

AusAID/World Bank Collaboration

EAST ASIA AND THE PACIFIC JUSTICE FOR THE POOR INITIATIVE

2008 – 2013

INDONESIA PROGRAM

2008

1. INTRODUCTION

The East Asia – Pacific Justice for the Poor Initiative (EAP – J4P) is a collaboration between the World Bank and AusAID that will bring together a set of innovative research and development activities to support justice sector reform programs in the East Asia and Pacific region. The initiative will initially strengthen the two existing programs (in Cambodia and Indonesia) and develop a number of new country programs in the region. In addition, a regional program will support cross-country analytical work with a focus on legal pluralism, land and natural resource issues and gender and will develop a regional community of practice.

As the EAP – J4P is a regional collaboration between AusAID and the World Bank, the formal governance mechanisms for the program will be subject to agreement between the World Bank in Washington and AusAID in Canberra. This program document outlines the proposed activities for the Indonesia program under the EAP – J4P initiative. This document aims to compliment the governance mechanisms set out in the Regional agreement and outline a process for communications between the J4P Country Program and AusAID representatives in Indonesia. As such the processes outlined in this document do not represent a formal agreement between the Bank and AusAID. To the extent that there are any provisions in this document that are inconsistent with the Regional Agreement, the Regional Agreement will prevail.

Section one provides a **situational analysis** highlighting how this program both addresses key development priorities identified by the Government of Indonesia and strategic objectives of both AusAID and the World Bank. The **program objectives** are outlined in section two. Section three provides information on the proposed **areas of engagement** under each of the three components of this program. A **program results, outcomes and outputs** matrix is provided in Section 4. Section 5 describes **implementation** arrangements. This includes management arrangements both within the Bank and between the Bank and AusAID; duration and phasing; an description of monitoring, evaluation and reporting requirements; an assessment of **sustainability** and **risks**; and an indicative budget and disbursement schedule.

1. SITUATIONAL ANALYSIS

A functioning justice sector is widely understood to be crucial to poverty reduction in Indonesia. The recent World Bank Country Assistance Strategy (CAS) Progress Report reaffirms weak governance as the core of Indonesia's development challenge.¹ Similarly, "a just and democratic" Indonesia is identified as one of three national development agendas in the Government of Indonesia's National Medium-Term Development Plan (2004-09).² Since the end of the New Order era, Indonesia has undertaken significant institutional and legal reforms aimed at creating a justice sector capable of delivering accountable government and a more equitable distribution of power and resources. The

¹ IBRD/IDA/IFC/MIGA (2006) *Country Assistance Strategy Progress Report for Republic of Indonesia*; 5 September 2006, World Bank, Jakarta

² Presidential Regulation No.7/2005 on the National Medium-Term Development Plan (2004-09), Ch 9, in particular, outlines an agenda for justice sector reform.

establishment of judicial independence through the so-called “one roof law”, introduction of the judicial review of legislation through the Constitutional Court and the establishment of multiple specialist courts and oversight Commissions for the judiciary, prosecutors and police, represents change on a massive scale.

Despite the scale of reform and significant donor investment, institutional changes have not brought justice closer to the people. As the CAS Progress Report observes, “progress has been much less evident in the critical area of legal and judicial reform, where the adoption of an impressive blueprint for reform of the court system has not been followed through with effective implementation.” Public suspicion of the formal legal system remains the norm, leading to a preference for informal justice delivery systems, which themselves are often discriminatory and inconsistent with Constitutional human rights safeguards.³ As a whole, the justice sector remains incapable of resolving or preventing serious problems which impact upon local governance and economic development, including violent conflict; infringement of the rights of villagers over land and natural resources (destruction of livelihood, environmental damage, illegal logging, inequitable land acquisition); corruption and collusion in business dealings; and the embezzlement of development funds intended for poor communities.

Justice sector reform initiatives have also traditionally focused on formal state institutions, however, justice is not the exclusive purview of the state. Village level institutions, responsible for the resolution of perhaps as many as 90% of legal problems throughout Indonesia, have been undermined by thirty years of highly centralised governance. Many now suffer from both capacity and legitimacy gaps that represent a major impediment to the creation of a rule of law culture and the social stability necessary for poverty reduction.⁴ The justice needs of marginalized groups, particularly religious and ethnic minorities and women are often overlooked through village level dispute resolution systems. They require additional support and attention.

Slow progress on the national reform agenda has led to a recognition that strengthening access to justice through work with the supply side alone may prove illusory without a corresponding effort to assist the demand side at the grass roots for the fulfilment and protection of rights.

The urgent need for attention to the demand side takes two distinct forms:

- Recognition that wide-ranging institutional reform of the justice sector is a long-term project requiring years if not generations to effect. In the meantime those affected by an imperfect justice system require immediate assistance to enforce their rights and secure their livelihoods.

³ See World Bank (2008, forthcoming) *Forging the Middle Ground: Engaging Non-State Justice in Indonesia*, World Bank, Jakarta.

