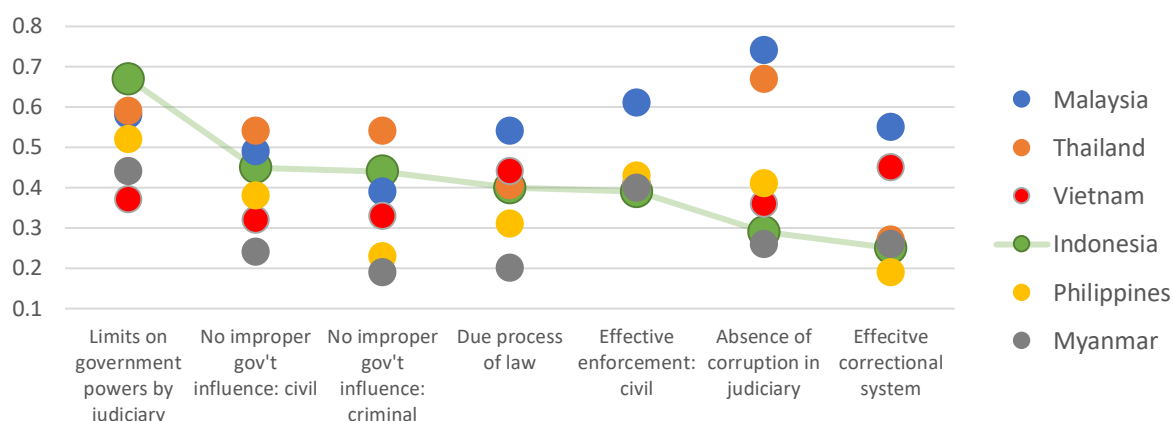
1.2.1 Australia has been a long-standing partner to the law and justice sector in Indonesia. AIPJ2 follows earlier Australian funded programs – AIPJ1 and transition (2011-2017; \$54.6 million); the Legal Development Facility (2004-2010; \$25.3 million) and smaller investments from the 1990s. These investments focused on supporting the legal and judicial reforms that have occurred alongside wider political transitions in Indonesia since the 1990s.

1.2.2 Australia-Indonesia relations in the security sector are also long-standing. Following a period of strained relations in the 1990s, a series of acts of terrorism in Indonesia in the 2000s reinvigorated cooperation and prompted the signing of the Joint Declaration on Comprehensive Partnership in 2006 (the “Lombok Treaty”). The Treaty – effective since February 2008 – includes cooperation in: defence; law enforcement; counter-terrorism; intelligence; maritime security; flight security and safety; and proliferation of weapons of mass destruction. Australia and Indonesia reaffirmed this commitment in August 2014 by signing a Joint Understanding on the implementation of the Lombok Treaty, to improve arrangements for intelligence cooperation between national agencies.

1.2.3 During this period, justice institutions and citizen experience of justice in Indonesia have undergone significant change. The courts have become increasingly independent of direct government intervention and have continued to improve public access to court decisions, the monitoring of judicial conduct and the modernisation of case management. The state auxiliary bodies, such as the Judicial Commission (*Komisi Yudisial* or KY) and the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* or KPK), have been formed to uncover weaknesses in the justice sector and government more broadly and to serve as a trigger for reform. Involvement of civil society organisations has increased significantly, both as watchdogs and critical partners for reform. This expanded interaction between government institutions and civil society has clearly marked the post-Soeharto era.

1.2.4 At the same time, significant challenges persist. Corruption remains widespread, including within the justice sector itself, diluting citizen trust. In the World Justice Project’s Rule of Law Index, Indonesia ranks lower than other major ASEAN nations on the overall quality of the criminal and civil justice systems and for corruption – though within this, relative strengths and weaknesses are evident for selected measures (figure 1).

Figure 1: Index scores for selected Rule of Law 2019 measures (World Justice Project)



1.2.5 Widespread perceptions persist that the litigation process is lengthy, involves high costs, and enforcement of judicial decisions is weak. The number of civil lawsuits going to all courts in Indonesia is relatively stagnant at around 30,000 p.a. and very small given the size of the economy, reflecting people’s lack of confidence in the system. The costs of contract enforcement remain high and limit Indonesia’s progress against the World Bank’s Ease of Doing Business score³.

1.2.6 Prison overcrowding remains at extreme levels with the number of detainees and prisoners rising by 45% in the past 5 years and prison capacity increasing by only 4% in the same period. Women, minority religious and ethnic groups and people with disabilities remain at a disadvantage in being able to enforce their rights. Critics claim legal reforms have been driven more by their instrumental value for economic development agendas, and less by concerns about human rights.

1.3 The mid-term review

1.3.1 The review was conducted by a three-person team: Lisa Denney – a justice and security sector expert, experienced on issues of access to justice, political economy and adaptive programming; Binziad Kadafi, an experienced Indonesian legal expert, whose work has covered many aspects of AIPJ2’s portfolio; and Simon Henderson – evaluation specialist (team leader). The review was implemented during May – September 2019 in three phases: a) document review, preliminary scoping discussions and review planning; b) in-country consultations (held during 1-12 July); and c) data analysis, follow-up questions and report writing.

1.3.2 The primary purpose of the mid-term review was formative: to provide DFAT with an independent assessment of progress that could inform the remainder of the phase. A summative assessment of AIPJ2 achievements was not undertaken. Annex 1 provides a copy of the review’s terms of reference. The following key questions shaped the focus of enquiry:

Box 2: Key review questions

1. How is AIPJ2 targeting and contributing to democratic resilience in Indonesia? Is there scope to do more in the second half of the program?
2. To what extent is AIPJ2 achieving its intermediate end-of-facility outcomes and making progress towards its end-of-facility outcomes (EOFOs)?
3. To what extent is AIPJ2 building Indonesian civil society and government capacity?
4. Is AIPJ2’s modality and budget appropriate to deliver the end-of-facility outcome?
 - 4a. Is the facility achieving value for money?
5. Is the facility well equipped to deal with changes in Australian and/or Indonesian government policy?

(Mid-term review terms of reference)

1.3.3 The review did not examine all aspects of AIPJ2’s work in the same depth, given its range of activities and the time available. Instead, areas of AIPJ2’s work were purposively sampled to illustrate and inform the review’s judgement regarding key questions of interest to DFAT. Annex 2 summarises the review’s methodology. For Pillars 1 and 4, the review examined achievements and prospects for AIPJ2’s work on court reform, corrections reform, access to justice for women and girls and anti-corruption. For Pillar 3, the review was informed by the recent internal review of AIPJ2’s support to preventing violent extremism and focused on clarity of strategies and linkages with other pillars. For

³ Indonesia ranks 145 out of 190 countries for contract enforcement in the Ease of Doing Business Survey.

Pillar 2, which is implemented by five separate Australian Government agencies, the review did not conduct an independent assessment of achievements but focused on the effectiveness of linkages with other AIPJ2 pillars and of performance assessment/reporting. Knowledge management (pillar 5) was considered as part of the broader assessment of AIPJ2's approach to capacity building (key review question 3). For reasons of scope, two areas were omitted from detailed examination: AIPJ2's work on disability inclusion; and results of partnerships between Australian Government agencies and Indonesian counterparts in the security/ transnational crime fields (under pillar 2).

1.3.4 Primary data were collected through (semi-structured) individual and group interviews with AIPJ2 staff and relevant Australian government officials; AIPJ2 government and civil society partners; and knowledgeable informants not directly/permanently engaged in AIPJ2 (from civil society, academia and other donors). Interviews were conducted in line with standard ethical protocols, with confidentiality and anonymity assured, and information used on a non-disclosive basis unless otherwise agreed. A summary of consultations conducted for the review are provided in Annex 3.

1.3.5 Secondary data were obtained from AIPJ2 reports, briefs and strategies; AIPJ2 management/administrative data; AIPJ2 partner reports; and relevant evaluations and contextual analyses. In analysing the data, the review team tested the findings presented by AIPJ2 in interviews and reports by triangulating with the views of partners and knowledgeable informants, for validation or challenge.

1.4 Report structure

1.4.1 This report is divided broadly (though not equally) in two. The first and largest part considers the performance of AIPJ2 to date: section 2 considers AIPJ2's performance and prospects; section 3 reflects on AIPJ2's ways of working and their effectiveness; and section 4 considers the value for money provided by AIPJ2 and potential risks to that. The second part looks forward: section 5 considers whether AIPJ2 is well-placed to maximise effectiveness for the remainder of the phase; section 6 draws together the review's conclusions and provides recommendations to inform the approach for the remainder of the phase.

2. AIPJ2's performance

2.1 Achievements to date

2.1.1 Stakeholders' perceptions of AIPJ2 are in the main very positive: AIPJ2 is generally well-thought of by Indonesian partners and viewed as a largely effective investment by DFAT in its annual performance checks. The mid-term review findings suggest those perspectives are well-justified.

2.1.2 As discussed above, achievements to date were only considered for a sample of AIPJ2 focus areas: court reform, anti-corruption and corrections reform (drawn from pillars 1 and 4). For pillar 3, the team drew upon AIPJ2's own recent review of its support for preventing violent extremism (under pillar 3). In all cases, the mid-term review team did not undertake its own evaluation of results but rather looked to validate reported achievements and assumptions about their merit and the role of AIPJ2.

Court Reform

2.1.3 The major part of AIPJ2's support for court reform (under pillar 1) has been to promote access to **justice for women and girls**. This work has been pursued in collaboration with Indonesian civil society organisations, a working group formed by the Supreme Court (*Mahkamah Agung* or MA) and through a court-to-court partnership between the Supreme Court (MA) and the Family Court of Australia, facilitated by Law and Development Partners, an Australian firm specialising in court support.

2.1.4 Most notably to date, AIPJ2 supported partners played a key role in the development and passage of an important Supreme Court Regulation (*Peraturan Mahkamah Agung*) no. 3 of 2017 on Women in Contact with the Law (Perma 3/2017), relating to the treatment of women in the courts (see Box 3).

2.1.5 The other area of significant investment for AIPJ2 in relation to justice for women and girls focuses on **child marriage**. AIPJ2 supports three Indonesian civil society organisations and the Family Court of Australia (through the Australian implementing partner, Law and Development Partners) to engage a range of stakeholder groups on this issue, including Indonesia's Religious Courts, religious leaders, community leaders, families and children themselves. AIPJ2's assistance is viewed as important in helping increase and sustain attention on this issue at multiple levels. Given the sensitivity and complexity of the topic, no simple solutions or quick fixes are expected but investment in what is likely to be an incremental and long-term change process is clearly valuable.

2.1.6 AIPJ2 is also supporting court reform in two other areas: **implementation of e-Court and the Small Claims Court**. Both areas of work build on activities from the first phase of AIPJ though the resources committed under AIPJ2 are more limited. On **e-Court**, the partnership supported by AIPJ phase 1 between the MA and the Federal Court of Australia helped to establish the e-Court system, producing an e-Court implementation roadmap and building implementation capacity through internships for young Indonesian judges with the Federal Court of Australia. In 2018 under AIPJ2, the partnership helped the development and passage of Perma no. 3 of 2018 on Electronic Case Administration in the (civil) Court (Perma 3/2018). This Perma introduces the arrangements for electronic payment of court fees, electronic summons via email and electronic issuance and delivery of court determinations.

Box 3: Perma 3/2017

The Perma 3/2017 provides guidance to judges on expected behaviours when dealing with women in the court and sensitising them to discriminatory practices. Building on engagement with the Supreme Court (MA) under AIPJ1 (and earlier), AIPJ2 supported the establishment in 2016 of the MA Working Group on Women and Children. The Working Group prepares policies for the consideration of the Chief Justice to improve the ability of the MA to handle the legal issues facing women and children and a schedule of training on key legislation for judges. AIPJ2 and its civil society partners sensitively lobbied the MA to implement changes. This lobbying included peer-to-peer exchange between the MA and the Family Court of Australia, enabling confidential discussions about how to progress reform. It also included sensitive presentation of analysis by the Indonesian Judicial Monitoring Society (MaPPI) of 197 judicial decisions in sexual violence cases that confirmed:

judges routinely gave more lenient punishments to perpetrators in cases where female victims were wearing 'provocative clothing', engaging in 'immoral behaviour' or even walking alone at night...[or].... based on the sexual history of the victims, reflecting a view that many judges were not focused on the nature of the criminal act itself, but were blaming the female victim.¹

AIPJ2 facilitated a participatory drafting process, convening the MA Women and Children Working Group to draft the regulation and sourcing the expertise required to inform the process. AIPJ2 also encouraged the MA to hold a public consultation on the draft regulation, which took place on 12 June 2017 with broad involvement from civil society, government, religious leaders and law enforcement. As a result, important changes to the regulation were made, including the provision that culture, customary rules and traditional practices were not grounds for justifying discrimination against women. AIPJ2 also supported the Supreme Court in publishing a guidebook for judges to implement the regulation, known as the Perma Supplementary.

To promote implementation of the regulation, AIPJ2 has conducted socialisation and training for judges and is supporting – through the MA Working Group – the use and publication of more detailed monitoring and reporting on women and children in contact with the law – for instance through systematically collecting data on trends on outcomes for women and girls by case type. AIPJ2 is also supporting MaPPI and Indonesian university partners to conduct further analysis of judicial decisions, including by machine reading, to determine the extent to which judgments of the MA adhere to the principles in Perma 3/2017 (and whether any modifications to the regulation are needed). Beyond that, commentators have identified the need to embed the substance of the Perma within current systems and structures for monitoring and supervision of judicial conduct – to provide the means of challenge in cases where the Perma is violated.

there is scope to include aspects of the Perma in both the Code of Ethics and Code of Conduct for Judges.

AIPJ2 is hoping to extend its work on women in contact with the law to the Indonesian National Policy and Attorney General's Office to improve the treatment that women receive across the justice chain.

1. AIPJ2 (2018) 'Significant Policy Change - Supreme Court Regulation 3/2017 Women in Contact with the Law – Promoting Gender Equality and Non-Discrimination in the Courts.'

2.1.7 The e-Court system has the potential to reduce scope for corruption, improve accuracy and processing times and increase access to the justice (if implemented fully). As of March 2019, 36% of Indonesian courts across all jurisdictions had adopted the e-Court system and nearly 16,000 advocates had registered. Although very promising, more work is needed to implement the entire system and realise the full potential. However, AIPJ2's more limited involvement in the work now means it has less influence and other donor programs are currently more central in directing the reforms. To some extent, this has led to a shift away from the implementation plans and roadmap established during phase 1. There is scope for AIPJ2 to promote all aspects of the reforms that the Partnership has supported through the court-to-court relationship between the Supreme Court and Federal Court of Australia in order to ensure effective implementation of both e-court and its transformation into e-litigation.

2.1.8 On **small claims**, the partnership between the MA and the Federal Court of Australia during phase 1 of AIPJ helped draft the Perma no. 2 of 2015 on Procedures for Resolving Small Claims (Perma 2/2015) and set up a small claims mechanism. Building on this, AIPJ2 has been assisting the review of

Perma 2/2015 with a view to increasing the threshold for small claims (from IDR 200 million to IDR 500 million) and widening the jurisdiction. These revisions were recently enacted in early August 2019 through Perma no. 2 of 2019 (Perma 2/2019).

2.1.9 Since its establishment in August 2015, the number of small claims has continued to increase significantly (figure 2) and in 2018 accounted for 20% of the civil claims throughout Indonesia. This



growth highlights the potential value of systematic and structured efforts to simplify the civil court process, especially for small and medium enterprises experiencing disputes in their business activities. However, realising the potential of this reform will require further work, for example, to promote wider public awareness of the mechanism and improve the effectiveness of enforcement of judgements, which will be in line with other agenda of revitalising Indonesian civil justice system.

Corruption prevention

2.1.10 Corruption prevention has not been a major area of work for AIPJ2 – accounting for around 3% of the programmatic budget in 2019. Nevertheless, AIPJ2 has contributed to some important initiatives. Phase 1 of AIPJ was instrumental in supporting the establishment of the “I am Woman Against Corruption” (SPAK) campaign. In 2018, however, the decision was made for SPAK to establish itself as an independent legal entity and for AIPJ2 to cease core funding. AIPJ2 assisted SPAK effect this transition.

