

10 July 2006

# **TERMINAL EVALUATION REPORT**

Project Number FS/INS/03/R43

## **Strengthening Judicial Integrity and Capacity in Indonesia**

(Global Programme Against Corruption)

Report of the Evaluator

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Vienna

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**LIST OF ACRONYMS**

GPAC.....	United Nations Office on Drugs and Crime's Global Programme Against Corruption
GTZ.....	Deutsche Gesellschaft für Technische Zusammenarbeit (German Technical Assistance Agency)
KPK.....	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
NGO.....	Non Government(al) Organisation
UN.....	United Nations
UNDP .....	United Nations Development Programme
UNODC.....	United Nations Office on Drugs and Crime
UNOPS .....	United Nations Office for Project Services

## EXECUTIVE SUMMARY

### 1. Summary table of findings, supporting evidence and recommendations

<i>Findings: identified problems/issues</i>	<i>Supporting evidence/examples</i>	<i>Recommendations</i>
1. The project was experimental by design and aimed at establishing, through sample activities at 6 courts in 2 provinces of Indonesia, whether they could impact on Judicial Integrity and Capacity. The provinces of South Sumatra and South East Sulawesi were selected.	Results of surveys of judicial integrity and capacity presented to Provincial Integrity Meetings were daunting but accepted by local role players who devised realistic action plans to deal with issues identified. These have been largely implemented with tangible results especially in the field of raising public awareness. Outcomes have been accepted at a National Integrity meeting and circulated nationwide.	The programme should continue and be expanded to a further 18 courts in 6 other provinces. The same methodology should be used including preliminary surveys. Re-measurement should take place at the 2 pilot provinces to provide an impact assessment.
2. Sustainability of the project outcomes in the 2 pilot provinces currently presents a challenge.	In one province, the Chief Judge has been transferred to another location and since his departure little activity has taken place against the action plans. The end of the current project means that there is no National Coordination team in existence although the Chief Justice of the Supreme Court has appointed one of his Deputies to carry the programme further during the interregnum.	UNODC continues to support the implementation of the Action plans both before and during the recommended expansion of the programme. In future, local counterparts should be encouraged to ensure continuity of project outcomes after it has been concluded.
3. There is a need to expand awareness of the programme to the national level.	Good publicity followed by intense public debate followed the Provincial Integrity meetings both of which were followed by radio and television talk shows. Little publicity followed the National Integrity meeting which nevertheless accepted and endorsed survey results and Action Plans from the 2 Provincial Meetings. The National Integrity Meeting did issue a declaration in support of the project.	Once UNODC has decided on the way ahead (design of a new or similar project), a national press conference should take place at which the Chief Justice, UNODC and other major role players should welcome the progress made and announce the parameters of the expanded programme.
4. NGO's, civil society representatives' and the private sector's involvement in activities could have been greater.	Whilst there was good representation from these bodies at the Provincial Integrity meetings, their involvement in subsequent Action Plan implementation was not at an ideal level.	If an expanded programme is to be undertaken as recommended, the project manager(s) should endeavour to encourage greater participation in action plan implementation by these bodies.
5. The donor community within Indonesia has shown positive support for the project and participated in the Provincial and National Integrity meetings. There is however, a need to ensure cohesion between the activities of the various donors and canvass support and involvement for and in any expanded programme.	Funding for the recently completed project was provided solely by UNODC with the Government of Indonesia making contributions in kind by the provision of office space and other resources.	It is important to involve as many stakeholders as possible in an expanded programme. It is recommended that a workshop for 'friends of the project' be held as a means of obtaining buy-in and active support. The workshop could examine proposed strategies, methodologies, explore wider funding options and could include NGOs, the business community and academics in addition to the existing role players.