⁴ “One can reasonably conclude that perhaps 90 % or more of the law-oriented problems involving the poor are handled outside the courts in much of the developing world.” Stephen Golub (2003) “Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative,” *Working Paper No. 14*, Carnegie Endowment for International Peace, Washington DC.

- The provision of justice services to the poor, vulnerable and marginalized that can help to build constituencies of demand for legal reform among these groups and contribute to the process of systemic change from below.

Addressing the demand side of justice sector reform is recognized by the Government of Indonesia as an essential component of creating an overall ‘just and democratic’ Indonesia. To this extent, the Government is in the process of drafting a National Access to Justice Strategy, the results of which will be incorporated into the next National Medium-Term Development Plan (2010-14).

The main function of the Justice for the Poor Indonesia program, including the collaboration with AusAID, is to support implementation and ongoing development of the National Access to Justice Strategy, aligning with government priorities and under government direction.

Donors are also increasingly recognizing the importance of supporting demand driven approaches to justice sector reform. At a global level such an approach is consistent with the Bank’s new Governance and Anti-Corruption Strategy⁵ and also AusAID’s overall policy framework, which emphasises a demand for better governance and supports local demand for reform. In Indonesia, governance issues continue to be at the core of the development challenge. AusAID’s forthcoming Australia Indonesia Partnership Country Strategy will maintain a focus on developing ‘democracy, justice and good governance’. This includes an explicit focus on improving access to justice for poor and marginalized communities, working with both formal and informal mechanisms.

Against the strategic context described above, Justice for the Poor was established in 2002. Justice for the Poor’s strategic approach addresses the priorities identified above and is consistent with the World Bank CAS. The approach is also clearly supported by the Government of Indonesia through a joint Memorandum of Understanding signed with the Indonesian National Development Planning Agency (Bappenas) and UNDP.⁶ The approach is described below:

Phase I – Research, Analysis and Dialogue: The initial phase of J4P Indonesia (2002-2005) was exploratory in nature. During this phase, intensive field-based research identified openings for reform and explored means by which poor people could defend their interests through formal and informal justice systems. A number of analytical reports were produced during this period.⁷

⁵ “Strengthening World Bank Group Engagement on Governance and Anticorruption”, available at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGOVANTICORR/0,,menuPK:3036107~pagePK:149018~piPK:149093~theSitePK:3035864,00.html>

⁶ *Memorandum of Understanding between The Government of Indonesia (National Development Planning Agency) and the World Bank and the United Nations Development Programme regarding Strengthening Access to Justice in Indonesia*, signed on 23 June 2006.

⁷ These include World Bank (2004) *Village Justice in Indonesia* World Bank, Jakarta; World Bank (2005) *Menciptakan Peluang Keadilan*, World Bank, Jakarta and World Bank (2006) *Keadilan Tak Bisa Menunggu*, World Bank, Jakarta.

Phase II – Experimentation: The program has now evolved from Research to Operations into an experimental stage (2005-present). Research and analytical findings are now being trialled through operational pilots. The pilots will test the efficacy of activities to recreate and scale up the range of factors identified as necessary for poor people to achieve successful resolution of problems through formal and informal legal systems.

Based on the initial analytical findings, the J4P Indonesia team has developed an operational model that combines grass roots community-based legal aid with strengthening of local government and justice sector institutions. The main operational strategy is the formation of networks of paralegals at village and sub-district level to provide a first point of contact for villages seeking legal assistance. The paralegals are linked to legal aid lawyers and civil society networks at district level and above, ultimately feeding into district, provincial and national-level government policy makers. Community leaders are also trained in mediation and fair and effective dispute resolution techniques to build the capacity of village level institutions. Capacity building is provided to district-level justice sector and government apparatus.

Justice for the Poor operations focus squarely on equipping communities to resolve disputes which relate directly to the assertion of economic rights. Hence, the pilots help farmers resolve land disputes and claim rights to irrigation; labourers to secure legally-entitled benefits and conditions; women to assert their inheritance, marriage and property rights; communities to tackle corruption in development projects, etc. In this way, the program draws the inextricable link between legal empowerment and poverty reduction. Variations of the J4P approach are being implemented through four major programs:

- *Support for Poor and Disadvantaged Areas Project (SPADA):* The Mediation and Community Legal Empowerment (MCLE) component of the Indonesian Government SPADA project creates a structure from province to village level providing legal aid, legal education and mediation services to poor communities in post-tsunami and post-conflict areas in Aceh and Maluku provinces.
- *Women's Legal Empowerment (WLE):* This pilot is being implemented in three provinces (West Java, Central Java and West Nusa Tenggara) by a local women's NGO (PEKKA) working with the National Commission on Violence Against Women. The program empowers women at the grassroots through paralegal formation and legal education on issues fundamental to livelihoods – wage discrimination, marriage, inheritance, divorce and domestic violence. It then links the grassroots groups to government and the legal system through the creation of a Multi-Stakeholder Forum (MSF) of judges, police, prosecutors, government officials and NGOs at the district level. The MSF travels to the community level to conduct legal education and hear public complaints;
- *Revitalization of Legal Aid:* This pilot works to revitalize and strengthen community legal aid posts and promote mediation services at village level in three provinces (Lampung, West Java and West Nusa Tenggara), with a particular focus on legal issues faced by labourers and farming communities.
- *Village Judicial Autonomy:* As many as 90% of all disputes are resolved through non-state justice systems operating at the local level. While more accessible and

socially accepted than the courts, inequities often exist. Working in two provinces (West Sumatra and NTB), the Village Judicial Autonomy pilots will aim to develop an equitable model of non-state justice which serves the needs of the poor and marginalized and better defines the interface between state and non-state justice, with a particular focus on the needs and interests of women.