2.1.11 In that time, SPAK has grown to involve around 1,300 individual agents in 34 provinces, producing 2 board games, “Semai” and “Majo Junior” as the main tools for those agents to promote their message and obtaining an international Anti Corruption Excellence (ACE) Award from the United Nations. In 2018 AIPJ2 commissioned a case study of SPAK operations in a village to examine the mechanisms through which SPAK influences behaviours. While the findings were largely positive, SPAK is not without critics. SPAK has received criticism for its focus on corruption as an exclusively individual moral issue, rather than a structural one. It has also at times been perceived by the Indonesia Corruption Eradication Commission (KPK) to work independently.

2.1.12 AIPJ2 has also limitedly supported collaboration between Transparency International Indonesia and its civil society network and the KPK. This has contributed to the evaluation of the National Strategy for the Prevention and Eradication of Corruption (Stranas PPK), established under Presidential Regulation No. 54 of 2018. The Stranas PPK is perceived as a valuable document, updating its 2012 predecessor to reflect new priorities. However, the evaluation in four regional cities emphasises the scale of the implementation challenge, highlighting high risks of corruption, low levels of civil society engagement and currently limited public knowledge of the Stranas PPK.

2.1.13 AIPJ2 also provided limited funding to enable contributions by a number of its partners to inform the development of practical **guidelines on Money Laundering Case Management in the Capital Market**. Partners included the Centre for Law and Policy Studies (PSHK), the Australian Attorney-General’s Department and Australian Department of Home Affairs, working in collaboration with the

KPK. The guidelines were launched in December 2018. Their application and impact is as yet unassessed.

Corrections Reform

2.1.14 AIPJ2's most prominent activities under pillar 4 have been to support the preparation of the **corrections reform blueprint** and the implementation of the **corrections database system** (*Sistem Database Pemasyarakatan* or SDP). Both of these activities began in the first phase of AIPJ and have further matured under AIPJ2, through collaboration between the Directorate General of Corrections (DGC) and the Centre for Detention Studies (CDS), a civil society organisation funded by AIPJ2 through The Asia Foundation (TAF).

2.1.15 AIPJ2's support is helping to revise the previous **reform blueprint** (issued in 2009). The revised blueprint is expected to be officially issued this year. This is a potentially important document, given that it sets out the detailed guidelines for DGC's reform agenda. However, there are some risks that may limit its value if unaddressed. First, the mid-term review team found patchy knowledge of the blueprint among other donors working with DGC and little sense that it was explicitly driving the selection of priorities for assistance. This may in part reflect uncertainty about the status of the existing blueprint, but there was also limited awareness of the imminent release of the revised blueprint. Second, some commentators expressed concerns about the relevance of the revised blueprint in the light of the broader challenges around correctional issues in Indonesia and the priorities of the new Jokowi administration. While the blueprint addresses indirectly some possible influences on the key issue of prison overcrowding, its expected focus on corrections (with limited attention to detention) and DGC, rather than other influential parts of the criminal justice system, seem likely to limit its impact on this issue.

2.1.16 The **corrections database** was originally a pilot project of TAF supported during phase 1. DGC subsequently asked for the CDS to lead on system management and policy development. With CDS support, AIPJ2 has finalised standard operating procedures for the database modules and has started to hand over completely the development of database modules to DGC officials.

2.1.17 All stakeholders interviewed acknowledged the significant achievement and value of the database system. Compared with what existed before, it provides the basis for much better management of the prison system, enabling better matching of inmates' needs to available programs and facilitating inmates' access to their rights and information, to request parole or remission for example. It also permits classification of inmates, better management of their distribution and better management of security risks associated with certain inmates. In addition, the database has helped to increase transparency within the corrections system generally and reduce the extensive opportunities for corruption that existed previously.

2.1.18 Nevertheless, the system is not yet comprehensive and areas for improvement exist. For example, the database does not distinguish adequately between prisoners and detainees, even though their legal rights, and therefore management requirements, differ significantly. Similarly, the system has not yet been adopted by all detention facilities outside of DGC detention centres, with the most notable exclusion being the Indonesian National Police (INP) who manage the largest number of detainees outside of DGC. The potential value of the system in supporting inmates and their families, particularly in facilitating the submission of applications for inmates' rights, is also not yet fully developed, with no standards relating to the ease of access to the system developed or applied.

Finally, concerns about the planned digitisation of the database and risks around data security and recoverability may also require attention.

Security / transnational crime

2.1.19 The scope of the mid-term review precluded a detailed examination of the results of AIPJ2's work under Pillar 2 and Pillar 3. However, on the basis of reported information and in-country consultations, it is clear that:

- AIPJ2 pillar 3 partners are contributing to the development of policies and plans aimed at preventing violent extremism, through for example supporting drafting and advocacy by civil society in the development of the Counter-Terrorism Law (5/2018), informing approaches to countering hate speech and political violence under the National action plan on prevention of violent extremism (RAN-PE), and evidence-based advocacy for a Presidential decree on the rehabilitation and reintegration of deportees and returnees. Similarly, at the sub-national level, partners are helping to develop prevention training programs in schools and programs to promote community cohesion in pilot districts.
- Under pillar 2, Australian government agencies' work with Indonesian government counterparts on security and transnational crime, while focused predominantly on capacity building (via training, workshops, information and staff exchanges, etc.) also involves technical advice to strengthen operational policies, such as regulatory reform (e.g. aviation security), organisational policy in the Prosecutor-General's Office relating to the handling of counter-terrorism prosecutions and production of multi-agency guidelines for countering money laundering. For the latter, in addition to technical expertise, Attorney General's Department appears to have played an important convening role, bringing representatives from different state bodies and civil society together to develop the guidelines. The assistance is underpinned by long-standing relationships between the respective organisations and seems quite successful in terms of relevance and delivery to Indonesian counterparts, with some interesting innovations in approach being applied.

However, in both cases there is little information about the effectiveness of the support being provided, or what is being learnt from the interventions.

2.1.20 This is explained in part by the relative newness of AIPJ2's work on preventing violent extremism. It also reflects the well-known challenge of measuring the effectiveness of preventive investments – which in these cases are compounded by sensitivities (and in some cases risks) associated with assessment in the security field. However, it also appears to be a function of AIPJ2's 'hands-off' approach to monitoring and evaluation for this work.

2.1.21 Integrating Australian government agencies into AIPJ2 has involved new ways of working for those agencies and to some extent they are still adjusting reporting structures and systems to meet the requirements of development cooperation assistance. AIPJ2 and DFAT has developed a generic template for six-monthly progress reporting by Australian government agencies, structured around AIPJ2's intermediate outcomes (knowledge, partnerships, systems strengthening and understanding about promotion and protection of women's and people with disability's rights). It is questionable whether this tool is best-suited to drawing out reflections on effectiveness by Australian agencies. The design contrasts with the format developed by another Australian facility – PROSPERA – which is still

straightforward but tailored to the specific objectives/outcomes of the agency's engagement and includes agreed measures and data collection responsibilities.

2.1.22 In the case of assistance for preventing violent extremism, AIPJ2 partners do, in varying ways, assess their work regularly. And this has been usefully facilitated by AIPJ2's initiation of quarterly reflection exercises by partners. However, AIPJ2 itself appears less interested in the approaches and methods partners use and undertakes limited aggregate analysis of the reports provided – focusing mainly on implementation progress (and managing risk of fraud). Normally, a program's strategy provides a framework for such aggregate assessment and reflection but in the case of AIPJ2's work on preventing violent extremism, the strategy is quite under-developed (a point picked up again in the next section).

2.1.23 This light-touch approach entails some risk. Success of activities under either pillar is not assured. Preventing violent extremism is an area of assistance that has grown internationally but without an accompanying increase in understanding about what works. Similarly, notwithstanding positive approaches and relationships established between Australian Government agencies and Indonesian counterpart bodies, the effectiveness of development programs based on organisational capacity building has historically been patchy at best. For this reason, investment in monitoring, evaluation and learning is particularly important.

2.1.24 Under pillars 2 and 3, AIPJ2 currently covers funding agreements with nine civil society organisations and partnering activities by ten Australian government agencies/units – in the main from the Home Affairs portfolio⁴. The argument that it is not feasible for AIPJ2 to engage in more detail on monitoring and evaluation given the range of partners does not seem an adequate response. Knowledge of what works in preventing violent extremism in particular is underdeveloped internationally, and interventions are in many respects experimental. In this setting, monitoring and evaluation is not only more important but also a source of valuable learning internationally, and a basis to extend further AIPJ2's influence and reputation. AIPJ2 could develop a stronger but proportionate monitoring and evaluation approach, recognising differences in allocations between activities/partners, to obtain better insights into the effectiveness of the work it funds. If doing so would require additional resources available only by trimming existing activities or stopping marginal ones entirely, this is most likely a good trade-off.

2.2 AIPJ2's approach to capacity building

2.2.1 The terms of reference for the review explicitly directed the team to consider the effectiveness of AIPJ2's approach to capacity building with civil society and Indonesian government partners. Under AIPJ2 support for civil society partners transitioned from core funding to providing specific activity grants to partners supplemented by targeted capacity development activities. On the whole, partners have adjusted to this change well, although many note the difficulty of covering core costs as more development programs cease core support⁵.

⁴ Dept of Home Affairs – transnational crime and counter-terrorism; transport; maritime; Austrac; Australian Border Force, Australian Federal Police; Attorney General's Department; Family Court of Australia; CSIRO; and Dept of Agriculture and Water Resources.

⁵ Partly as a result of this, partners are interested in using capacity development activities to learn about new forms of fundraising, for instance through crowd sourcing.

2.2.2 AIPJ2 supports capacity development in a mix of formal and informal ways – through specific training, on-the-job mentoring, through fostering self-reflection and providing spaces for information exchange and networking.

- AIPJ2 has provided a number of capacity development trainings or workshops for both civil society and government partners, ranging from initial training on child protection and financial reporting, received by all partners as a matter of course, to more tailored workshops on strategic communications. This focus on strategic communications has been sustained across a number of capacity development activities, including sessions and support provided by The Conversation, KOMPAS and Maverick to support partners to communicate their work more effectively in media and social media outlets. Partners have appreciated the relevance and practical nature of this kind of capacity support. Stemming from this support, a number of partners have had articles published on The Conversation, in The Jakarta Post, and other outlets.
- In addition, civil society and government partners are routinely invited to attend professional development courses being undertaken by AIPJ2 personnel. For instance, civil society partners have undertaken training in M&E; and a government counterpart in the National Agency for Combatting Terrorism (BNPT) is attending a countering violent extremism conference in The Netherlands, alongside AIPJ2 staff.
- AIPJ2 is funding work to establish systems within Bappenas and BNPT to track donor programs and enable better coordination in the law and justice and counter-terrorism/violent extremism fields respectively. Both organisations acknowledge current capacity to monitor donors in this field is limited and value AIPJ2's support. To be effective, however, this initial, largely technical, step may require further engagement by AIPJ2 to facilitate physical interaction.
- AIPJ2 has also instituted quarterly reflection sessions with its civil society partners. These are dedicated (day-long) sessions every quarter for the partner (in some cases in combination with other AIPJ2 partners working on the same area) and AIPJ2 staff to reflect on what they have been doing, what results are being seen, and what might need to change. The first of these sessions was facilitated by local monitoring, evaluation and learning organisation, Solidaritas. The second was facilitated by AIPJ2 staff, with the civil society partner staff later taking over facilitation themselves. Now, at the mid-way point in the program, the sessions are being handed over to the partners to run themselves, although AIPJ2 is invited to participate. Partners all value the process, with some finding them so useful they are instituting them in their wider work. This more informal form of capacity development encourages critical thinking and reflection that is not always a feature of civil society support by donor programs. The time-intensive investment by AIPJ2 is to be applauded.

2.2.3 Finally, AIPJ2 has established an offline and online Knowledge Hub 'K-HUB'. The offline K-HUB involves the organisation of regular Thursday sessions at the AIPJ2 office (as well as, less frequently, at the office in Makassar) on a range of topics of interest to civil society partners. These sessions are open to wide participation and have included presentations by partners on their work and more capacity development focused sessions – for instance on how to develop infographics. These K-HUB events are a forum for knowledge sharing, and provide a dedicated space for informal networking and building relationships between civil society partners – many of whom may already know one another but may lack opportunities to come together.

2.2.4 The online K-HUB, which was to be launched in August 2019, is a series of online communities focused on a range of thematic areas that broadly mirror AIPJ2's areas of programming: preventing violent extremism; anti-corruption; judicial reform; and law and security. Each community page is administrated by a different government or civil society partner and aims to collate work by AIPJ2's partners and wider networks working on related issues. The online K-HUB aims to bring together resources and promote discussion within the online communities. Although AIPJ2 have not conceived of the online K-HUB as a form of capacity development – it is primarily an information sharing mechanism – it appears to have the potential to further support the cooperation and relational capital of civil society in key policy areas.

2.2.5 AIPJ2's approach to capacity development is well considered and reflects a genuine interest in useful support to partners. However, the needs and interests of partners are determined informally through interactions and discussions with partners, as well as through the quality review of their reporting. Partners indicated they would welcome a more systematic way to communicate areas where support would be useful (for instance, adding an explicit question about this in regular reporting to enable partners to indicate their interests).

2.3 Prospects for achieving AIPJ2's 'end-of-facility' objectives: limitations in AIPJ2's performance assessment framework

2.3.1 Reforming the law, justice and security sectors is uncertain; it takes time and is subject to setbacks and periods of little or no progress. This makes the task of projecting likely future achievements inherently difficult. However, the task is made all the more difficult by limitations in AIPJ2's monitoring and evaluation framework.

2.3.2 AIPJ2's current end-of-facility outcomes focus exclusively on informing "policies and implementation plans". AIPJ2 is currently contributing to the development of some 30 or so policies/plans, of which as many as twelve are considered key priorities by AIPJ2. In one sense, therefore, AIPJ2 is already achieving the end-of-facility outcomes targeted in its performance assessment framework. But as the discussion about child marriage below demonstrates (see Box 5), a national plan or sub-national policy is only one element in the process of change needed to materially affect behaviours. Similarly, substantive behavioural change requires more than the three (no doubt important) areas selected in AIPJ2's theory of change: enhanced knowledge, partnerships and organisational capacity.

2.3.3 AIPJ2 fully understands this and no doubt the framing of its end of facility outcomes and theory of change reflect, in part at least, legitimate concerns about what AIPJ2 might be held accountable for by the end of the phase. Nevertheless, the result of this framing has been performance reports that largely describe the activities supported to inform a list of policies/plans, with little or no analysis of whether and why this matters. That is, why achieving what AIPJ2 can reasonably influence is expected to contribute substantively to wider goals and whether the prospects for that actually happening are improving or worsening.

2.3.4 To some extent, this approach may have been reinforced by DFAT's own Performance Assessment Framework for the Australian aid program in Indonesia, within which AIPJ2 sits. Key

measures of success for the two main areas of the Framework where AIPJ2 contributes⁶ include the development of plans and the provision of evidence to inform policy.

2.3.5 To be clear, the review team is not criticising the value of better of policies or strategies *per se*. But any informative reflection on end-of-facility outcomes must situate these improvements within a real-world context – one that recognises that the potential significance, timeframe and indeed success prospects for different policy changes will vary depending on the current political and social settings and the depth of reform required.

2.3.6 The review of achievements to date (section 2.1 above) highlighted that AIPJ2's support to partners has indeed contributed to significant policy changes in the last 2.5 years but also that realising the potential value of these changes requires much additional work. This raises the issue of whether AIPJ2 focuses on policy change in a wide range of areas at the expense of policy change *and implementation* in a smaller number of areas. A criticism of the Partnership we heard from some quarters was that it had supported important work – such as legal aid under AIPJ1 – only to cease support once the change in policy or law was achieved. Some interviewees suggested that a more sustained engagement on implementation issues beyond policy or legal change, albeit on a smaller range of issues, might deliver a greater development dividend for citizens.

2.3.7 Of course, it is important to be realistic about the funding available to AIPJ2 and there is a risk that a focus on implementation could quickly drain these resources. The Partnership itself sees its role as supporting the instigation of change through policy or legal reform, then allowing the Indonesian Government to take forward implementation with far greater resources. While AIPJ2 should not be actually delivering services, there is potential scope for AIPJ2 to provide advisory support on, for example, design of implementation systems, monitoring and resolution of teething problems. This would keep its role focused on support to government and brokering in the expertise of civil society but ensure more sustained support in priority areas.