<i>Findings: identified problems/issues</i>	<i>Supporting evidence/examples</i>	<i>Recommendations</i>
6. The National Integrity Meeting welcomed the adoption of a draft resolution of the UN Commission on Crime Prevention and Criminal Justice suggesting member states review the rules for professional and ethical conduct of Judges taking the Bangalore Principles of Judicial Conduct	See Declaration at Annex 4	As part of the recommended expanded programme, UNODC considers engineering and facilitating the rule review by and within Indonesia's Judiciary.
7. Because of the need for GPAC expertise, the mainstream management of this project and backstopping was provided by UNODC (HQ) (mainly GPAC) in Vienna.	Whilst the management arrangements were dictated by unavoidable circumstances, distance and time-lag constraints did result in communication difficulties and less than an ideal level of involvement by the UNODC Regional Office in Bangkok.	An expanded programme will continue to need GPAC expertise, but consideration should also be given to UNODC project management expertise being available in Indonesia or nearby in Bangkok.
8. Staffing levels in the office of the National Coordinators Office were ideal with 2 full time members and one part-time.	Organising and coordinating the various activities within the completed project produced the expected results.	The National Coordinator's office will need additional administrative support for any expanded programme.
9. Although not a priority for the project, little progress has been made on improving case management in the two pilot provinces.	Lack of progress is not surprising due to the lack of systems analysis expertise available in the judiciary.	It is recommended that this aspect be treated as a separate project and that ways of addressing the issue be explored during the proposed 'friends of the project' meeting.

## **2a. Summarised description of the project and project objectives**

Transparency International's annual Corruption Perception Index, measuring external perceptions, has consistently rated Indonesia as being amongst the seven most corrupt countries. Perceptions within the country were similar, corruption being believed to pervade throughout all branches of Government and commerce. Endemic and systematic corruption within the country's judiciary was a major concern to all stakeholders within and outside the justice system.<sup>1</sup> Public confidence in the court system was at an all time low.<sup>2</sup> The law enforcement process seemed to be accessible only to the rich and rights could only be defended through bribery.

In the face of this situation, the post Suharto Government of Indonesia ventured on a political reform agenda committing it to establish a solid framework of good governance. The Partnership for Governance Reform, bringing together representatives of Government, civil society, the private sector and donors identified six priority areas for reform in Indonesia, the judiciary being first on the list. The Partnership has coordinated international support for a

<sup>1</sup> See 3

<sup>2</sup> Richard Holloway, Anti-KKN Advisor - Partnership for Governance Reform, p.20

number of reforms within the judiciary but expresses Indonesian ownership of the process. A number of initiatives, mainly focusing on building capacity within the Supreme Court and the Commercial Courts were put in place through this process.

As part of the reform process, the Government of Indonesia requested UNODC for assistance in strengthening judicial integrity and capacity. Through its Global Programme against Corruption, UNODC was seen to have the mandate, proven approach and capability to establish standards and norms for judicial conduct and to have the in-house expertise for delivering anti-corruption technical assistance.

This evaluation report reviews the project that emerged from UNODC's agreement to provide the requested assistance. The project commenced in January 2004 and concluded in June 2006. The philosophy behind the project was pilot testing from which lessons could be learned as the foundation for the implementation of Indonesia's National Blue Print for Judicial Reform. The Chief Justice of the Supreme Court of Indonesia provided Indonesian leadership to the project. The Department of Foreign Affairs, the Department of Justice and the National Law Reform Agency also played key supportive roles. Support and involvement also came from the international donor community, UNDP and UNOPS.

The pilot tests involved the selection of two Indonesian provinces (South Sumatera and South East Sulawesi) in which comprehensive assessments of the integrity and capacity of the justice sector were undertaken. The assessments were carried out in the provinces independently, and involved sampling of 2485 people, including those involved in the administration of justice and those who use its services. The survey measured perceptions and respondents' experiences on

- Access to Justice
- Timeliness of Justice Delivery
- Quality of Justice Delivery
- Corruption in the Justice System
- Public Trust in the Justice System
- Independence, fairness and impartiality of the Judiciary

The survey revealed that in each area examined, perceptions and experiences were profoundly negative. The results were presented at Provincial Integrity Meetings held in each of the Pilot Provinces in October 2004. They were attended by representatives of the judiciary, prosecutors, lawyers, court users, the police service, academics, UNDP and supporting international organisations. The Provincial Integrity Meetings also provided opportunities for the input of UNODC expertise into the development of the action plans, and on the UN Principles on the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct.