Phase III - Scale-Up and Mainstream: With an ongoing research and analytical agenda⁸ and operational pilots on the ground, the key challenge for J4P is to scale this work up to deliver genuine national level impacts. Outcomes from the current phase of J4P will inform the next phase of consolidation and scaling-up (2006-onwards). Scale up will occur through parallel policy and operational tracks, including:

1. Assisting the Government of Indonesia (GOI) to develop the National Strategy for Access to Justice;
2. Working with the GOI to mainstream access to justice activities through national poverty programs. Inserting access to justice work in programs like the Support for Poor and Disadvantaged Areas project (SPADA) and the upcoming National Community Empowerment Program (PNPM) will scale up micro-level pilots into national programs.

A strong focus on promotion of gender equity underpins J4P's strategic direction. This will be a major element of this proposed program of activities as part of the AusAID-World Bank partnership.

Ensuring the successful transition of the program into the third phase of consolidation and scaling-up will require a number of different elements. Fundamentally, significant analytical work is necessary to generate empirical data on whether J4P operational activities are delivering the anticipated impacts against three key variables: (i) income, livelihoods and poverty reduction; (ii) reduction of violent conflict; and (iii) public trust in and access to local institutions and the formal legal sector for dispute resolution.

It is these factors against which the ultimate success of the J4P Indonesia program will be measured. Generating this impact data will underpin the ongoing development of J4P Indonesia. The evaluation tools will also be applicable to the other countries in the regional J4P program and indeed to legal empowerment initiatives on a global level.

2. PROGRAM OBJECTIVES

The goal of the Indonesia J4P program as a whole is to enhance the ability of poor, vulnerable and marginalized Indonesians to access justice. In this regard, access to justice is defined as:

Access by people, in particular from poor and disadvantaged groups to fair, effective and accountable mechanisms for the protection of rights, control of abuse of power and resolution of conflicts. This access includes the ability of people to seek and obtain a remedy through formal and informal justice systems, and the ability to seek and exercise

⁸ Recently released outputs include Rinaldi, T., M. Purnomo & D. Damayanti (2007) *Memerangi Korupsi di Indonesia yang Terdesentralisasi*, World Bank, Jakarta. Upcoming outputs include World Bank (2007) *Forging the Middle Ground: Engaging Non-State Justice in Indonesia*, and World Bank (2007) *Women's Access to Justice*.

*influence on law-making and law-implementing processes and institutions.*⁹

The J4P program aims to address this goal by focusing on “addressing the immediate justice-related needs of the poor” in the short-term whilst “supporting bottom-up demand for systemic reform” of justice sector institutions in the long-term.¹⁰ The EAP-J4P initiative will play an integral part in the overall J4P strategy in Indonesia. Through the EAP-J4P initiative, the J4P Indonesia country program will specifically address three objectives related to this goal:

1. Promote development effectiveness and build the case for scale up of Justice for the Poor through an intensive initiative to develop evaluation tools and measure the impact of J4P activities against development outcomes, conflict and security and improved state-society relations.
2. Enhance women’s access to justice through the development of a model for demand-based legal and judicial reform
3. Strengthen community-based dispute resolution based on constitutional principles and safeguards.

The above objectives will be achieved through the delivery of three components which combine the impact evaluation work as the main focus, with additional components to address gender equity and justice through expansion of an existing pilot and the launch of a new program on non-state justice systems.

The EAP-J4P partnership will complement other donor support for J4P Indonesia through the Embassy of the Netherlands, DfID and the Decentralization Support Facility (DSF).¹¹

3. AREAS OF ENGAGEMENT

Component 1: Promoting Development Effectiveness

Rationale

Ensuring development effectiveness is a process that aims to reward success, identify shortcomings, and correct failure. Generally, the operational approach to achieving this is to link research, monitoring and evaluation mechanisms to design and resource allocation decision-making processes. This therefore requires appropriate and rigorous monitoring and evaluation systems.

The Justice for the Poor Indonesia program, having completed the initial exploration phase and begun the implementation of pilot operations, is moving into a consolidation and scale-up phase. In order to scale-up, and make claims on scarce development resources, it is crucial that the program produce evidence of the pilots’ outcomes and

⁹ Partly based on Bedner (2004), “Towards Meaningful Rule of Law Research: An Elementary Approach,” MS Unpublished, VVI, Leiden; and UNDP (n.d.), “Access to Justice Practitioner Guide.”