⁶ Outcome 9: marginalised groups can advocate for and access basic services; and Outcome 11: public policies are informed by evidence.

3. Implementation arrangements

3.1 Partnering approach

3.1.1 AIPJ2's achievements discussed in section 2 have been realised despite the fact that its investment is relatively small and the areas of work are in the main sensitive and highly political. AIPJ2's approach to the choice and development of partnerships appears to be a key factor in this. AIPJ2 has tackled sensitive issues in smart ways that have managed risks for DFAT well, and that get traction through a combination of skilled, experienced team leader, good relationships with Indonesian state institutions, effective partnerships with generally strong civil society organisations, selection of issues with sufficient local ownership and flexible and responsive support.

- AIPJ2 works through partnerships with both Indonesian government and civil society organisations, typically building on existing relationships between relevant bodies. A key factor enabling AIPJ2's effectiveness is the openness and willingness of Indonesian government and civil society organisations to work together on areas of reform where shared interests exist.
- AIPJ2 also works with good quality partners, who are prominent in their fields and have established networks of their own on which they can draw. This is true of Indonesia partner organisations but also of the bilateral partnerships supported by AIPJ2, for example, those between the Indonesia Supreme Court (MA) and both the Family Court of Australia and Federal Court of Australia.
- Most of AIPJ2's civil society partners are organisationally quite well-developed, but the funding and platforms provided by AIPJ2 helps to amplify their advocacy and research. AIPJ2 has provided some valued assistance to build capacity directly, although partners indicated they would welcome a more systematic way to communicate areas where support would be useful.
- AIPJ2 is ably led by a trusted and respected Team Leader who prioritises relationships and who is supported by a strong team. AIPJ2 has been able to capitalise on existing, locally-created opportunities and capacity thanks largely to the quality of the relationships it has established with its partners:
 - AIPJ2's support is valued because it is flexible and responsive to emerging issues, enabling partners to adjust workplans and activities as implementation opportunities and challenges arise.
 - Civil society partners appreciate the sense of genuine partnership with AIPJ2 and the process of routine reflection on progress facilitated by AIPJ2. Even potentially onerous reporting requirements are viewed as valuable – though compliance challenges exist.

3.1.2 AIPJ2 has tackled sensitive issues facing the Indonesian Government in nuanced ways that reflects understanding of the challenges faced by partners and the wider reform environment. The review team found some evidence that stronger analysis by AIPJ2 of the structure, culture and key actors at different levels within complex state institutions could help establish more secure relationships that go beyond current incumbents, but overall AIPJ2's relationships are a key strength.

3.2 Rationale for a facility model

3.2.1 Notwithstanding the ‘smart’ way AIPJ2 has worked, a key question in the terms of reference for the mid-term review is whether AIPJ2’s modality is well matched to its objectives. AIPJ2 has been designed as a “facility” – a flexible delivery mechanism that provides significant discretion to DFAT and the managing contractor in deciding how to pursue a set of broad development objectives.

3.2.2 Facilities tend to be the preferred delivery model when the best means of achieving desired results are not clear at the outset and strategies and approaches need to evolve over time. They are by design flexible – in principle they have significant administrative scope to respond to new opportunities or circumstances, to shift funding between components or years, and to change activities where necessary or strategic. Facilities are also expected to enable adaptiveness – which refers to a more strategic process of testing or experimenting with strategies for change, learning from these and then adapting at the level of strategy (or theory of change) to account for this. Facilities can also combine what might otherwise be separate programs, in order to enable more coherent (and by assumption, effective) engagement – by exploiting synergies between activities and permitting a more holistic approach to ‘wicked’ problems.

3.2.3 On this basis, a facility-based delivery model seems highly appropriate for AIPJ2. Indeed, AIPJ2’s design explicitly acknowledged these characteristics and their fit with AIPJ2’s intentions (Box 4). However, there are also risks associated with the facility model and realising the design ambitions has proved challenging elsewhere. The next sections consider AIPJ2’s progress to date in meeting this challenge.

3.3 Flexible and adaptive working

3.3.1 AIPJ2 clearly exploits the **flexibility** inherent in its design to good effect. The program responds to new opportunities and emerging demands from stakeholders. Perhaps most notably, this has occurred under ‘Pillar 2’, with the recent inclusion of a maritime security component that was not foreseen earlier in the program. More broadly, the program is also able to be responsive to the needs of government partners and ensure that AIPJ2 is aligned to their agendas. AIPJ2 is also noted as highly flexible by its civil society partners, who report being able to vary their work plans in light of implementation challenges or emerging opportunities. This flexibility is clearly valued by DFAT, government and civil society partners and enables AIPJ2 to be responsive and to flex to the needs of its stakeholders.

3.3.2 However, AIPJ2 cannot be described as **adaptive** at the facility level, in the sense of regular testing, reflection and modification of its strategies for change based on learning from implementation experience (although its activities do adjust). This stems from two limitations.

Box 4: Design intentions from AIPJ2 design document

“[AIPJ2] is purposely designed as a flexible facility to enable iterative programming, in line with the reform priorities of both governments (p2)

“The management decision to combine Australia’s justice and ODA-eligible security investments was taken ... to achieve greater development effectiveness, efficiency and strategic coherence. (p3).

“Over time, the partnership aims to improve whole-of-government coordination among both Indonesian and Australian agencies... Where technically appropriate and politically possible, justice and security activities under the Partnership are integrated, achieving greater strategic coherence... (p5).

“The flexible facility allows the partners... to capitalise on political momentum for reform, test a range of approaches and scale up those that work. (p8)

“As a purposefully flexible investment, ...[r]eflecting on progress is critical to test the assumptions upon which interventions have been developed, and harness this to continually adjust.” (p31).

- First, formal strategies for major strands of work are underdeveloped or implicit. A sense of strategy is, in some cases, apparent when speaking with AIPJ2 staff or with partners, but there is not a consistent narrative across the program and partners of what the strategies are that are being pursued, and tested, at the more aggregate level (Box 5). For example, AIPJ2's strategy for preventing violent extremism largely describes a framework and typology to situate the different areas of AIPJ2 assistance. However, it does not elaborate how the separate activities are expected to relate to one other or indeed express AIPJ2's specific role in what is a broad, multi-stakeholder and complex and uncertain field. Moreover, after two years of implementation experience, the strategy does not seem to be adapting significantly (formally at least), in spite of access to relevant advisory expertise and a recent review and strategy refresh workshop with partners.
- Second, a lack of quarterly reflection sessions at a more aggregate, facility level means there is no forum for AIPJ2 as a whole to reflect on current strategies being pursued at the pillar/thematic level. This means opportunities to articulate, learn from and judge the effectiveness of current strategies for reform are missing. Again, some of this reflection clearly happens in the minds of key AIPJ2 staff – principally the Team Leader – but is not established as a structured management process drawing on a wider 'management team'.

Box 5: AIPJ2's work on child marriage

Work to address the serious and growing issue of child marriage in Indonesia is an area of significant investment for AIPJ2. AIPJ2 supports the Family Court of Australia (through Law and Development Partners – an Australian-based firm) and three civil society organisations: Rumah Kitab, PEKKA and ICJ Makassar. Each of the organisations are pursuing different strategies for change, including:

- Encouraging the Religious Courts to consider the rights of the child in requests for dispensation for child marriage;
- Working with religious leaders to dissuade them from supporting child marriages;
- Working with community leaders to dissuade them from supporting child marriage, including by putting in place local regulations prohibiting it;
- Working with parents and communities to sensitise them to the dangers of child marriage.

For AIPJ2, these different approaches are not clearly located within a wider overarching strategy at the Partnership level, although in practice, staff and partners working on the issue describe the approach as one of 'closing as many doors [to child marriage] as possible,' in the words of one AIPJ2 staff member.

Sensitivity and a reflection upon potential unintended consequences is needed in relation to the work with the Religious Courts in particular. For example, it is widely acknowledged, including by AIPJ2, that were the courts to not grant dispensation for a child marriage, it would almost certainly go ahead despite this. In this case, the marriage would be unregistered, leaving the children – and the girl in particular – with little legal certainty in regard to claims for compensation, land, child maintenance or inheritance on the death or divorce of her husband. For this reason, AIPJ2 does not actively encourage the Religious Courts to deny marriage dispensations, but rather takes a more incremental approach to reform by encouraging the Courts to reflect on the interests and rights of the child in considering such cases, ensure that children are given the opportunity to be heard in court hearings and are provided with information on their rights and options.

As part of a wider strategy that seeks to address other drivers of child marriage, this approach makes sense but thinking more explicitly about the multiple pathways for change being pursued, clearly articulating these and hypothesising how they relate to each other at the pillar/thematic level within AIPJ2 and in the different contexts in Indonesia would support more deliberate 'testing' and learning about which strategies yield the most promising results in different settings. This would also be invaluable learning for wider programs working to address child marriage internationally.

3.3.3 Articulating strategies and providing a regular forum to then reflect on them is important for programmatic relevance, more effective communication of AIPJ2's work to external stakeholders and internal AIPJ2 capacity development . Programmatically, the implication of this finding varies depending on the field of work, as adaptation is likely to be more critical in some areas of programming than others:

- While AIPJ2's work on court reform and corrections would benefit from adaptive approaches, the stage of maturity reached in this work makes it less imperative. In these areas of work, partners and their approaches are largely fixed, although of course could always benefit from critical reflection.
- AIPJ2's work on justice for women and girls, restorative justice and preventing violent extremism are newer – or the pathways to change are less certain – and would benefit from a more deliberate, adaptive approach that tests different strategies for achieving change. There are many ways to progress change in these areas and AIPJ2's role is not self-evident. While the review team are not suggesting the current approaches pursued by AIPJ2 are ineffective, remaining alert to the possibility of alternative approaches will likely be important in achieving results.

3.3.4 Doing so effectively requires an experience and expertise in technical as well as political economy issues. Where individual AIPJ2 teams do not have sufficient capacity, there is scope to involve additional resource persons or 'critical friends' – such as some of the advisors AIPJ2 relies on – to support their work. Indeed, there is scope for AIPJ2 to use its advisors and expert networks more in this regard. Developing this strategic reflection capability within AIPJ2 will also enable the Partnership to elevate its interaction with partners, when appropriate, beyond day-to-day implementation issues.

3.4 Integrated, coherent approach

3.4.1 More integrated, coherent approaches are frequently presented as a key justification for multi-sector facilities. However, experience elsewhere⁷ indicates that greater coordination does not happen 'automatically' and is not cost-free. On paper, AIPJ2 has significant potential for more integrated working (Box 6) but further effort is required to realise this.

3.4.2 AIPJ2 staff do engage in cross-pillar discussion about linkages and clearly see the connections between their different areas of work but the process is largely informal and conditioned by personal relationships between the small AIPJ2 team. Echoing the finding above regarding AIPJ2's approach to adaptiveness (para 3.2.2), connections between the pillars have been to date relatively informal.

3.4.3 To some degree, the establishment of 'pillars' in AIPJ2's design has contributed to this. While the intention no doubt was to avoid predetermining the areas of reform, such structures create their own boundaries. There is potential for AIPJ2 to take, for example, a more systemic view and approach to its law and justice work, extending good progress with courts and corrections across the justice

⁷ Pieper, L. Review of DFAT facilities – Key Findings. Independent Consultant Report. 7 May 2018; National Audit Office, 2005, Joint Targets. London

chain and broadening impact. AIPJ2's intentions to engage the Indonesian National Police and the Attorney General's Office (AGO) should be seen in this context.

Box 6: Potential for cross-AIPJ2 coherence

Within the law and justice sector, AIPJ2 works on a range of related issues, located under its Pillars 1 and Pillars 4. Support to reform of court processes and restorative justice (Pillar 1) is potentially highly relevant to AIPJ2's engagement on addressing prison overcrowding through corrections reform (under Pillar 4) from the perspective of managing prison overcrowding.

Pursuing potential linkages between the law and justice and security sectors requires sensitive handling but AIPJ2 is well-placed,; for example, to connect work on prisoner risk assessment for better management of terrorism-related inmates (Pillar 4) to the community-based corrections concept being developed under Pillar 3.

Coordinating work being conducted by Australian government agencies with other AIPJ2 activities is more challenging, but opportunities exist. For example, AIPJ2's support to develop procedures for rehabilitation and reintegration of foreign fighters with Ministry of Social Affairs has potential linkages with Australian Border Force's Strong Borders program also funded under AIPJ2. Similarly, AIPJ2 supports a range of anti-corruption initiatives under Pillar 1 with potential synergy with Australian Federal Police's work under Pillar 2. The collaboration between Australia's Home Affairs (Legal), the Indonesian Centre for Law and Policy Studies (PSHK) and the Anti-Corruption Commission (KPK) to produce Anti-money Laundering guidelines is demonstration of this.

3.4.4 In principle, there is also scope to connect better Australian Government agencies working under Pillar 2 with relevant parts of AIPJ2 – even allowing for the caution and sensitivity needed in linking security and law and justice initiatives. Indeed, steps have started to be taken with this in mind. However, expectations should be realistic about what is feasible in this regard, given existing capacity constraints facing the agencies involved, the costs of coordination and differing organisational objectives and incentives. Nevertheless, a more structured exchange of information, organised and promoted by DFAT, would be valuable in its own right and would be the starting point to identify potential areas of shared interest.

3.4.5 As part of the review's brief, DFAT also asked the team to consider AIPJ2's linkages with other DFAT programs and whether the division of responsibilities – in particular, with respect to civil society

partnerships – between the different initiatives was appropriate.

3.4.6 With both MAMPU and PEDULI⁸, we found active examples of positive collaboration:

- MAMPU and AIPJ2 are working with Bappenas to support the National Strategy on child marriage – the former working with a wider range of civil society organisations at the community level on social drivers, and AIPJ2 working with the courts and civil society organisations on legal and normative drivers. MAMPU is also engaging with AIPJ2 on implementation of PERMA 3 (treatment of women in conflict with the law) from its particular focus on violence against women.
- PEDULI and AIPJ2 collaborate using their respective networks to advance disability inclusion issues at a sub-national level and on children's rights in correctional facilities.

3.4.7 However, the occurrence of positive examples appears dependent to an important degree on the collaborative personalities of the individuals involved. A formal mechanism does not really exist to promote collaboration across DFAT programs and help overcome the normal obstacles – such as

⁸ MAMPU is the Australian Indonesia Partnership for Gender Equality and Women's Empowerment; PEDULI is an Indonesian Government program, supported by DFAT, focused on increasing access to basic rights and social services for marginalised groups.

differing governance arrangements between programs, limited incentives in contracts combined with natural competition between different contractors. Relatively recently, the Australian Embassy convened a Team Leaders' meeting, which was attended by senior Embassy staff and which seems to have enabled quite useful, strategic discussions. This initiative could usefully be formalised into a routine event.

3.4.8 It is a more difficult question to judge whether the division of responsibilities between programs is optimal, from a vantage point of just AIPJ2. The review did not find evidence of obvious duplication or overlap – the examples discussed appear to be more cases of each program applying their comparative advantage to address a common issue. This is particularly important when grappling with complex social problems with multiple drivers – such as child marriage. In this case, having the Australian aid program investing in addressing this problem through multiple strategies (including from the legal vantage point, as well as from broader socio-economic drivers) makes a lot of sense. However, whether the comparative advantages of multiple programs working on shared issues are being fully exploited – a critical question in a shrinking overall aid program – is less clear. Certainly, the types of processes that would typically be required to ensure this were the case – such as, cross-program strategic planning exercises, subject-matter working groups – are not in place.