The action plans that emerged from the Provincial Integrity Meetings addressed the issues identified in the surveys. In each of the pilot provinces, three courts were selected as the focus for the planned activities. The Provincial Integrity Meetings also appointed Implementation and Coordination Committee to drive the agreed plans forward. Each of the meetings was followed by press conferences and series of radio and television talk shows that in both cases heightened public awareness on the issue of corruption within the judiciary and elsewhere.

Much of the activity proposed in the Action Plans in fact took place and it was possible to update them during an UNODC mission to Indonesia in August 2005. The main components of the plan were

- the development of complaints receipt systems together with attendant publicity (posters, flyers etc),
- socialisation visits by members of the judiciary to communities within the provinces,
- training (particularly in drafting corruption indictments and corruption prosecution tactics) to members of the judiciary and prosecutors
- the provision of copying machines making access to court records and judgements less problematic.

In May 2006 a National Integrity Meeting for the Judiciary was held at which the experiences and learnings from the two pilot provinces was shared. The National Integrity meeting accepted the findings of the surveys and endorsed the action plans. The Proceedings of the Provincial Integrity Meetings and the Technical Assessment Report on Integrity and Capacity

in the provinces have been widely circulated nationally, particularly within the judiciary and academia.

UNODC inputs involved coordination of all stages of the project plan. A National Coordinator and an assistant, both locally appointed in Indonesia, undertook this. UNODC management was provided by GPAC expertise based in Vienna, supported to a limited extent by the UNODC Regional Office in Bangkok.

## **2b. Major findings of the evaluation**

The project successfully delivered against most of the outcomes and outputs anticipated in the project plan. It illustrated the value of pilot testing and has produced sound data upon which decisions concerning extensions and expansions of the programme can be based.

Within the two pilot provinces, the project had marked impact, especially in the area of raising public awareness. At the national level, the commitment of the Chief Justice of the Supreme Court to the project and the wider programme to which it contributed has been clearly and publicly demonstrated. Indeed the project has been welcomed by all role players and actively supported by them. Linked, these factors make a *volte face* highly unlikely and thus, the hoped for foundation for the National Blue Print for Judicial Reform has been achieved.

There was some shortfall in that activities to secure donor support and donor coordination in the implementation of the National Blueprint for Judicial Reform had not been conclusive when the project ended. In addition, not all activities contained in the two Action Plans had been concluded, particularly in relation to the technical areas of case management improvements. This is attributable to the lack of expertise in systems development.

All the role players met during the evaluation are anxious to continue UNODC involvement and seek to extend the process into other provinces. The evaluation supports that proposition and suggests the need for urgent decisions, especially as there are dangers to the sustainability of the advances made through the project unless UNODC expertise and impetus remain available.

## **2c. Lessons learned and best practices**

Where projects are experimental it might be preferable to build into them plans to consider the outcomes and possible ways ahead at some time (say 3 months) prior to the end of the project. This might also include an earlier or mid-term evaluation. This would overcome some dangers of losing momentum and provide the best chance of ensuring sustainability.

The backstopping and management of this project, for very understandable and acceptable reasons, including limited funding, had to be provided by UNODC in Vienna. Problems caused by the distance between Jakarta and Vienna and the short office hours overlap were in fact overcome throughout the project, but if, as is recommended, the project is to be expanded, it would be preferable to have UNODC project management expertise available either in Jakarta or the Regional Office in Bangkok.

The involvement of local television and radio broadcasters in the Provincial Integrity meetings, with follow up press conferences and talk shows, had the most pronounced effects of the whole project and should be a feature of all similar projects in the future.

## **2d. Recommendations, conclusions and implications to UNODC of the evaluation**

- The major recommendation arising from the evaluation is for UNODC to support a further roll out of the project to six more provinces in Indonesia with three courts being selected in each province.
  - The methodology used in the two pilot provinces has proved to be effective and it is recommended that it be used again.
  - Whilst the expanded project is being designed, it is also suggested that a workshop for ‘friends of the project’ be convened to coordinate activities and enlist additional donor support.
  - A need to continue supporting the Action Plans in the two existing pilot provinces has also been identified and UNODC needs to find a way of achieving this in the current interregnum.