¹⁰ Justice for the Poor, “Legal Reform at the Sub-National Level: Draft Strategy Paper 2006-09”, pg 6.

¹¹ The Netherlands funding (US\$2.6 m) supports J4P pilots, support for the National Strategy, operational costs, research and analytical work and a major NGO capacity building program. The DfID grant (US\$2.3 m) supports the J4P program in Aceh and the DSF support (\$200,000 initially) funds a major program to enhance the quality and accessibility of regional regulations.

impacts. There is a deficit of knowledge about how to rigorously monitor and evaluate J4P-type programs, and significant technical challenges prevent the adoption of standard methods. Indeed, a significant weakness of previous justice reform initiatives has been their propensity to focus on programmatic outputs—such as the number of judges trained or court houses refurbished—as opposed to justice outcomes, impacts, as well as processes of change.

There is a general lack of capacity amongst legal organisations, including the Indonesia program’s implementing partners, to collect and analyze monitoring and evaluation data. Increasing the capacity of these organizations will improve their organizational management, assist with policy advocacy efforts, and their ability to respond to the legal needs of the poor. There exists significant expertise within the World Bank on how to develop monitoring and evaluation methodologies and to implement monitoring and evaluation systems. The Justice for the Poor Indonesia program is well placed to develop and pilot monitoring and evaluation tools that will be relevant to the other Justice for the Poor country teams as their operational activities come online.

Activities

This component will generate independent quantitative and qualitative data to allow for the more effective monitoring and impact evaluation of all J4P operational activities. It will develop the methodology and tools for evaluation; and use the tools to gather systematic evidence of impact, supporting the scale-up agenda both within Indonesia and throughout the regional initiative as a whole. Main activities include:

1. *Methodology and instrument development:* Collaborate with World Bank experts from across the organisation, including evaluation experts from the PREM (Poverty Reduction and Economic Management) unit and the Development Research Group (DEC), to develop and pilot quantitative and qualitative methods and instruments for conducting research and evaluation of justice sector issues and interventions. Methods for the following research themes will be a particular focus:
 - a. Economic and livelihood impacts
 - b. Conflict and violence
 - c. State-society relations
 - d. Development effectiveness
2. *Monitoring and documentation:* Activities will include monitoring missions, the documentation of beneficiaries’ experiences in written, photographic and video form, and the collection of MIS data. These activities will contribute to successful pilot implementation, documentation of experiences, and the collection of data relevant to the framework’s evaluation components.
3. *Pilot evaluation:* Conduct rigorous evaluations of the J4P Indonesia program’s four ongoing pilot programs: the Women’s Legal Empowerment, Revitalization of Legal Aid, and Village Judicial Autonomy programs, as well as the Mediation and Community Legal Empowerment component of the GoI’s Support for Poor and Disadvantaged Areas (SPADA) program. The evaluation of these pilot programs will systematically inform their scale-up through the National Community Empowerment Program (PNPM) and the SPADA project.

4. *Complementary evaluation studies:* Complementary evaluation studies will be determined and conducted in response to, and in order to inform, the government's National Access to Justice Strategy. Potential topics and issues include: the economic effects of marriage, birth and divorce registration; the outcomes and benefits of *pro bono* legal aid models; the impacts of human rights media campaigns, and court performance monitoring and evaluation systems.

Component Two: Women's Legal Empowerment (WLE)

Rationale

Based on a series of assessments and field research, it is clear that women are marginalised in terms of access to justice. Women have lower understanding of their rights, are less likely to use the formal justice sector and have less access to justice through village institutions, which often reflect and perpetuate their marginalisation from local power structures. Consequently their legal needs are often not taken seriously or are indeed ignored. As many of these needs link to economic livelihood, a lack of access to justice can send women into an inescapable cycle of poverty.

Some of the main legal issues affecting women include: (i) non-legal marriage; (ii) non-legal divorce; (iii) lack of legal identity; (iv) inequitable division of property during inheritance and divorce; (v) domestic violence; and (vi) wage discrimination. As a result of these problems, women are increasingly marginalized and pushed into poverty. To attempt to overcome these problems, women need to be armed with increased knowledge of their legal rights and allowed access to resources to enforce them through more responsive legal institutions.

Activities

This component will support the expansion of J4P's current WLE pilot from three provinces to eight. It will also assist the scale up agenda by supporting ongoing work to mainstream WLE through the National Community Empowerment Program (PNPM). WLE is implemented by local women's empowerment NGO, PEKKA (The Female Headed Households Program). In addition, J4P will aim to collaborate with and complement related initiatives supported by AusAID. For example, the team will work closely with the Indonesia Australia Legal Development Facility (IALDF), in particular the work carried out through the religious courts, which focuses on women's issues of divorce, marriage and birth registration.

J4P will also consider expansion of the WLE model through other institutions, including mass-based Muslim organizations and a possible collaboration to support legal empowerment for Female Migrant Workers.