3.5 Integration of gender

3.5.1 AIPJ2 treats justice for women and girls as a priority alongside other key thematic areas (such as prison and court reform); a significant share of expenditure is devoted to it, through a range of specific activities focused on the gendered concerns of women and girls⁹. Most obviously, this relates to work under Pillar 1 on women in contact with the law, and early marriage. Other gender-related work that AIPJ2 has worked on includes:

- the 'I am a Woman Against Corruption' (SPAK) campaign under Pillar 1;
- Support to Australian agencies to integrate a stronger gender perspective under Pillar 2 (although the extent of adoption in programming to date is not clear);
- Research on women and juvenile violent extremist offenders under Pillar 3, and advocacy with government to better meet the rehabilitation and reintegration needs of women;
- Funding for the Wahid Foundation who helped BNPT incorporate a gender perspective in the National Action Plan for preventing violent extremism and other AIPJ2 partners who supported the Ministry of Women's Empowerment and Child Protection's contribute to the Plan and develop a provincial action plan on women and child protection in social conflict, being piloted in 17 provinces (also under Pillar 3).

3.5.2 AIPJ2 has also sought to mainstream gender across its activities, with all partners required to report on and monitor their efforts to mainstream gender in regular reporting and in the quarterly reflection sessions. As noted in the political economy analysis commissioned by AIPJ2, this approach of combining gender mainstreaming with a standalone gender component represents what is thought to be 'best practice' internationally. There remains, however, room for improvement in the way that gender is mainstreamed. Despite efforts to date, staff and partners do not readily talk about the gendered dimensions of their work outside of a specific 'gender' activity.

⁹ Nearly 50% of the 2019 budget for Pillar 1 and approximately 10% of funding under Pillar 3.

3.5.3 One way to strengthen this might be to use those civil society partners who have a strong gender focus to advise other partners or Australian agencies on the adoption of a gender perspective. Given that AIPJ2 has already made efforts to ensure that partners are incentivised to incorporate a gender perspective, more direct suggestions and help in defining that perspective might be welcome. There may also be opportunities for professional development for Indonesian government or civil society partners to undertake training, mentoring or other support to build understanding and strategies to integrate a gender perspective. This would align closely with the influencing strategies noted in AIPJ2's GEDSI strategy.

3.5.4 Given that the current political climate in Indonesia has led to a resurgence of gender as a 'battleground' for different ideological views, there are important opportunities for AIPJ2 to bring this to the fore – albeit in non-confrontational, sensitive ways. Any such work to integrate stronger gender dimensions to existing work should aim to ensure that it does not fall back on gendered stereotypes of women as primarily mothers, carers, wives, etc. Rather, it should promote the more diverse and dynamic roles that women can play, thus also challenging gender norms (including, as detainees, violent extremists, heads of household, law enforcement or judicial professionals, and so on).

3.6 Governance arrangements

3.6.1 Multi-sector facilities typically face challenges in establishing effective governance arrangements given their spread of interests. AIPJ2 is no different in that it relates to different parts of the Indonesian machinery of government, complicating governance arrangements with the main counterpart body, Bappenas.

3.6.2 Overall, the review team found current governance arrangements broadly effective. Government partners were largely complimentary about AIPJ2 and felt they had good relationships with the program. Nonetheless, some attention is required:

- Bappenas raised some questions about the utility of AIPJ2's Partnership Board meeting and expressed interest in more discussion about the substance of AIPJ2's work, as well as in engaging with civil society partners in that process; civil society partners themselves have expressed interest in participating in AIPJ2 governance meetings.
- Bappenas has also requested more information about AIPJ2's work – in particular about pillar 2 activities – and for that to be available in a more timely manner.

3.6.3 Addressing Bappenas' concerns is not straightforward. Experience elsewhere¹⁰ suggests facility governance mechanisms should be as streamlined as possible and can quickly become unwieldy and ineffective as decision-making fora when they involve too many participants. Solutions to this problem have involved the establishment of subsidiary technical or sectoral committees that meet separately, in advance of the main governance meetings.

3.6.4 Similarly, Bappenas' request for more information requires a considered response: information about strategies and progress/results is likely to be more useful and effective in addressing the substance of Bappenas' request, rather than more detailed description of activities.

¹⁰ Pieper, L. Review of DFAT facilities – Key Findings. Independent Consultant Report. 7 May 2018

3.7 Clear facility narrative/communications

3.7.1 A further concern associated with facilities is that they can prioritise ‘responsiveness’ over ‘adaptiveness’ and become spread thinly across a number of different activities. Implementing the range of activities then demands increased management attention, limiting the scope for more strategic consideration at the facility level.

3.7.2 The review team found some evidence of this risk in AIPJ2. Certainly, AIPJ2 currently supports a lot of activities – even AIPJ2’s ‘priority’ areas of policy engagement in law and justice number around twelve, which is quite large for a relatively small investment. AIPJ2 will apply tests of relevance (to both governments’ priorities) as well as feasibility when reviewing new opportunities. But as noted above, the under-developed nature of AIPJ2 strategies mean in practice they exercise only general influence over choices and little over on-going review. This limitation, the *ad hoc* integration across activities and the activity-focused approach to performance reporting add to this risk. However, AIPJ2 itself is aware of the dangers.

3.7.3 Nevertheless, AIPJ2 faces a challenge in drawing its various engagements together to communicate a clear and compelling narrative (or small number of narratives) to support its mission. As one DFAT staff member explained to the review team – AIPJ2 is generally very well-thought of in Canberra but people do not understand it. This is a risk to AIPJ2. The mid-term review was asked to consider the concept of ‘democratic resilience’ in this respect (key review question 1) – an emerging priority for DFAT. However, the concept is still being defined in substantive terms and so at present offers no immediate solution.¹¹

3.7.4 AIPJ2 can be conceptualised – and hence communicated – in (at least) two possible ways:

- The first views the spread of AIPJ2 activities as a portfolio – where a range of issues that differ in their prospects and impact are selected for support, with a view to maximising the overall expected value of the investment. This approach needs more explicit discussion of AIPJ2’s management of risk and reward and where it anticipates the ‘pay-offs’ amongst the diverse activities
- An alternative is to acknowledge that AIPJ2 has a number of strategic ‘themes’ (albeit loosely defined) but which have been pursued opportunistically and supported (at times, indirectly) by various points of engagement. This needs clearer definition of AIPJ2’s strategic priorities (made possible by the learning to date) and explanation why certain issues are being focused on. It also requires an associated shift from activity-based reporting, structured around individual policies and plans, to more problem-orientated reporting based on its strategic priorities.

3.7.5 For the review team, the second of the two options appears a better fit with AIPJ2’s actual approach. Greater focus on a set of priority problems would not necessarily result in an immediate reduction in the range of activities supported, but it should facilitate a clearer distinction in AIPJ2’s reporting/communications between the engagements considered ‘main game’ and those currently considered subsidiary. Over time, this should also provide the basis to direct greater focus in the activities undertaken.

¹¹ There is no doubt that effective law and justice and security assistance can contribute to democratic resilience. As such it is not difficult to situate AIPJ2 in a general sense under the broad concept – in particular if the reforms supported impact on ordinary citizens interactions with the state and help to build confidence and trust in those institutions. However, this does not really help AIPJ2 develop a clearer narrative.

3.7.6 However, ultimately this is for AIPJ2 to decide. Regardless of the choice, AIPJ2 then needs to align its communication strategy with that narrative. In doing so, it is important to ensure that the framing gives AIPJ2 a clearer narrative while not straitjacketing the program in such a way that it could no longer be responsive to emerging opportunities and changes in the context – as this is clearly a program strength.

4. Value for money

4.1 Is AIPJ2 achieving value for money?

4.1.1 This is an important issue for DFAT management though time, resources and areas of interest for the mid-term review limited the extent of analysis possible, precluding a formal '4 E's' VFM assessment. Nevertheless, on the basis of the in-country consultations and document review, the review offers the following observations:

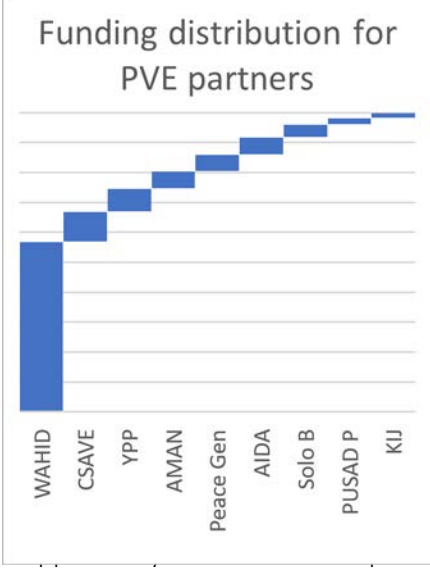
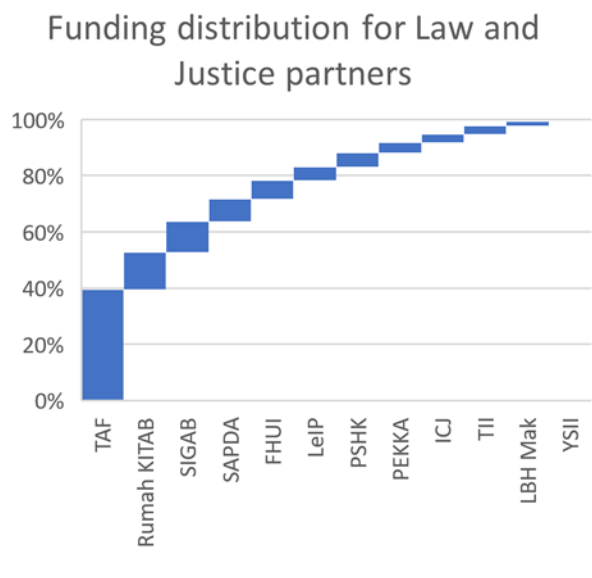
- AIPJ2 is relatively small investment – AUD \$40 million spread over five years – operating at scale through state institutions and civil society.
- A number of the reforms being promoted by AIPJ2 have financial impacts which make them more amenable to conventional cost-benefit analysis, such as: help to develop Indonesia's electronic corrections database infrastructure (SDP), which has an annual operations and maintenance budget of over AUD \$100 million; support to improvements in e-Courts and commercial dispute resolution, which impacts directly on the cost of legal claims in Indonesia (including costs of corruption).
- While care is required not to overestimate the value 'leveraged' by AIPJ2¹², the review team considers given the above points, it highly likely that AIPJ2 will generate a sufficient rate of return to justify DFAT's investment by the end of phase, if indeed not before.

4.1.2 However, AIPJ2 resources are limited, as are funds for the aid program in Indonesia. They, therefore, have a high opportunity cost, given the range of alternative possible investments for AIPJ2 (and DFAT in Indonesia more generally). For that reason, it is valid to question whether resources are being managed to maximise value for money.

4.1.3 To date, security strengthening and transnational crime prevention (including prevention of violent extremism) – pillars 2 and 3 – have received the greater share of resources: over 40% more programmatic expenditure than on law and justice work (pillars 1 and 4). However, the value of work under pillars 2 and 3 is least assessed/understood.

- The greater allocation of funds to security-related work is somewhat of a reversal of the intention at the design stage, while the development returns in both these areas compared to law and justice are potentially more uncertain: demonstrating the value of preventive work is challenging, as is assessing the value of organisational capacity and relationship building activities; furthermore, international experience in both suggests success in either is by no means guaranteed.

¹² AIPJ2's (net) added value will typically be less than the (gross) value of domestic Indonesian resources mobilised/affected.



Key considerations will shift should be explicitly... is the importance of... e. This implies the need for... between pillars and... e phase, these... funding decisions taken at

the outset of the phase.

- Under its law and justice work (pillars 1 and 4), AIPJ2 provides grants for some twelve civil society organisations and nine partners under its work aimed at preventing violent extremism (pillar 3). Around two-thirds of the funding is received by two or three partners in each case, with the rest accounted for by a relatively large number of small grants (figure 3).

Figure 3:

- Small quantities of funding to multiple key partners can be quite strategic but it does increase the demands on management. It also increases the importance of clear strategies – albeit subject to review and adaptation – that help AIPJ2 to realise the strategic value of multiple partners and manage the risk that assistance become dispersed or ‘bitty’. As noted earlier, AIPJ2 has not generally prioritised formal elaboration of strategies to date.

4.1.5 In the case of activities of Australian Government agencies funded under Pillar 2, there have been cases of underspend during the first half of AIPJ2. These have been managed through either reduced future allocations or negotiated reallocations to new activities. The extent to which such underspends can be reallocated to wider AIPJ2 activities (in other pillars or to other Australian Government agencies under pillar 2) is not clear.

4.1.6 In practice, AIPJ2 is typically made aware during the year of any large, likely variations from planned expenditure. However, the mechanism for doing so is not standardised and depends on arrangements specified in the different Tasking Notes agree with DFAT. The review team understands

that steps have been discussed to standardise the approach and include six-monthly financial reports from pillar 2 partners (with progress reports) to strengthen tracking of expenditure under Pillar 2.

5. Positioning for the remainder of AIPJ2

5.1 Introduction

5.1.1 This section of the report responds to a series of DFAT questions about AIPJ2’s direction for remainder of the phase. AIPJ2 is contracted to run until April 2022, with the option to extend the contract for up to a further five years, subject to DFAT approval. For that reason, decisions made now about AIPJ2’s direction for the remainder of the phase have the potential to lay foundations for Australian assistance well beyond 2022.

5.1.2 AIPJ2 is a largely effective investment operating in a sensitive and challenging sphere of public policy in Indonesia. The review team does not advocate a significant change in direction. Rather, the discussion here is about rebalancing the emphasis or priority given to some components, given the challenges of achieving results, where value currently appears to be derived and likely emerging priorities.

5.2 Is AIPJ2 relevant to new policy priorities?

5.2.1 Following recent national elections in both Australia and Indonesia, the current governments will likely be in power for the remainder of AIPJ2’s current phase. On the basis of information currently available, it seems AIPJ2 will have little challenge demonstrating its broad relevance to the expected priorities of both governments (Box 7).

Box 7: Expected Indonesian and Australian government priorities	
Indonesian Government priorities in the justice sector	Australian Government priorities in Indonesia
Corrections reform and tackling overcrowding through inclusion of restorative justice;	Open and accountable governance based on the rule of law (and emerging concept of democratic resilience)
Efficient and fair operation of the integrated criminal justice system	Economic and private sector development
Focus on anti-corruption, including judicial corruption;	Combatting serious criminal threats and transnational crime
Improvement of the civil justice system (including commercial courts);	Building capacity to counter terrorism and violent extremism
A focus on human rights	Human rights, gender equality and social inclusion

5.2.2 While AIPJ2 is well placed to speak to both Australian and Indonesian priorities, a more demanding test is whether the Partnership can, given existing activities and distribution of resources, maximise the value of emerging opportunities and priorities in the justice space. Using those priorities strategically demonstrates that the Partnership thinks and works politically to find ways of best delivering the outcomes it seeks.

5.2.3 One Indonesian Government priority in particular, the emphasis on **reform of the integrated criminal justice system** and associated attention to **restorative justice**, strikes the review team as a potentially high-profile and relevant development. AIPJ2 could provide important support in this area building on its successful work to date, should this agenda continue to be a key platform. AIPJ2

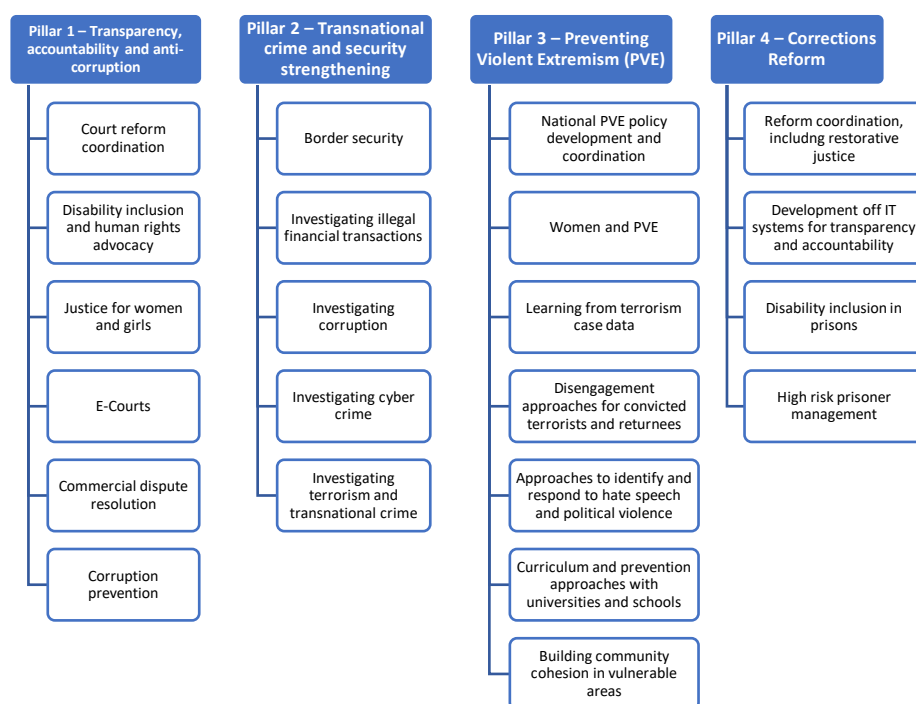
currently has a number of separate but related activities of relevance across its pillars and the good relationships it has established with civil society and state bodies provide a range of useful entry points.

5.2.4 Engaging proactively with this reform agenda would require a more coherent and holistic approach, drawing together existing activities and introducing some new ones across the criminal justice chain so that they connect as a number of clearly interrelated components. It would also require establishing some new relationships – for example, with the Indonesian National Police, Attorney General’s Office and the new body proposed to lead on coordination of all legal and regulatory reforms and whose initial priorities are expected to include the criminal justice system. In addition, this will also likely require some upscaling of resources devoted to the work. AIPJ2’s scope to do that is discussed further below.

5.3 Is AIPJ2 spread too thinly?

5.3.1 For a relatively small investment, AIPJ2’s support is directed to wide range of topics (figure 4), some extending beyond the conventional focus of a ‘justice program.’ This range includes bilateral security cooperation and prevention of transnational crime and violent extremism, as well as a host of important law and justice issues pertinent in Indonesia. This spread has been partly by design and partly by circumstance, with DFAT requesting the Facility to take on new areas of programming given its flexibility.

Figure 4: AIPJ2 issue coverage



5.3.2 This set up has been a strategic way to test areas for reform in the first half of AIPJ2. However, the review team’s concern is how AIPJ2 can now capitalise on this scoping and its successes to date to support tangible results beyond a change in policy or the law. This will most likely require greater focus on a more limited number of areas where the Partnership feels it can most effectively carry through its policy level work to support meaningful implementation. Given this would require

resources, it also means either some additional resources for AIPJ2 – which it almost certainly could effectively utilise – or reallocation from within AIPJ2.

5.3.3 A smaller range of programming would also improve AIPJ2’s capacity to operate adaptively and flexibly. A wide range of engagements necessarily increases the challenge involved in strategising and assessing – considered important for adaptive programs in complex contexts – while simultaneously reducing the AIPJ2’s capacity to undertake this. With a limited budget, it also necessarily reduces the headroom to intensify the depth of engagement when opportunity presents itself or when deemed necessary to build on policy change and secure substantive improvement in practices. And, as discussed above, it also creates challenges for effectively communicating the Partnership.

5.3.4 That being said, while identifying a narrower set of priorities to follow through on is likely to be an important part of maximising results, AIPJ2 also needs to retain sufficient flexibility (and resources) to be able to be responsive to unforeseen opportunities that may emerge. For instance, plans to broaden engagement on women in contact with the law to the Indonesia National Police and Attorney General’s Office are welcome – they not only fit neatly with the Indonesian Government’s priority of the integrated criminal justice system but also pave the way to delivering more meaningful impact for women than working on just the courts in isolation.

5.3.5 The conundrum could be addressed to some extent by a more problem-oriented approach. The problem of prison overcrowding, for example, could provide the overarching focus and rationale for a number of AIPJ2 activities that cut across the pillars: such as work on community-based corrections (pillar 3), restorative justice (pillar 1), police and immigration/border detentions (pillar 2) and the development of the corrections detainee/inmate database (pillar 4). However, to be more than just superficial packaging, the problem issue would have to exercise some strategic and operational grip: i.e. the problems articulated would need to shape the nature of work undertaken by each relevant activity; promote a coherence of approach between relevant activities; and assist in identifying ‘outlier’ activities that would be candidates for reducing or ending support.

5.4 Is the balance between the pillars right?

5.4.1 A definitive answer to this question is not possible. The review team did not encounter any major areas of work that were clearly ineffective on the evidence available. Nevertheless, the review team see a case for rebalancing of the resources allocated to pillars 2 and 3 on the one hand, and pillars 1 and 4 on the other:

- To date, work in the law and justice sector appears to have delivered the greatest return for DFAT’s spend suggesting potential value in rebalancing on cost-effectiveness grounds. This observation is necessarily tentative, given the MTR did not look at Pillar 2 impacts and information about Pillar 3 successes are limited. Nevertheless, on the basis of consultations conducted during the review, and international experience with both work to prevent violent extremism and capacity building programs this is not an unreasonable conclusion.
- Support under Pillar 2, while clearly premised on delivering improved security outcomes for both Australia and Indonesia, is not developmentally framed around the priority security concerns of Indonesians. The support looks quite different from much security sector support routinely included in ‘justice and security’ programming in other contexts. Such support tends to focus on security as experienced by ‘end users’ or citizens in the countries in question, often concentrating on community policing, violence against women, drugs and alcohol

prevention, and so on. While activities funded under pillar 2 fit the OECD definitions of official development assistance, as currently configured they appear less well-tailored to DFAT's broader development objectives for its partnership with Indonesia (with its focus on the rule of law, democratic resilience and economic governance).

5.4.2 It is important to stress that the argument being made here is not that pillars 2 and 3 are not worthwhile but whether it is appropriate for them to account for the greater share of AIPJ2 spend, particularly in their current form. At the very least, more attention is needed for M&E in these areas to help make a more informed judgement about the cost-effectiveness of support and what represents an optimal balance. Beyond that, this shift of spending away from justice towards security should be acknowledged and a judgement reached on whether the change from original design is warranted.

5.5 Is the balance within pillars right?

5.5.1 The review team offer the following observations regarding the balance within AIPJ2's law and justice portfolio:

- As mentioned above, the anticipated priority that will be placed on the **integrated reform of the criminal justice system** and associated attention to **restorative justice** presents significant opportunity for AIPJ2 to draw together a number of areas of work and engage on new ones from a strong position. The opportunity to re-engage on the issue of **legal aid** represents a particular case. During the first phase AIPJ helped establish Indonesia's legal aid system. This was a significant achievement but AIPJ stopped support once the law was passed. To date the potential value of this reform has not been fully realised.
- The issue of **prison overcrowding** is also likely to be critical and has been raised above.
- Use of the Small Claims Court by justice seekers continues to increase significantly against the backdrop of largely stagnant levels of new general civil lawsuits. The expansion of the jurisdiction and other reform measures of the Small Claims Court that have been promulgated through Perma 2/2019 offers potential opportunities for AIPJ2 support going forward. The operation of the Small Claims Court and public services among the lower level courts are integral elements in the Indonesian Government's agenda for civil justice reforms and improving Indonesia's ranking in the Ease of Doing Business survey. AIPJ2 is well-placed to engage going forward on key elements that contribute to the score for the quality of judicial process, such as establishing civil chambers in the district courts, random and electronic distribution of cases to judges, limiting the number of court adjournments, court automation (including e-litigation, e-filing, e-summons and e-payment) and increasing the effectiveness of alternative disputes resolution.
- AIPJ2 has not invested significantly on corruption prevention work (compared with women in contact with the law, for example). The Mid-term review team endorses the decision to cease core-funding of SPAK. However, there are other opportunities to address structural corruption: such as **judicial corruption**, working with the Corruption Eradication Commission (KPK) or **procurement corruption**, working with the Competition Commission.

5.6 Is AIPJ2 working with the right partners?

5.6.1 A key factor in AIPJ2's success to date has been its effective relationships with influential partners, that have been sustained through the transition from core funding to activity-based grants. This is a notable strength. AIPJ2 itself has expressed intentions to expand its relationships with other key actors in the law and justice space, such as the Indonesian National Police (INP)— already a partner under pillar 2 with the Australian Federal Police – and Attorney General's Office (AGO).

5.6.2 The MTR review endorses this ambition. AIPJ2 engagement strategy in a number of areas is inevitably incomplete without engagement of the INP and AGO given the importance of both their roles in, for example, corruption prevention, correction reform/prison overcrowding and the quality of justice delivered to women and children. In addition, the MTR team flags the Judicial Commission (KY) as a notable gap. The Judicial Commission, as well as AGO, representing challenging areas of engagement. But they occupy critical positions in the justice system and cannot be ignored strategically. The review team agrees that an integrated approach does not require AIPJ2 to engage with every part of the justice chain. However, it does require a strategy that starts from the whole chain and works within it. Notwithstanding sensitivities on the part of other AIPJ2 partners, the complete absence of the Judicial Commission appears anomalous given its constitutional role in the oversight of the law and justice system. In the case of AGO, the prospect of a new, reform-minded Attorney-General may open up the space for AIPJ2 to engage effectively. Certainly Bappenas acknowledges the importance of both bodies.

6. Conclusions and recommendations

6.1 Effectiveness

6.1.1 Stakeholders' perceptions of AIPJ2 are in the main very positive: AIPJ2 is generally well-thought of by Indonesian partners and viewed as a largely effective investment by DFAT in its annual performance checks. The mid-term review findings suggest those perspectives are well-justified. The review examined results in a number of areas where AIPJ2 provides support: court reform, access to justice for women and girls, corruption prevention, corrections reform and prevention of violent extremism. Findings indicate AIPJ2 has provided valued support for a number of important reform initiatives.

6.1.2 There are, however, two main caveats to this conclusion. The first relates to the scope of the conclusion. Evidence of effectiveness relates primarily to AIPJ2's law and justice engagements (pillars 1 and 4). There is much less information available about the effectiveness of AIPJ2's support to the security activities (under pillars 2 and 3).¹³ Given that pillars 2 and 3 currently account for the greater share of AIPJ2's resources, this uncertainty has facility-wide implications for any judgement about AIPJ2's overall effectiveness.

6.1.3 The second relates to the objectives against which AIPJ2 is being measured. In practice, AIPJ2 is already achieving its 'end-of-facility-outcomes' in terms of informing the content of policies, strategies and plans. However, the question is whether this is sufficient ambition given the well-known challenges frequently observed in turning good policy into effective implementation. Changes 'on paper' are important and, of course, there are limitations to what a small donor-funded program can do in terms of implementation in a country as vast as Indonesia. Nevertheless, how ordinary citizens actually experience these policies is critical in determining whether DFAT's broader objectives are achieved, such as stronger trust in state institutions, support for the rule of law and democratic resilience more generally. This question deserves explicit consideration as AIPJ2, DFAT and Bappenas plan for the remainder of the current phase.

6.2 Implementation arrangements

6.2.1 Results have been achieved despite the fact that AIPJ2's investment is relatively small and the areas of work are in the main sensitive and highly political. AIPJ2 has tackled sensitive issues in smart ways that get traction through a combination of skilled, experienced team leader, good relationships with Indonesian state institutions, effective partnerships with generally strong civil society organisations, selection of issues with sufficient local ownership and flexible and responsive support. AIPJ2's ability to establish, develop and maintain effective relationships with influential state and civil society actors has been an important strength. As has the operating flexibility provided by the facility model of delivery selected, which AIPJ2 has generally utilised well.

6.2.2 Nevertheless, AIPJ2 is a relatively small and yet wide-ranging investment, addressing more than 20 reform issues across the law, justice and security sectors and funding 21 civil society partnerships and ten Australian government agencies. Its success in engaging on such a broad range of issues has also strained important aspects of its implementation capabilities.

¹³ Time and resource constraints precluded detailed, independent assessment of results by the mid-term review.

- Strategies for the main areas of AIPJ2's work and processes for their review and adaptation are underdeveloped. This includes AIPJ2's approach to M&E and reporting at a facility level;
- Coherence and integration envisaged in the facility design is not yet being fully realised: linkages within AIPJ2 are underdeveloped, while linkages with other DFAT programs exist but are the product of informal processes led by the AIPJ2 Team Leader. Formal mechanisms to facilitate such cross-program coordination are also underdeveloped.
- Governance arrangements are generally effective but the spread of AIPJ2 interests complicates significantly the task of ensuring adequate oversight and contestability involving Indonesian counterparts.
- Similarly, AIPJ2's breadth has complicated the task of communicating its mission and strategy to external stakeholders including DFAT. In an environment of tightening budgets, the inability to present a clear, coherent and compelling narrative for development assistance represents a risk.

6.2.3 The review did not include a detailed value-for-money assessment but on the basis of the available evidence the team considers it highly likely that AIPJ2 will generate a sufficient rate of return to justify DFAT's investment by the end of phase, if indeed not before. Addressing the implementation challenges identified above offers the potential to strengthen further AIPJ2's approach to managing for value for money. The review also identified potential merit in revisiting the allocation of resources to the primary partners in pillars 3 and 4; the aim should be to determine whether benefits expected at design are being fully realised and whether there is scope for new arrangements to secure the same benefits but at lower cost.

6.3 Remainder of the phase

6.3.1 At the mid-point of the phase, AIPJ2 is in many respects uniquely placed to engage on a number of high-profile reform priorities set out by the new Jokowi administration and which likely resonate with Australia's interests in the region: reform of the integrated criminal justice system, restorative justice, prison overcrowding, judicial corruption, reform of the civil justice system, as well as opportunities to deepen AIPJ2's existing work on women in contact with the law. Moreover, given DFAT's interest in continuing to support Indonesia's efforts to strengthen the rule of law after the current phase ends, engaging actively on the new reform agenda can ensure DFAT's assistance is well-positioned to develop beyond the end of the current phase (March 2022).

6.3.2 None of these represent significant changes in direction for AIPJ2 but they do imply a deepening and potential increase of support, as well as the need to develop some new partnerships in the sector. AIPJ2's current budget and spread of interests, however, limits its ability to both respond to new opportunities and deepen, selectively, its engagement on implementation issues where it can make the biggest impact.

6.3.3 This implies the need for additional resources. Evidence to date suggests AIPJ2 could utilise effectively additional resources. However, if additional funds are not available, the necessary capacity needs to be created from within existing resources. This involves rebalancing AIPJ2's current approach in two main respects. Budget-wise, reallocation of resources internally would be necessary. For the mid-term review, the most likely area for this is rebalancing the spend between security activities on the one hand and law and justice engagements on the other. Spread-wise, the mid-term

review also sees a number of advantages in AIPJ2 introducing more focus into its workplan for the remainder of the phase, with a view to using that as a basis to facilitate reallocation of resources.

6.4 Recommendations

Overall approach

6.4.1 To address the question how to limit spread and increase coherence, while at the same time pursue a number of new opportunities, (assuming no additional resources), **AIPJ2 should undertake a stocktake exercise in discussion with DFAT and Bappenas (Recommendation 1)**. The purpose of the exercise would be to look beyond the annual plan and consider priorities for the remainder of the phase, as well as where most value is being delivered and the ‘best bets’ over the next 2-3 years. Specifically, the stocktake should reflect on scope to:

- *Adopt a more problem-oriented approach.* Identifying fewer, substantive issues of concern – such as prison overcrowding or access to justice for women and girls – that sit above the list of individual policies and plans could provide the means for a more coherent, compelling narrative for AIPJ2, a clear rationale for directing and coordinating related activities and a basis for identifying lower priority activities. Such an approach need not be comprehensive: AIPJ2 could (indeed should) still retain some flexibility to support new ‘outlying’ activities in response to unforeseen opportunities. But the choice of key problems should influence programming and resourcing decisions. As part of this process, DFAT and AIPJ2 could usefully situate AIPJ2’s priorities within a ‘democratic resilience’ framework. This is an important emerging concept for DFAT assistance in Indonesia and regionally, but one that still requires definition to have practical utility for investments.
- *Reconsider the ‘pillar-based’ structure currently used to organise AIPJ2.* A problem-oriented approach would most likely be facilitated by a shift from AIPJ2’s current pillars to a more problem-oriented structure. In the case of the pillars 1 and 4, this might also offer scope for cost savings if new management arrangements are introduced for work previously conducted under The Asia Foundation (pillar 4).