Main activities include:

1. Creating a network of women paralegals at the kecamatan/desa level to deliver legal information and access to legal aid services.
2. Establishing in each project location a "Judicial Sector Multi-Stakeholder Forum" (MSF) consisting of representatives of the local Police, Prosecutors Office, State Court, Religious Court, local government and NGOs to generate a more responsive legal apparatus.

3. Documenting violation of women's rights cases as the basis for policy dialogues at the kabupaten and national level to push for greater access to justice for women at the policy level.

Pilot sites will be included as targets of evaluation under the Promoting Development Effectiveness component.

Component Three: Inclusive Community-Based Dispute Resolution

Rationale

This component will support Justice for the Poor's Village Judicial Autonomy program in West Sumatra and West Nusa Tenggara provinces. The program draws on over two years of qualitative and quantitative field research conducted in cooperation with the Supreme Court in five provinces across Indonesia on the functioning of non-state justice systems, with a particular focus on women and minority groups. The study, to be released in 2008, broadly concludes that:

The cost, complexity and physical distance of formal justice mean that the courts are not the primary forum for dispute resolution. Local alternatives - through the village head, community leaders or through traditional customary law - are where the majority of disputes are settled. The primary goal of informal dispute resolution is to preserve harmony between the parties and their families, often taking preference over the protection of individual rights. The goal of harmony interpreted through the lens of local traditions and cultural norms can at times result in discrimination against ethnic minorities - who may be new to or not fully accepted into local traditions - and women, who are rarely represented in local level institutions. Weaker parties have less financial resources, information and social networks so tend to be marginalized in disputes. The lack of a comprehensive system of accountable procedures, checks and balances and enforcement mechanisms increases the susceptibility of the informal system to manipulation by powerful parties.

The unclear distinction between informal and formal dispute resolution systems adds to the uncertainty and may be exploited by powerful parties to further their own interests. Generally, informal dispute resolution procedures do not deal effectively with inter-ethnic disputes and disputes with powerful external parties.

Through an extensive consultation process with local government and community and non-government stakeholders in each location, J4P has developed a pilot program in two provinces to build on existing village dispute resolution systems and develop a socially inclusive model for non-state justice at the village level, which will focus on enhancing access to justice for women and minority groups, in line with Indonesian constitutional standards.

Activities

Based in two provinces (covering six districts), the program aims to establish (in identified pilot districts and villages) a socially inclusive model for local level dispute resolution mechanism. Activities will include:

1. Developing agreed rules of substance and procedure governing dispute resolution in the villages which are consistent with constitutional safeguards.

2. Drafting an agreed structure and mechanism for dispute resolution, including a clear and defined role and function for women.
3. Agreeing with local stakeholders and courts a definition of jurisdiction *vis a vis* the formal legal system.
4. Securing acknowledgement of this system through a regional regulation.
5. Training for village mediators in local and national law and in mediation skills.
6. Improving the administration and documentation skills of village dispute resolution actors.

The program will be subject to intensive monitoring and evaluation under Component One. If results are positive, they will be utilized as a means for pushing for scale up of the approach into additional districts and provinces to strengthen more inclusive village dispute resolution and define the crucial interface between non-state and state justice.

4. PROGRAM RESULTS, OUTCOMES AND OUTPUTS

The program components, objectives, outcomes and outputs are described in tabular form in the results matrix below:

Component	Promoting Development Effectiveness	Women's Legal Empowerment	Village Judicial Autonomy
Objective	Promote development effectiveness (of both Justice for the Poor interventions, as well as the programs and social processes they support)	Enhance women's access to justice through the development of a model for demand-based legal and judicial reform	Strengthen community-based dispute resolution based on constitutional principles and safeguards
Outcome	<p>Improved methods and instruments for monitoring and evaluating Justice for the Poor-type interventions</p> <p>Successful consolidation and scale-up of the pilots</p> <p>Increased capacity of local legal organisations to collect data for monitoring and evaluation purposes</p> <p>Increased donor</p>	<p>Enhanced access to justice for women, as measured through increased legal awareness and more responsive legal institutions</p> <p>Women's livelihoods are improved through engagement with the program</p> <p>Women's legal empowerment activities are included in the PNPM program</p>	<p>A model for engagement with non-state justice systems is in place in the pilot villages. The model, or elements of it, are adopted by local governments</p> <p>Quality of non-state justice enhanced in target locations, as measured through community perceptions and direct observation</p>