6.4.2 The question was also posed whether, with respect to AIPJ2’s engagement with civil society, there is a more efficient division of responsibilities across the Australian aid program in Indonesia. Given the importance of justice expertise in informing the strategies pursued by civil society in work under AIPJ2, this is unlikely. In addition, the centrality of government–civil society cooperation to AIPJ2’s successes suggests that maintaining civil society support within a justice program is critical. While not impossible to deliver through a generic ‘civil society support’ function, the management and coordination challenges to achieve such collaboration are likely to be significantly greater in a cross-program arrangement. The review team also noted, in the case of joint work on child marriage and inclusive prisons, the leverage potentially obtained from tackling common issues from different technical vantage points (legal, social, economic, etc).

6.4.3 In addition to the above stocktake exercise, there are a number of specific areas where AIPJ2 can usefully strengthen its approach, set out below. These could be facilitated by the outcome of the stocktake exercise but regardless should be addressed in their own right.

Governance arrangements

6.4.4 **AIPJ2 should explore in discussion with DFAT and Bappenas effective means of fostering more substantive discussion of strategy at Partnership Board meetings (Recommendation 2).** This should include how civil society representatives could be most effectively involved. Options to consider might include reinstating the Partnership Conference, inviting (limited, perhaps rotating) civil society participation in Partnership Board meetings, or establishment of a (limited) number of discussion working groups with AIPJ2, government and civil society representation, that report to Partnership Board meetings.

Strengthening AIPJ2 strategies and M&E systems

6.4.5 The AIPJ2 team leader has recently been revising AIPJ2 strategies for major areas of work. This effort needs to be intensified. **AIPJ2 should establish clear strategies for all main areas/strands of the Partnership's work that set out clearly the objective(s) being pursued, the assumptions about how change will occur and AIPJ2's role in that process (Recommendation 3).** AIPJ2's theory of change is too general to serve this function. Such strategies are essential tools in helping explain AIPJ2's approach to external stakeholders, prioritise and shape new activities and facilitate performance assessment, reflection and adaptation – particularly in areas of support where there are few, if any, tangible, objective measures of progress.

6.4.6 In order to facilitate the setting of meaningful objectives, **DFAT and AIPJ2 need also to agree the distinction between what AIPJ2 is trying to achieve and what AIPJ2 is accountable for (Recommendation 4).**

6.4.7 Alongside the development of strategies, **AIPJ2 should introduce its own internal reflection process at the facility level, equivalent to a partner's quarterly reflection exercise but conducted at the level of its strategies (Recommendation 5).** This process should draw on partners' reflection reports, additional evaluative work conducted by AIPJ2 and staff judgement, as well as potential insights from expert advisors.

6.4.8 For the programs implemented currently under pillar 2, **AIPJ2 and Australian Government agencies should continue on-going efforts to improve the quality of M&E reporting including: revising the template for routine reporting along the lines of that developed by PROSPERA; and instituting a program of short case studies – at least one per funding agreement – to provide the basis for deeper insights about the effectiveness of support (Recommendation 6).**

6.4.9 **AIPJ2 should also strengthen M&E arrangements for its support for the prevention of violent extremism (Recommendation 7).** Given the uncertainties associated with assistance in this field, more effective M&E arrangements will most likely hinge on clearer objectives and strategy for this work and on an M&E framework centred on learning about what works (and what does not) that can accommodate 'judgements' about progress (in the absence of 'objective' measures). But there is also scope for use of deeper dive case study approaches on a selective and proportionate basis. These should focus on the bigger spending areas of support, or particularly novel approaches, and include an explicit focus on lesson-learning.

Internal and external linkages

6.4.10 The recommendations above relating to a problem-orientated approach, reconsideration of the pillar structure, sharpening of strategies and adoption of AIPJ2 quarterly reflection exercises would naturally facilitate a more joined up approach across (relevant) AIPJ2 activities.

6.4.11 But there is also scope to share information better across the Partnership, even between activities that are not directly related to the same problem objective. This applies particularly to activities conducted by Australian Government agencies under pillar 2, that tend to be both separate from other parts of AIPJ2 and from one another. **DFAT should promote and organise a more structured exchange of information between Australian Government agencies and AIPJ2 (Recommendation 8).**

6.4.12 Regarding linkages between AIPJ2 and other DFAT programs, the review found active examples of positive collaboration, though these appeared dependent to an important degree on the personalities of the individuals involved. A formal mechanism does not exist to promote collaboration across DFAT programs and help overcome institutional obstacles. **The recent initiative by the Australian Embassy to convene a Team Leaders' meeting, which was attended by senior Embassy staff should be formalised into a routine event (Recommendation 9).**

Annex 1: Mid-term Review Terms of Reference

Background

The Australia Indonesia Partnership for Justice 2 (AIPJ2) is a five-year up to AUD 40 million investment of the Department of Foreign Affairs and Trade (DFAT) from April 2017 to March 2022.

Two previous Australian aid investments, the Australia Indonesia Partnership for Justice (AIPJ) and the Australia Indonesia Security Cooperation Program have been brought together under a single investment to strengthen the rule of law and the security environment in Indonesia. AIPJ2 focuses primarily on leveraging Indonesian's own resources to support a range of policy changes with a smaller budget than previous Australian investments in the justice and security sector.

The investment is purposely designed as a flexible facility to enable iterative programming in a dynamic and sensitive sector. It builds on reforms already underway and lessons learned from previous programs, as well as the robust partnerships developed over a number of years between Australian and Indonesian institutions.

The goal of AIPJ2 is to contribute to strong and accessible justice and security institutions that enhance respect for enforceable rights and rules-based governance systems, over time contributing to stability and prosperity in Indonesia and the region. In pursuit of this goal, AIPJ2 works across five pillars:

- Transparency, accountability and anti-corruption
- Countering transnational crime, security strengthening and maritime capacity building¹⁴
- Preventing violent extremism
- Corrections reform
- Partnership development, gender equality and disability rights.¹⁵

AIPJ2's activities are primarily delivered through Indonesian civil society organisations and Australian government partners in collaboration with their Indonesian counterparts. The primary focus is at the national level, given the centralised nature of justice and security institutions in Indonesia. However, some pillars include activities at the sub-national level, which are used to demonstrate and advocate reform and the national level.

A subsidiary arrangement between DFAT and the National Development Planning Agency (Bappenas) governs the partnership. Cardno Emerging Markets implements AIPJ2 on behalf of DFAT, with responsibility for the strategic management of the justice component and the day-to-day management of the whole investment portfolio. The facility uses a single planning and reporting framework to promote strategic coherence across pillars. Where appropriate, justice and security activities under the facility are integrated.

Evaluation Objectives

The primary purpose of the mid-term review is to provide DFAT with an independent assessment of progress to inform the remaining two years of the investment. The evaluation will also contribute to DFAT's strategic thinking in relation to any future law and justice programming beyond 2022.

¹⁴ Maritime capacity building activities commenced in September 2018 under the scope of pillar 2

¹⁵ Partnership development, gender and disability are also mainstreamed across the pillars.

The primary audience for the report is DFAT; however, the report will also be shared with Bappenas and discussed at the AIPJ2 Annual Partnership Board. The final evaluation will be published by the Office of Development Effectiveness.

Evaluation Scope and Key Questions

The mid-term review will focus on evaluating AIPJ2’s approaches to partnership development, capacity building, knowledge generation and policy influence, in line with its intermediate facility outcomes. Given the breadth of activities under the facility, the evaluation team is not expected to review all of AIPJ’s inputs. A selection of illustrative examples may reviewed as they relate to AIPJ’s approaches.

The following key evaluation questions are proposed for further elaboration in the Evaluation Plan:

1. How is AIPJ2 targeting and contributing to the democratic resilience in Indonesia? Is there scope to do more in the second half of the program?
2. To what extent is AIPJ2 achieving its intermediate end-of-facility outcomes and making progress towards its end-of-facility outcomes?
3. To what extent is AIPJ2 building Indonesian civil society and government capacity?
4. Is AIPJ2’s modality and budget appropriate to deliver the end-of -facility outcome?
 - a. Is the facility achieving value for money?
5. Is the facility well equipped to deal with changes in Australian and/or Indonesian government policy?

Evaluation Timing and Process

The expected timeframe for the evaluation is July to September 2019. This includes a desk review, preparation of an evaluation plan, a two-week in-country mission, information processing, and preparation of aide memoire and reports.

Tasks
Conduct desk-based review of relevant AIPJ2 documentation
Develop an evaluation plan that outlines the overall approach and methodology for the evaluation, including tools for information collection and analysis. Discuss and agree, either in person or via phone, the Evaluation Plan with DFAT. The plan will include roles and responsibilities, a timeline, and a plan for in-country stakeholder consultation
Conduct in-country consultation , including introductory briefing and debriefing session with DFAT and Bappenas.
Prepare and present Aide Memoire to DFAT and a version of the memoire to Bappenas
Prepare draft evaluation report
Finalise evaluation report
Total day input

Evaluation team composition

A team of up to three consultants will be assigned by DFAT to conduct the evaluation. The team will be led by a senior evaluation specialist, supported by one team member with strong evaluation and sectoral experience and one team member with strong knowledge of the Indonesia context.

The Team Leader in consultation with team members will agree on team members' roles and responsibilities as specified in the Evaluation Plan. The Team Leader will be responsible for managing performance and output of the team members and accountable to DFAT in delivering the evaluation team's services as outlined in this TOR.

Team Leader (senior evaluation specialist) has overall responsibility for the performance and output of the evaluation team. Key competencies and experience of the team leader should include:

- Extensive experience in program evaluation across a range of sectors and countries
- Demonstrated experience in leading an evaluation team to deliver results
- Demonstrated experience in evaluating complex facilities
- Knowledge and understanding of Australia's foreign policy, including its aid policy and supporting strategic frameworks
- A forward looking perspective to inform future strategy and programming
- Strong analytical, report writing and quality assurance skills
- Demonstrated experience incorporating gender, disability and social inclusion into evaluation methodology
- High-level written and verbal communication skills, including the ability to communicate cross-culturally
- Working knowledge of Indonesia's socio-political and development context.

Team member one should have the following key competencies and experience:

- Demonstrated experience in evaluating capacity development approaches
- Demonstrated experience in adaptive programs/facilities
- Demonstrated experience incorporating gender, disability and social inclusion into evaluation methodology
- Expertise in law and justice programming and knowledge of international best practice in the sector
- Strong analytical and report writing skills
- Knowledge and understanding of Australia's foreign policy, including its aid policy and supporting strategic frameworks

Team member two should have the following key competencies and experience

- Nuanced understanding of Indonesia's law, justice, security sectors
- Strong knowledge of key Indonesian government and non-government stakeholders in legal reform; anti-corruption; human rights; preventing violent extremism and security sector reform
- Strong knowledge of Indonesia's legislative and policy frameworks and machinery of government
- Sound proficiency in English writing and speaking

Evaluation Output (prepare in discussion with team member)

- Evaluation Plan – prepare and submit to DFAT for approval at least two weeks before the in-country mission
- Aide Memoire – prepare and present an Aide Memoire (up to five pages) to DFAT on the last day of the in-country mission. Present a version of the memoire to Bappenas.

- Draft report –a report not exceeding 30 pages to be submitted to DFAT within two weeks of the in-country mission.
- The final report- to be submitted no later than two weeks after receiving DFAT’s comments. The final report will be published on DFAT’s website.

List of Recommended Document

- AIPJ2 design document
- AIPJ2 MEL Framework
- AIPJ2 Six Monthly Reports
- AIPJ2 Aid Quality documents 2017 and 2018
- AIPJ2 Significant Policy Changes
 - “Women in Contact with the Law/Promoting Gender Equality (Supreme Court Regulation 3/2017)”
 - “Ministerial Regulation on the Implementation of Electronic Correction Database System”
- AIPJ2 Political Economy Analysis prepared by Murdoch
- AIPJ2 GEDSI and Communication Strategy
- MAMPU 2018 Independent Strategic Review Report
- Australia’s Foreign Policy White paper
- Publication of Supreme Court of Indonesia and Family Court of Australia: “12 years of Innovation in Women’s Access to the Family Court in Indonesia”
- Other relevant documentation as necessary.

Annex 2: Mid-term review methodology

Introduction

The review was conducted by a three-person team: Lisa Denney – a justice and security sector expert, experienced on issues of access to justice, political economy and adaptive programming; Binziad Kadafi, an experienced Indonesian legal expert, whose work has covered many aspects of AIPJ2's portfolio; and Simon Henderson – evaluation specialist (team leader). The review was implemented during May – September 2019 in three phases: a) document review, preliminary scoping discussions and review planning; b) in-country consultations (held during 1-12 July); and c) data analysis, follow-up questions and report writing.

Purpose

The primary purpose of the mid-term review was formative: to provide DFAT with an independent assessment of progress that could inform the remainder of the phase.

Key questions

The review TOR sets out the key evaluation questions for development by the MTR team. A call was held with staff at the embassy in Jakarta to clarify DFAT's priorities and interests and in addition a list of key issues was also provided by the First Secretary responsible for AIPJ2.

Based on these materials, and the review's Purpose, the MTR team's response to the TOR questions was as follows:

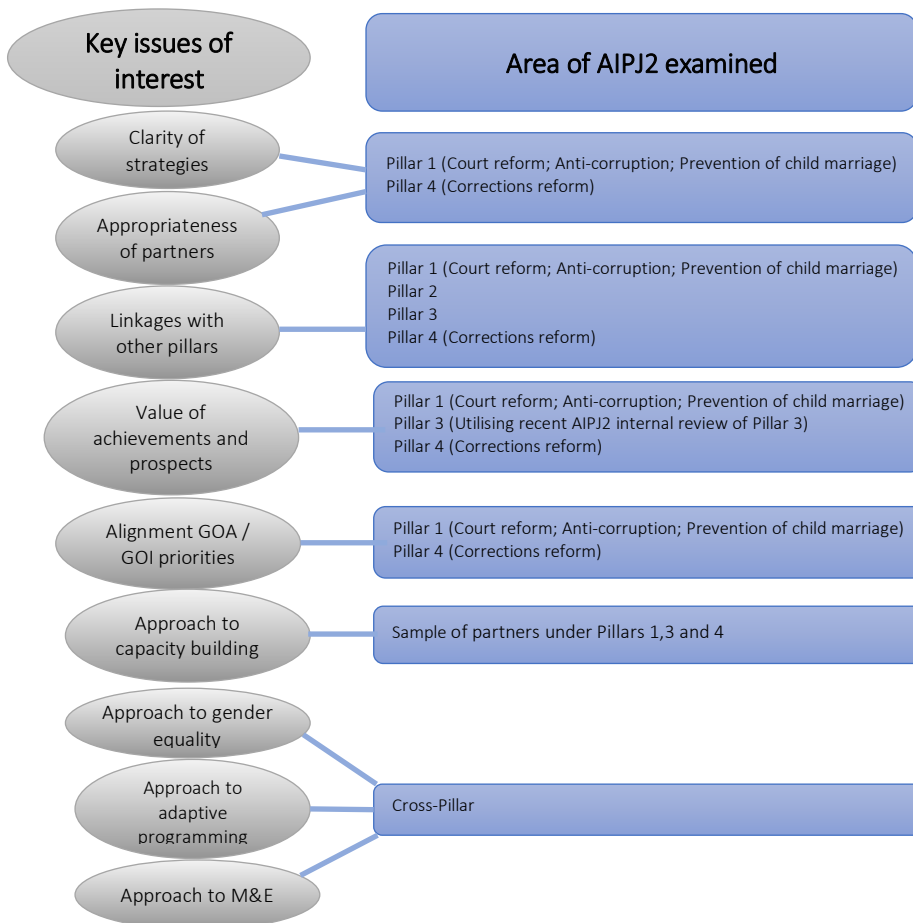
TOR Qs	MTR response
1. How is AIPJ2 targeting and contributing to democratic resilience in Indonesia? Is there scope to do more in the second half of the program?	The MTR considered AIPJ2's relevance to the concept and the extent to which DFAT itself has developed a practicable, working definition of the concept.
2. To what extent is AIPJ2 achieving its intermediate end-of-facility outcomes and making progress towards its end-of-facility outcomes (EOFOs)?	The MTR did not make its own, separate assessment of outcomes achieved. Instead it considered: <ul style="list-style-type: none"> adequacy of AIPJ2's performance measurement and learning systems; significance of reported achievements in a sample of areas of AIPJ2's work; prospects of achieving the EOFOs in a sample of areas of AIPJ2's work.
3. To what extent is AIPJ2 building Indonesian civil society and government capacity?	In the time available, a comprehensive answer to this question was not feasible. The MTR took a cross-facility look at the <i>approach(es)</i> AIPJ2 uses to build capacity in CSOs and GOI partners. We expected this would differ across pillars and by type of partner. We therefore stratified AIPJ2 partners to reflect differences in AIPJ2's engagement and in the stage of development of different AIPJ2 partners
4. Is AIPJ2's modality and budget appropriate to deliver the end-of-facility outcome?	Forming a view on the appropriateness of AIPJ2's modality requires an understanding of how the facility model is working in practice. The MTR addressed the question of AIPJ2's 'ways of working' with a cross-facility review of practices. For a sample of areas of work, the review examined: <ul style="list-style-type: none"> whether AIPJ2 has a clear strategy that is well-communicated; how has AIPJ2 identified, appraised and selected opportunities it supports; how responsive vs. targeted is AIPJ2's approach in practice and how much flexibility remains at the mid-term point? how AIPJ2 monitors changes in the operating context and how this informs its approach <p>The MTR assumed that AIPJ2's budget remains largely fixed for the remainder of the phase and so focused on the relative distribution of resources between its main areas of work</p>

<p>4a. Is the facility achieving value for money?</p>	<p>The MTR could not provide a definitive conclusion on VFM (or whether AIPJ2 priorities offer the best VFM). However, the MTR did investigate the question from a number of perspectives:</p> <ul style="list-style-type: none"> • examine stakeholder perceptions about the ‘value’ generated by different aspects of AIPJ2’s work, • the main VFM risks facing AIPJ2 and risk management strategies • the extent to which VFM considerations informed AIPJ2 selection of options for support and partners • the extent to which key VFM drivers are being addressed: <ul style="list-style-type: none"> o potential linkages/synergies within AIPJ2; o coordination and cooperation with other DFAT programs;
<p>5. Is the facility well equipped to deal with changes in Australian and/or Indonesian government policy?</p>	<p>The MTR used this question to look forward at what – if anything – might be done differently in the remainder of Phase 2. It considered</p> <ul style="list-style-type: none"> • the alignment of AIPJ2’s forward program with the (latest) objectives of both GOA and GOI as well as those of other key actors (including donors) operating the same work areas • the need for any rebalancing of AIPJ2’s strategy, specifically in terms of choices regarding DFAT’s questions relating, variously, to: <ul style="list-style-type: none"> o breadth of engagement versus degree of focus o responsiveness/opportunism of the approach versus degree of direction/targeting o partners and partnering mechanisms o promoting coherence between and within pillars o allocation of resources between pillars/activities

Scope

Given the breadth of activities under AIPJ2 and the time available for the MTR, the review could not address the issues of importance to DFAT at the same depth for all AIPJ2’s work areas. Figure 1 sets out the how different elements of AIPJ2 were examined to inform the MTR’s judgement with respect to the issues.

Figure 1: Areas of AIPJ2 selected to inform key issues



Data collection and analysis

Data sources

The review drew on primary and secondary sources of data. Primary data was collected from three main sources:

- AIPJ2 staff and relevant GOA (including DFAT) staff
- AIPJ2 government and civil society partners
- Knowledgeable informants who are not directly / permanently engaged in from civil society, academia and other donors

Data collection was primarily through individual interviews using semi-structured questionnaires. However, some focus group discussions

were held with civil society partners to explore questions relating to capacity-building. Interviews were conducted in line with standard ethical protocols, with confidentiality and anonymity assured, and information used on a non-disclosive basis unless otherwise agreed.

Secondary data (document review) was primarily in the form of

- AIPJ2 reports, briefs and strategies,
- AIPJ2 management data held by DFAT / Cardno (e.g. expenditure data)
- AIPJ2 partner reports; and
- relevant evaluations (of AIPJ2 and other initiatives)

Sampling

As indicated above (see Scope), the MTR examined a sample of AIPJ2 work areas and engaged with a sample of AIPJ2 partners. Given the small numbers involved and the unique nature of work areas and partners' roles, random sampling methods were not appropriate. Instead, sample selection was purposive and designed to achieve 'situational' (rather than statistical) representativeness. However, the MTR's sampling approach was informed by good practice (e.g. use of stratification).

Analysis, synthesis and drawing conclusions

The MTR's overall approach to drawing inferences was qualitative. However, within that, both quantitative and qualitative analysis was carried out as part of the assessment. The MTR employed a mixed-methods approach, using multiple lines of both quantitative and qualitative evidence drawn from both primary and secondary sources: interviews and focus group discussions, document and administrative data review, content analysis, trend and comparative analysis ('before-after').

Findings reported by AIPJ2 in interviews and reports were triangulated with the views of partners for corroboration or challenge. Interviews with knowledgeable informants were used to test the reasonableness of assumptions underpinning the design logic of key areas of AIPJ2's work, AIPJ2's interpretation of the context and AIPJ2's views on prospects for achieving the end-of-facility outcomes.

The MTR used thematic analysis techniques to analyse results of interviews and focus groups, in order to identify common patterns or themes within and across AIPJ2 pillars. Specifically, Framework Analysis, which is a qualitative method appropriate to mixed-methods/ interdisciplinary research with "specific questions, a limited time frame, a pre-designed sample (e.g. professional participants) and a priori issues (that need to be dealt with)"¹⁶.

Limitations

As set out above, AIPJ2's scope mean the MTR had to be selective which in turn affected the nature of the enquiry possible:

- **The MTR did not make a separate, independent assessment of outcome achievement** but rather sought to validate reported achievements. On the grounds that
 - AIPJ2 is already considered to perform well on effectiveness – high AQC ratings
 - DFAT's interest is predominantly formative – on questions of process and 'strategy' (choices/ options etc.)

¹⁶ Srivastava, A. & Thomson, S. B. 2009. Framework Analysis: A Qualitative Methodology for Applied Policy Research. Research Note JOAAG, Vol. 4. No. 2

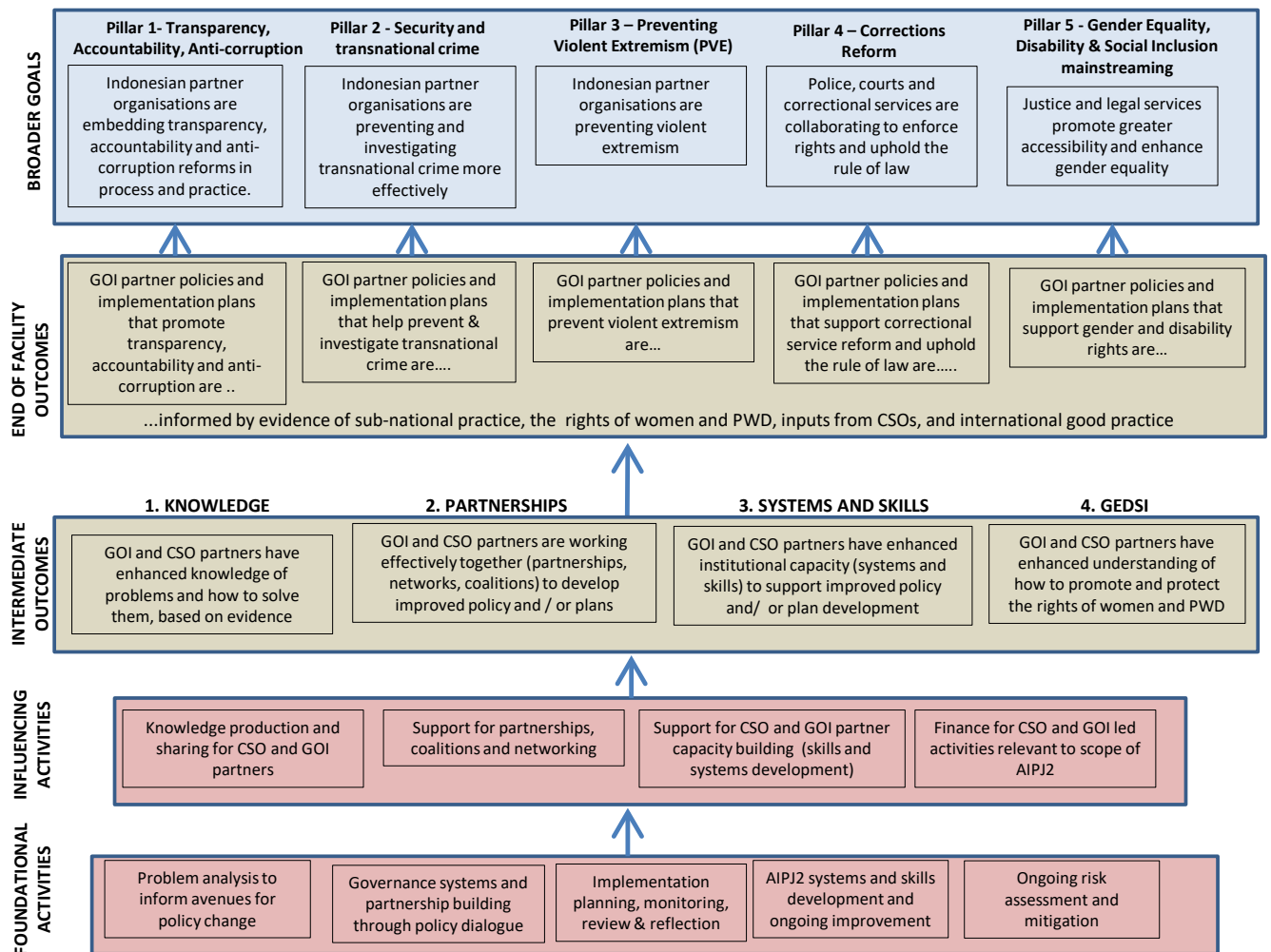
- Interest was predominantly in the MTR's reflections on a) the adequacy of the facility's performance measurement and learning systems; b) how meaningful are the reported achievements; c) what are the prospects of achieving the EOFOs.
- **Similarly, the MTR did not assess the extent to which capacity has been built in CSOs and GOI agencies** but whether AIPJ2's approach is valued by partners and producing promising signs.
- **The MTR did not provide a definitive conclusion on whether AIPJ2 offers VFM (or whether AIPJ2's priorities provide the best value)** but did look at drivers of / risks to VFM and see how they are being managed.
- **The MTR did not look specifically /in detail at the GEDSI work** - though it did address gender elements in the areas examined and consider opportunities for addressing gender concerns across the pillars more broadly and how these had been addressed to date.
- **The MTR did not look specifically at the knowledge hub** This is an interesting innovation but was only getting started and was not a priority for the review. However the review did consider how it fits in the AIPJ2 theory of change and its potential to support capacity development.

Annex 3: Mid-term review consultations

DFAT	Deputy Head of Mission Political and strategic communications section, Jakarta Justice and democratic governance team, Jakarta Governance and Human Development, Jakarta Economic investment and infrastructure, Jakarta Quality and Performance Unit, Jakarta Indonesia branch, Canberra
AIPJ2 team	Staff and advisers (x 16) Cardno (managing contractor) Law and Development Partners (implementing partner)
Indonesian State organisations	Bappenas: Law and Regulation directorate Bappenas: Politics and communications directorate Directorate of Corrections: IT and cooperation; international relations National agency for combatting terrorism: regional and multilateral cooperation directorate Corruption Eradication Commission (KPK): Corruption prevention Supreme Court (MA): development chamber and judicial reform coordination Supreme Court (MA): court administration
Australian State organisations	AUSTRAC Australian Border Force Australian Federal Police Home Affairs (aviation and maritime security) Home Affairs (transnational crime prevention and counter-terrorism)
Civil society partners	AIDA AMAN/WGWC Centre for Detention Studies (CDS) C-SAVE ICJ KIJ LBH Makassar LeIP MaPPI Peace Generation Pekka PSHK PUSAD Paramadina Rumah KitaB Solo Bersimfoni SPAK SOLIDARITAS Tanoker The Asia Foundation

	Transparency International Indonesia Wahid Foundation YPP
Other DFAT programs	MAMPU PEDULI PROSPERA
Other donors/ programs	Indonesia-Netherlands Rule of Law Fund – IDLO UN Office on Drugs and Crime US Dept of Justice – ICITAP USAID - CEGAH
Knowledgeable informants from...	Law Faculty, University of Indonesia School of Regulation and Global Governance, Australian National University Independent Indonesian justice sector expert State Islamic University

Annex 4: AIPJ2 theory of change



Annex 5: Mid-term review plan

Introduction

The Australia Indonesia Partnership for Justice 2 (AIPJ2) is a wide-ranging investment by the Department of Foreign Affairs and Trade (DFAT) designed to contribute to strong and accessible justice and security institutions that enhance respect for enforceable rights and rules-based governance systems and, over time, contribute to stability and prosperity in Indonesia and the region.

The investment is designed as a flexible facility to enable iterative programming in a dynamic and sensitive sector. The facility is relatively small, with up to AUD 40 million committed over a five year period. AIPJ2 started in April 2017, following a previous phase and transition period, and is due to finish in March 2022.

With the halfway point in the investment approaching, DFAT commissioned a mid-term review of AIPJ2. This review plan sets out the proposed approach to conducting the review.

Purpose

Purpose

AIPJ II is a Facility that aims to deliver strategic policy influence to help Indonesia strengthen its justice and security institutions. The primary purpose of the mid-term review is to provide DFAT with an independent assessment of progress to inform the remaining two years of the investment. The focus will be on AIPJ2's approaches to partnership development, capacity building, knowledge generation and policy influence – including how it monitors and reports progress – as well as AIPJ2's overarching strategy and priorities. In doing so, the review will also confirm that the strategic approaches delivered by AIPJ2 are achieving the expected results that track towards the end-of-facility-outcomes.

The review will contribute to DFAT's strategic thinking in relation to any future law and justice programming beyond 2022.

Target audience

The primary audience for the report is DFAT and AIPJ2; however, the report will also be shared with Bappenas and discussed at the AIPJ2 Annual Partnership Board.

Key questions

The review TOR sets out the key evaluation questions for development by the MTR team. A call was held with staff at the embassy in Jakarta to clarify DFAT's priorities and interests and in addition a list of key issues was also provided by the First Secretary responsible for AIPJ2.