	harmonisation through the development of common monitoring and evaluation methodologies.		
Outputs	<p>Methodology and Instruments:</p> <ul style="list-style-type: none"> ▪ Methodology paper ▪ Legal awareness survey instrument ▪ Dispute processing survey instrument ▪ State-society survey instrument ▪ Economic impact methodology <p>Monitoring and documentation:</p> <ul style="list-style-type: none"> ▪ Joint monitoring missions ▪ Print, film and photography documentation of pilot activities and user experiences <p>Pilot evaluation:</p> <ul style="list-style-type: none"> ▪ M&E strategy (for each pilot) ▪ Data reports ▪ Analytical reports ▪ Dissemination workshops <p>Complementary evaluation studies:</p> <ul style="list-style-type: none"> ▪ Study reports ▪ Dissemination workshops 	<p>Increased legal awareness in target areas</p> <p>Increased public satisfaction with the performance of legal institutions</p> <p>Formation of female paralegals in the target areas</p> <p>Formation of functioning Multi-Stakeholder Forums in target districts</p>	<p>Agreed standards for procedure established in the target villages</p> <p>Training for mediators at village level</p> <p>Codification of traditional customary law in line with constitutional standards in target villages</p> <p>Clarification of the jurisdiction of state and non-state justice through local court or regional government regulations in both provinces</p>

5. IMPLEMENTATION

Overall coordination of the program will be under the Task Team Leader for the EAP – J4P Initiative based in Washington. As the longest running J4P program, the Indonesia Program will contribute significantly to the overall development of the regional initiative. This will include contributing to the community of practice knowledge sharing events

envisaged under the regional program and being actively involved in the development of the regional thematic work on legal pluralism, land issues and gender. In addition, monitoring and evaluation tools and approaches developed under the Promoting Development Effectiveness Component of the Indonesia Program will be of direct use to other country programs under the Regional initiative. Members of the Indonesia Program will also contribute to the establishment and development of other country programs under this initiative.

5.1 Management

Within the World Bank the program will be managed by the Indonesia J4P Country Coordinator based in the Jakarta office of the World Bank. The Indonesia country program will operate with substantial levels of autonomy. The Country Coordinator will report to the EAP-J4P Initiative Task Team Leader in Washington, DC on program progress and coordinate with the World Bank's Indonesia country team through the Lead Social Development Specialist, the Country Lawyer and the Country Director.

The Country Coordinator will hold regular coordination meetings with the AusAID post in Jakarta. In addition, a country based working group will be established, including relevant government, donor, NGO and academic representatives. The role of this working group will be to provide advice on program design, development of thematic foci and strategic priorities. It is envisaged that AusAID will be actively involved in this working group. AusAID post will also be invited to participate in routine program supervision missions.

Pursuant to the 2006 MOU with the National Development Planning Agency (Bappenas), the program is also under the general direction of the Directorate for Law and Human Rights.

5.2 Duration and Phasing

It is envisaged that this proposal will cover a period of 5 years. It is proposed to structure implementation into two phases. Phase I will cover a period of three years in which the three current components will be delivered. Phase II activities will be designed on the basis of results achieved during Phase I and in accordance with evolving GOI and core country priorities.

5.3 Monitoring, Evaluation and Reporting

Effective monitoring and evaluation is critical to J4P's overall strategy to mainstream and scale-up activities. To this extent J4P has spent considerable time and effort developing robust monitoring and evaluation strategies in conjunction with the government and its implementing partners. The inclusion of a component on development effectiveness in EAP-J4P initiative reflects this emphasis.

A detailed country program monitoring and evaluation framework will be developed in the first stage of the program in consultation with government and other local partners, World Bank Country Management and AusAID post. J4P Indonesia's Monitoring and Evaluation Coordinator will oversee the development of this plan with support from the overall M&E coordinator and the Country Coordinator in Indonesia.

The M&E Framework under this initiative will fall under the broader J4P Indonesia M&E Framework so that performance can be measured against J4P's overall goals. The framework will also be developed in conjunction with the overall EAP-J4P regional initiative. For each of the three components under this initiative, progress will be tracked across management, performance and impact indicators. For indicative purposes, a M&E Framework for a current J4P activity (Revitalisation of Legal Aid) is attached in Annex 1. Similar frameworks will be developed for each of the components under this initiative.

Reporting

As part of a Regional EAP-J4P initiative, the overall program will be monitored through the use of an electronic Bank standard reporting system for trust fund activities. Reporting will include:

- Twice-yearly **progress reports** that include questions and ratings on the achievement of grant objectives, implementation of the grant, expected follow-up activity, issues for management attention, etc; and
- A **completion report** that includes information on progress and additional assessment of lessons learned and outcomes.

Reporting at the Indonesia country level will be coordinated with AusAID post. Progress reports will be submitted to coincide with the AusAID annual program performance updates. A joint annual review of activities will inform the development of annual work plans

5.4 Sustainability

This Initiative has been designed with a number of features that promote sustainability including:

- A commitment to progressive and long term engagement.
- An inherently flexible mode of operating which allows the program to adapt to changing priorities.
- A focus on documenting impact to encourage buy in by government and mainstreaming into national poverty programs.
- A focus on understanding and supporting local institutions and existing initiatives ensures that J4P is embedded in the environment where it operates.
- A commitment to capacity building and empowerment of reform-minded formal and informal actors to carry out reform beyond program completion.
- An emphasis on changing values and ideas (rather than bricks and mortar) which are more easily sustained once programming finishes.
- An explicit principle of working with and through government systems to develop ownership and trigger policy change.

A participatory approach to monitoring and evaluation would provide a basis for sustained reform movement.

5.5 Risk Management

Risks	Risk Mitigation Measures	Risk Rating*
The multi-dimensional and complex design of EAP-J4P undermines program coherence	<p>Current J4P county and HQ coordinators actively involved in program design and supervision</p> <p>The program management structure provides clear roles and directions for the initiative</p> <p>Program components are integrated into broader J4P Strategy in Indonesia.</p>	M
Program activities may cause significant shift in power dynamics and trigger resistance to reform from traditional holders of power both at the local and the national level.	<p>Ensure that reform is engineered from within and the program enjoys the legitimacy of relevant actors</p> <p>Strengthen the capacity of reformist actors both within the government and the community by helping them to constitute coalitions that press for change</p> <p>Work with Government to support National Access to Justice Strategy</p>	S
Potential for discord between research outputs and the prevailing status quo	Research activities will seek to adequately reflect local dynamics and transition processes in its design and implementation	M
Weak coordination and harmonization among World Bank, AusAID, government, stakeholders and beneficiaries	<p>Coordinate through National Development Planning Agency and Access to Justice Donor Coordination Group</p> <p>The Collaboration, Consultation and Reporting mechanism of the program will ensure that AusAID's continuous involvement in program design and supervision.</p>	M
Implementation of SPADA affects ability to adequately implement development effectiveness component	Monitor closely implementation of MCLE component of SPADA and work with Government of Indonesia to overcome issues that may arise.	M
International community and project country governments do not maintain sustained	Work with a joint World Bank-AusAID high level Steering Committee to ensure EAP-J4P's fit with existing priorities	M

commitment to reform	Country and regional teams prioritize regular dissemination and information sharing to ensure that the program remains visible and relevant	
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* Risk Rating – H (High Risk), S (Substantial Risk), M (Modest Risk), N (Negligible or Low Risk).

5.6 Indicative Budget and Disbursement Schedule

An estimated US\$2,050,000 of the total EAP-J4P Initiative has been initially allocated for the J4P program in Indonesia. The exact sum is subject to final agreement between the World Bank and AusAID through the Regional Trust Fund. Outlined below, however, is an approximate budget breakdown.

COUNTRY PROGRAMS INDONESIA	Development Effectiveness	WLE	VJA	Sub- Total
FIXED COSTS				
Staff Cost (Salary + Benefits + Indirects)	85,155	13,913	20,000	119,068
Local Staff	50,000	47,800	100,000	197,800
Cross-support	50,000	39,800		89,800
Total Fixed Costs	185,155	101,513	120,000	406,668
VARIABLE COSTS				
Extended Term Consultants	60,000			60,000
Equipment Costs Purchase	4,000	4,000		8,000
Equipments Costs Lease				0
Associated Overheads				0
Consultant Fees	452,272	239,000	234,728	926,000
Temporary Staff Costs			12,000	12,000
Contractual Services	5,000			5,000
Travel Expenses	70,000	23,900	15,530	109,430
Media & Workshops Costs	40,000	39,800	23,900	103,700
Total Variable Costs	631,272	306,700	286,158	1,224,130
Component TOTALS	816,427	408,213	406,158	1,630,798
Program Management, Administrative and Regional Costs				419,202
GRAND TOTAL				2,050,000

Other Financial Inputs

In addition to the Bank's technical contributions, the program will tap into substantial financial or resource contributions from a range of sources including trust fund monies from other donors, bank budget and staff time, and physical and technical overheads- such as office space, IT, communications etc. At the same time, the J4P team has

included charges for things such as staff time in the proposed budget. Under Bank executed trust funds it is normal to charge up to 30% of the total budget to staff costs. This allows the team to ensure that it can draw on Bank expertise which would not otherwise be available to it, given the internal cost charging structure within the Bank. The amount will by no means cover the staff time and costs of running the program, however it ensures that there will be adequate staff involvement at all levels rather than relying on consultants to run various aspects of the program; active staff involvement ensures that the program is adequately embedded into mainstream Bank work. Support for Bank staff involvement also allows for quality and consistency in project outputs and assured understanding of goals.

The World Bank will also contribute senior staff time to this program through the EAP-J4P management processes. The Bank will provide supervision for the program and will support the overall program steering committee.

The World Bank country office in Indonesia provides substantial in-kind cross-support to the J4P team. Types of support provided by the country offices include use of office space and equipment, administrative and human resources support, and technical advice and review. Country teams have played an important role in the preparation of this proposal, have helped identify key themes and priorities and their involvement will be essential during program preparation and start-up.

Because of program successes and the World Bank's global reach and reputation, the existing *Justice for the Poor* programs have been able to leverage support from a wide range of donors. The Indonesia program receives approximately three-quarters of its funding from other donors under the current proposed budget.