Based on these materials, and the review's Purpose, the MTR team have provided a proposed response to the TOR questions:

TOR Qs	Additional comments by DFAT	MTR proposed elaboration
<p>1. How is AIPJ2 targeting and contributing to democratic resilience in Indonesia? Is there scope to do more in the second half of the program?</p>	<p>What aspects of democratic resilience does AIPJ2 address? Is this appropriate? Is anything missing? (for example, is there an opportunity for the program to work more/engage better with Parliament?)</p> <p>AIPJ2 is difficult to explain – wide-ranging and inherently complex.</p>	<p>The TOR question is clear. In addition to examining AIPJ2’s relevance to the concept, we will examine whether it provides a coherent, overarching narrative for AIPJ2 and the extent to which DFAT itself has developed a practicable, working definition of the concept.</p>
<p>2. To what extent is AIPJ2 achieving its intermediate end-of-facility outcomes and making progress towards its end-of-facility outcomes (EOFOs)?</p>	<p>A clearer, simpler explanation of the overall program and each pillar... would be helpful in defending resources and in explaining the work undertaken to BAPPENAS and broader GOA</p> <p>AIPJ2’s results framework: broad and non-specific by design... to enable flexible programming and responsiveness to changing context and priorities/needs. But we struggle to report on performance ... are we set up well enough to monitor progress of the program towards achieving policy reform over the second half of the program’s life?</p> <p>P2: M&E. We already have some strategies in place to improve M&E under Pillar 2, but how could this be further improved?</p> <p>P3: How well are we monitoring and assessing the performance of our CVE CSO partners – not just organisational capacity, but effectiveness?</p>	<p>The MTR will not make its own, separate assessment of outcomes achieved. Instead it will consider:</p> <ul style="list-style-type: none"> • adequacy of AIPJ2’s performance measurement and learning systems; • significance of reported achievements in a sample of areas of AIPJ2’s work; • prospects of achieving the EOFOs in a sample of areas of AIPJ2’s work.
<p>3. To what extent is AIPJ2 building Indonesian civil society and government capacity?</p>	<p>Do we have the right, balance between sufficient coverage and spreading ourselves too thinly? Is it now the time to consolidate?...</p> <p>Are we helping to create a permanent space that DFAT can step out of or are we propping up organisations?</p>	<p>In the time available, a comprehensive answer to this question is not feasible. We will address this TOR Q by a cross-facility look at the <i>approach(es)</i> AIPJ2 uses to build capacity in CSOs and GOI partners.</p> <p>We expect this will differ across pillars and depending on the type of partner. We will therefore stratify AIPJ2 partners to reflect differences in AIPJ2’s approach and in the stage of development of different AIPJ2 partners</p>
<p>4. Is AIPJ2’s modality and budget appropriate to deliver the end-of -facility outcome?</p>	<p>Should AIPJ2 keep working McKinsey style... providing excellent advice as priorities emerge or should it focus more now on [specific] policy reforms?</p> <p>Is there sufficient analytical capacity within AIPJ2?...has it been responsive to changing political economy?</p> <p>Has DFAT provided their wider political judgement clearly enough to enable AIPJ2/the Contractor to make effective choices?</p> <p>Does the split between partners - local CSOs or GOA agencies... favour the best possible prospects for results.</p> <hr/> <p>Have we got the distribution of funding between pillars right?</p> <p>Budget – is the spread of \$\$ across pillars appropriate? Are any pillars over/under-funded?</p>	<p>Forming a view on the appropriateness of AIPJ2’s modality requires an understanding of how the facility model is working in practice. The MTR will address the question of AIPJ2’s ‘ways of working’ with a cross-facility review of practices. For a sample of areas of work examined, the review will examine:</p> <ul style="list-style-type: none"> • whether AIPJ2 has a clear strategy that is well-communicated; • how has AIPJ2 identified, appraised and selected the opportunities and requests that it supports; • how AIPJ2 selects its partners • how responsive vs. targeted is AIPJ2’s approach in practice and how much flexibility remains at the mid-term point? • how AIPJ2 monitors changes in the operating context and how this informs its approach <hr/> <p>The MTR assumes that AIPJ2’s budget remains largely fixed for the remainder of the phase and so will focus on the relative distribution of resources between its main areas of work, informed by findings in relation to other TOR Q’s</p>

<p>4a. Is the facility achieving value for money?</p>	<p>Is AIPJ2</p> <ul style="list-style-type: none"> - prioritising where Australia can add the best value and get the best value for money. - Reducing funding for out-dated or less effective activities, prioritising emerging/newer priorities? - Filling the appropriate gaps between other Australian Government programs – esp. Prospera, MCBI, Peduli, MAMPU <p>DFAT has dedicated civil society and gender programs.. is AIPJ2 the best place for these areas as well as.. ?</p> <ul style="list-style-type: none"> - P3: CVE Are CSOs genuinely working on CVE activities, or democratic resilience or pluralism/tolerance more broadly? Should support for these CSOs be shifted to another program (e.g. Peduli?) <p>Donor mapping – do we have an adequate understanding of what other donors are doing in the law, justice and security capacity building space, now?</p> <p>Can AIPJ2 link up work across pillars better to tighten our strategic focus and potential end of program impact -</p> <ul style="list-style-type: none"> - P1 – P4 linkages : e.g. . improving court processes/capacity and behaviour to reduce prison overcrowding? - P2: Can the program & P2 be more integrated and focus P2 on transnational crime and security activities only. - P2-P3 linkages: Some P2 activities may fit better under P3 - P2-P4 linkages: Some P2 activities fit better under P4 - P4-P3 linkages: links between prison overcrowding, strengthening parole/remissions processes to CVE? 	<p>The MTR will not provide a definitive conclusion on VFM (or whether AIPJ2 priorities offer the best VFM).</p> <p>However, the MTR will provide insights based on investigating the question from a number of perspectives:</p> <ul style="list-style-type: none"> • in discussion with stakeholders and DFAT in particular, examine perceptions about the ‘value’ generated by different aspects of AIPJ2’s work, • the main VFM risks facing AIPJ2, including the risk of ‘non-achievement’ and DFAT’s risk appetite with respect to these. • the extent to which VFM considerations informed AIPJ2 selection of options for support • the extent to which key VFM drivers are being addressed: <ul style="list-style-type: none"> o potential linkages/synergies within AIPJ2; o coordination and cooperation with other DFAT programs; o coordination and cooperation with other donors’ relevant programs. • Depending on available information, it may be possible to compare relative costs of different areas of AIPJ2 work with GOI budget allocations to inform reflections on ‘returns on investment’
<p>5. Is the facility well equipped to deal with changes in Australian and/or Indonesian government policy?</p>	<p>Is AIPJ2 optimally aligned with GOI and GOA priorities? ... has it been responsive to ... emerging needs from both GOA and GOI</p> <p>Are there partners we should or shouldn’t be working with?</p> <p>P1: Could P1 increase alignment to GOI and GOA priorities...eg. Economic p/ship (and focus on commercial courts)...</p> <p>Court reform has been a long-term, big investment.... is it the time now to withdraw or is there rationale to continue....?</p> <p>Anti-corruption – policy reform and GOI strategy.. Are there other priority areas under Stranas PK that Australia could support? particularly now SPAK [maturing] and GOI is looking for support</p> <p>Have we got the balance right in supporting CSOs vs. GOI bodies/courts?</p> <p>P3: Are CSOs connected to government and contributing to GOI CVE priorities? Have we spread ourselves too thinly across 8 CSOs? Is the budget appropriate, or should we reduce the number of CSOs we fund/increase \$ to fewer CSOs etc?</p> <p>P4: Prisons.... is there anything that could/should be revitalised?</p>	<p>The MTR will use this question to look forward at what – if anything – might be done differently in the remainder of Phase 2.</p> <p>It will consider</p> <ul style="list-style-type: none"> • the alignment of AIPJ2’s forward program with the (latest) objectives of both GOA and GOI as well as those of other key actors (including donors) operating the same work areas • the need for any rebalancing of AIPJ2’s strategy, specifically in terms of choices regarding DFAT’s questions relating, variously, to: <ul style="list-style-type: none"> o breadth of engagement versus degree of focus o responsiveness/opportunism of the approach versus degree of direction/targeting o partners and partnering mechanisms o promoting coherence between and within pillars o allocation of resources between pillars/activities

Approach Implementation

The review will be conducted by a three-person team: Lisa Denney – a justice and security sector expert, experienced on issues of access to justice, political economy and adaptive programming; Simon Henderson – evaluation specialist (team leader); and Binziad Kadafi, a highly experienced Indonesian legal expert, whose work has covered many aspects of AIPJ2’s portfolio.

The preparatory phase has been conducted over May-June, covering document review, preliminary discussions with DFAT and AIPJ2 and review planning.

Fieldwork will take place in Jakarta during the first two weeks of July. Interviews with respondents based in Jakarta will be held face to face; interviews with those in other regions will be held remotely.

Report drafting will take place over July-August and a draft final report submitted to DFAT by 7 September. Subject to DFAT comments, the final report will be submitted by 27 September.

Scope

Focus areas

Given the breadth of activities under AIPJ2 and the time available for the MTR, the review cannot address the TOR Questions and issues of importance to DFAT at the same depth for all AIPJ's work areas.

The proposed focus areas is designed to enable the review to address the main areas of interest to DFAT, while still informing DFAT's understanding of performance across AIPJ2's pillars.

MTR focus areas	Pillar	Issues to explore	MTR lead
Court reform	1	Clarity of strategies, appropriateness of partners, linkages with other pillars, value of achievements, coordination with other donors; alignment with GOA and GOI priorities; and prospects /risks for EOFO;	BK
Anti-corruption	1 & 2		
Prevention of child marriage	1		LD
Pillar 2	2	Linkages with other pillars; approach to M&E;	SH
Pillar 3	3	The MTR will draw on the recent pillar review conducted by AIPJ2 enabling a lighter-touch review focused on the clarity of strategies, linkages with other pillars, and positioning of support for community engagement.	SH
Reform coordination	4	Clarity of strategy, appropriateness of partners, linkages with other pillars, value of achievements, coordination with other donors; alignment with GOA and GOI priorities; and prospects /risks for EOFO;	BK
Approach to capacity building	x- AIPJ2	The MTR will examine AIPJ2's approach with a sample of partners across all pillars. The sample will reflect differences in AIPJ2's approach in different work areas and also differences between the partners in terms of development/ needs.	LD
Approach to adaptive programming	x- AIPJ2	The MTR will examine AIPJ2's approach in areas selected for MTR focus, examining how well AIPJ2 monitors and adapts to changes in the operating context and whether the program has the right balance between breadth and depth of engagement.	LD
Approach to M&E	x- AIPJ2	The MTR will examine AIPJ2's approach in each of the pillars and determine its effectiveness in supporting management decision-making and facility governance.	SH

In order to accommodate this scope, the MTR team will limit the depth / range of enquiry in certain areas:

- **The MTR will not make a separate assessment of outcome achievement** On the grounds that
 - AIPJ2 is already considered to perform well on effectiveness – high AQC ratings

- DFAT’s interest is predominantly on questions of process and ‘strategy’ (choices/ options etc.)
- Interest is greater in the MTR’s reflections on a) the adequacy of the facility’s performance measurement and learning systems; b) how meaningful are the reported achievements; c) what are the prospects of achieving the EOFOs.
- **Similarly, the MTR will not assess the extent to which capacity has been built in CSOs and GOI agencies** but will look at whether AIPJ2’s approach is valued by partners and producing promising signs.
- **The MTR will not provide a definitive conclusion on whether AIPJ2 offers VFM (or whether AIPJ2’s priorities provide the best value)** but we will look at drivers of / risks to VFM and see how they are being managed, including
 - Exploiting synergies/linkages between different activities within and across pillars
 - Ensuring effective coordination / division of responsibilities with other DFAT programs and with other donors.
- **The MTR will not look specifically /in detail at the GEDSI work** - though we will address gender elements consider the opportunities for addressing GEDSI concerns across the pillars more broadly and comment on how effectively this is being done to date.
- **The MTR will not look specifically at the knowledge hub** This is an interesting innovation but is only getting started and is not a priority for the review. However the review will consider how it fits in the AIPJ2 theory of change and its potential to support capacity development.

AIPJ2 partners for engagement

AIPJ2 engages a wide range of partners to varying degrees of involvement. The following table sets out the partners identified for the MTR areas of focus. These may be subject to further discussion/ refinement but are offered here to assist DFAT’s initial preparations for the July visit.

MTR focus	Pillar	Partners for interviews
Court reform	1	Bappenas; Supreme Court; LeIP; MaPPI; Dutch aid
Anti-corruption	1 & 2	KPK; Bappenas; Transparency International Indonesia; PSHK; Attorney-General’s Office; AFP; USAID-CEGAH
Prevention of child marriage	1	Supreme Court; Rumah KitaB; ICJ; PEKKA
Pillar 2	2	AFP; AG-O; Home Affairs; AUSTRAC
Pillar 3	3	Bappenas; BNPT (through Bappenas); Wahid Foundation; CSAVE; YPP; AIDA; USAID-HARMONI; UNODC; EU
Reform coordination	4	Ministry of Law and Human Rights; Bappenas; BNPT (through Corrections); TAF; CDS; UNODC
Approach to capacity building*	x- AIPJ2	The sample selected is set out below.

Approach to adaptive programming	x-AIPJ2	No additional selections required.
Approach to M&E	x-AIPJ2	In addition to those above: Solidaritas

* Subject to DFAT/AIPJ2 advice, we anticipate conducting separate enquiries with CSO partners to explore specifically capacity building. These will be in addition to interviews regarding the substance and effectiveness of AIPJ2's work.

AIPJ2's approach to capacity building will be explored specifically through a series of interviews/focus group discussions (FGDs) and assessed in light of what is known about effective approaches to capacity development. The MTR will explore differences in (and effectiveness of) approach according to the level of organisational development among the CSOs, and the fit between the approach and intended outcomes. The following sample of CSO partners is proposed for the purposes of examining AIPJ2's approach to capacity building (numbers in parentheses indicate AIPJ2 pillar):

		Relative level of partner's organisational development		
		Higher	Medium	Lower
Intensity of AIPJ2 approach	Higher	MaPPI (1) AIDA (3) YPP (3)	SPAK (1) Wahid Foundation (1) Peace Generation (3) CDS (4)	SIGAB (1)
	Lower	LeIP (1) CSAVE (3)	AMAN (3) Rumah KITAB (1)	LBH Makassar (3)

The MTR team is considering the value/feasibility of organising a small number of focus group discussions to explore capacity development issues collectively with partners. However, the variation in AIPJ2 approach, level of engagement, in the role of the partner and in their level of organisational development suggests individual interviews may be more effective. At this point, the MTR team is working on this assumption.

In addition, the MTR would like to interview expert commentators knowledgeable in the focus areas. These commentators may not have a direct/permanent relationship with AIPJ2 but will have insights about the broader trajectories of reform (including prospects) and the role (actual/ potential) of Australian assistance. Individuals will be agreed in discussion with DFAT but suggestions are:

- Gregory Churchill - former senior consultant in the Indonesian law and justice sector.
- Prof. Topo Santoso – criminal law expert, former dean of Faculty of Law University of Indonesia
- Leo Sudaryanto – PhD student at ANU and led TAF's prison reform work for a long time.
- Leisha Lister – advisor to the Australian Family Court's work on child marriage.
- Veronica Taylor, ANU
- Dean of Law, Islamic University, Jakarta
- Part-time AIPJ2 advisers PVE: on PVE are Jamhari Makruf (coordination and education), Solahudin Hartman (high risk), Ruby Kholifah (women and PVE), Mohammed Wildan (Yogyakarta and Solo).

Data collection and analysis

Data sources

The review will draw on primary and secondary sources of data. Primary data will be collected from three main sources:

- AIPJ2 staff and relevant GOA (including DFAT) staff
- AIPJ2 government and civil society partners
- Knowledgeable informants who are not directly / permanently engaged in from civil society, academia and other donors

Data collection will be primarily through individual interviews using semi-structured questionnaires. However, the possibility of conducting focus group discussions with civil society partners is currently being considered and, if appropriate, will be used to explore questions relating to capacity-building. Interviews will be conducted in line with standard ethical protocols, with confidentiality and anonymity assured, and information used on a non-disclosive basis unless otherwise agreed.

Secondary data (document review) will be primarily in the form of

- AIPJ2 reports, briefs and strategies,
- AIPJ2 management data held by DFAT / Cardno (e.g. expenditure data)
- AIPJ2 partner reports; and
- relevant evaluations (of AIPJ2 and other initiatives)

Sampling

As indicated above (see Scope), the MTR will examine a sample of AIPJ2 work areas and engage with a sample of AIPJ2 partners. Given the small numbers involved and the unique nature of work areas and partners' roles, random sampling methods are not appropriate. Instead, sample selection is purposive and designed to achieve 'situational' (rather than statistical) representativeness. However, the MTR's sampling approach will be informed by good practice (e.g. use of stratification).

Analysis, synthesis and drawing conclusions

The MTR's overall approach to drawing inferences is qualitative. However, within that, both quantitative and qualitative analysis will be carried out as part of the assessment. The MTR will employ a mixed-methods approach, using multiple lines of both quantitative and qualitative evidence drawn from both primary and secondary sources: interviews and focus group discussions, document and administrative data review, content analysis, trend and comparative analysis ('before-after').

Findings reported by AIPJ2 in interviews and reports will be triangulated with the views of partners for corroboration or challenge. Interviews with knowledgeable informants will be used to test the reasonableness of assumptions underpinning the design logic of key areas of

AIPJ2's work, AIPJ2's interpretation of the context and AIPJ's views on prospects for achieving the end-of-facility outcomes.

The MTR will use thematic analysis techniques to analyse results of interviews and focus groups, in order to identify common patterns or themes within and across AIPJ2 pillars. Specifically, we will use Framework Analysis, which is a qualitative method appropriate to mixed-methods/ interdisciplinary research with "specific questions, a limited time frame, a pre-designed sample (e.g. professional