Audit Arrangements

A Single Audit encompasses the Bank's standard Quarterly Unaudited Statement of Receipts, Disbursements and Fund Balances, along with an annual management assertion and an attestation from the Bank's external auditors concerning the adequacy of internal control over cash-based financial reporting for trust funds as a whole.

ANNEX 1: INDICATIVE LOGFRAME REVITALIZATION OF LEGAL AID (RLA) PROGRAM

A. GOAL	Indicators	Means of Verification	Who	When	Notes
A.1 Welfare - Does RLA improve the welfare of direct and indirect beneficiaries?	<ul style="list-style-type: none"> • ↑ perceptions of well-being amongst direct beneficiaries • ↑ expenditure/income levels amongst direct beneficiaries who experience a legal case/issue • ↑ expenditure/income levels amongst those communities who experience a large community-wide legal case/issue 	<ul style="list-style-type: none"> • A2J Survey • Case Analysis • “ 	<ul style="list-style-type: none"> • J4P (OS) • J4P • “ 	<ul style="list-style-type: none"> • Before-After • Annually • “ 	Priorities: Protect Livelihoods; Poverty Reduction
A.2 Asset Security and Labor Conditions - Does RLA increase asset security and improve labor conditions?	<ul style="list-style-type: none"> • ↑ legal recognition of property (certificates and other legal documents), particularly land and other natural resources • Improvement in labor conditions • ↓ discriminatory labor conditions 	<ul style="list-style-type: none"> • A2J Survey • Case Analysis • “ 	<ul style="list-style-type: none"> • J4P (OS) • J4P • “ 	<ul style="list-style-type: none"> • Before-After • Annually • “ 	
B. OBJECTIVES	Indicators	Means of Verification	Who	When	Notes
B.1 Increase access to justice for rural communities and labor groups	<ul style="list-style-type: none"> • ↓ number of cases not reported to either formal legal institutions or informal mechanisms • ↑ quality of case outcomes as processed by formal institutions and informal mechanisms 	<ul style="list-style-type: none"> • A2J Survey • Case Analysis • A2J Survey • Case Analysis 	<ul style="list-style-type: none"> • J4P (OS) • J4P • J4P (OS) • J4P 	<ul style="list-style-type: none"> • Before-After • Annually • Before-After • Annually 	

	<ul style="list-style-type: none"> • ↑ level of satisfaction with outcomes processed by formal legal system and informal mechanisms • ↑ level of trust in achieving a satisfactory outcome through formal institutions and informal mechanisms • ↑ level of perceived influence over formal law-making and law-implementing institutions, and community decision-making and norms • #/type of concrete actions taken by local formal and informal institutions to improve community legal aid services and dispute processing (eg. Perda, SK, policy, Perdes, Paralegal recognition, budget allocations) 	<ul style="list-style-type: none"> • A2J Survey • “ • Activity Reports • Supervision Reports 	<ul style="list-style-type: none"> • J4P (OS) • “ • IP (<i>Fasko</i>) • IP/J4P 	<ul style="list-style-type: none"> • Before-After • “ • Quarterly • Annually 	
C. OUTPUTS	Indicators	Means of Verification	Who	When	Notes
C.1 Legal awareness and understanding of certain community members increased	<ul style="list-style-type: none"> • ↑ level of legal awareness amongst certain community members • ↑ level of understanding of dispute processing options amongst certain community members 	<ul style="list-style-type: none"> • A2J Survey • A2J Survey 	<ul style="list-style-type: none"> • J4P (OS) • J4P (OS) 	<ul style="list-style-type: none"> • Before-After • Before-After 	
C.2 Community legal aid outreach capacity increased	<ul style="list-style-type: none"> • ↑ level of legal knowledge and skills of paralegals and community mediators • ↑ organizational and mobilization capacity of community legal aid posts (<i>posko</i>) • ↑ #/type of incidents reported to <i>posko</i> • ↑ #/type of consultations provided by <i>posko</i> 	<ul style="list-style-type: none"> • Pre/Post Test • KI Survey • Case Analysis • Supervision Report • Activity Diaries • “ 	<ul style="list-style-type: none"> • IP/TO • J4P • J4P • IP/J4P • IP (<i>Posko</i>) • “ 	<ul style="list-style-type: none"> • Per Training • Before-After • Annually • “ • Quarterly • “ 	

	<ul style="list-style-type: none"> • ↑ #/type of case consultations provided by <i>fasko</i> and community lawyer 	“	<ul style="list-style-type: none"> • IP (<i>Fasko/CL</i>) 	• “	
C.3 Legal institutions awareness of community legal issues increased	<ul style="list-style-type: none"> • ↑ level of understanding of community legal issues amongst local legal officials • Improved attitudes of legal institutions with respect to the provision of community legal aid • ↑ local legal officials participation in <i>posko</i> activities (visits, community legal education) 	<ul style="list-style-type: none"> • KI Survey • KI Survey • Activity Reports 	<ul style="list-style-type: none"> • J4P • “ • IP (<i>Posko</i>) 	<ul style="list-style-type: none"> • Before-After • “ • Quarterly 	This output is the least clear