- The project received wide media exposure within the two pilot provinces but little national publicity. Such publicity could be a useful tool in encouraging participation and it is suggested that an opportunity be found to have a joint Government of Indonesia/Chief Justice of the Supreme Court/UNODC press conference to announce the outcome of the pilot testing and the anticipated expansion.
- It is further suggested that UNODC project management expertise for the proposed expanded project be located either in Jakarta or at the UNODC's Regional Office in Bangkok. In addition, GPAC expertise will remain vital.
- The pilot project has shown that there is little local expertise to enhance Court Case Management Systems and it is suggested that this very desirable improvement requires systems specialists. This is a complex task that might usefully be made the subject of a separate project.

**Viewed as a whole, the completed project was successful and achieved the impact, outcomes and outputs intended.**

Aside from the suggested location of anti-corruption expertise close to the continuing project no other institutional implications for the UNODC surfaced during the project itself or the evaluation.

The evaluation suggests the need for urgency in reaching decisions as to the way ahead and for further and increased resourcing by UNODC and the other role players.

# 1 INTRODUCTION

## 1.1 Background and Context

1.1.1 This document reviews and evaluates a joint UNODC/Government of Indonesia project aimed at “Strengthening Judicial Integrity and Capacity in Indonesia.” The project commenced on 1 January 2004 and concluded on 30 June 2006. The evaluation took place in June 2006.

1.1.2 As Indonesia develops its increasingly democratic and accountable form of government, its judicial system is contemporaneously emerging from an era in which it was perceived to be an executive arm of Government, there to enforce the policies of Government rather than being a faithful arbiter. The widely held belief was that the country’s judiciary was ‘open to the highest bidder in a system in which the mechanisms of control and accountability are weak and ineffective at best and non-existent at worst’.<sup>3</sup> The project under review was a response to a request to UNODC from the Government of Indonesia for assistance in its initiatives to secure lasting improvements.

1.1.3 Emanating from the growing political will within the country to address widespread corruption in all branches of Government, the project was intended to assist the Indonesian Government and the judiciary itself to initiate a sustainable reform process. The project was designed to link UNODC’s Global Programme Against Corruption (GPAC) with the Indonesian Government’s own National Blueprint for Judicial Reform and to enhance the rule of law in the country by assisting the Chief Justice and other relevant stakeholders to strengthen judicial integrity, capacity and professionalism.

1.1.4 Since the project began, the management and control of the Judiciary has been transferred from the Department of Justice and Human Rights to the Supreme

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<sup>3</sup> Report of the Special Rapporteur on the independence of Judges and Lawyers Dato’ Param Cumaraswamy, E/CN.4/2003/65/Add.2, presented to the Commission on Human Rights at its 59 session, p.4

Court. In addition, a Constitutional Court and an ‘independent’ Judicial Commission<sup>4</sup> have been established. Despite these welcome reforms, the Judiciary remains grossly under-resourced, judicial salaries are low, court case loads at the Supreme Court<sup>5</sup> remain unmanageably high, case management systems are archaic and cumbersome and the accessibility to justice by the population difficult.

1.1.5 The project envisaged 9 clearly defined outputs, within an overall strategy of identifying root problems within the judiciary, devising action plans to address them and taking the lessons learned forward in the creation of a national programme (The National Blue Print for Judicial Reform). Two Indonesian provinces were to be selected for pilot testing, thus keeping the project manageable yet meaningful. Activities planned included the design of a methodology for the assessment of integrity and capacity within the two provinces, the results of which were to be used in the drawing up and implementing action plans within the provinces. The outcomes would then be used to contribute to the establishment and implementation of provincial action plans, the implementation of which would produce lessons that would be shared nationally.

1.1.6 The project concept and design, as set out in the logically structured, clear and coherent project document dated 1 October 2003 were sound. The design enabled the action plans to be formulated on evidence rather than speculation; it provided for a wide range of stakeholder participation and consultation. The design was not overly prescriptive enabling changes and modifications to be made in the light of experience gained during the administration of the project. Thus, the design

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<sup>4</sup> The functions of the Commission include the formulation of recommendations on the appointment of judicial officers and for the removal or disciplining of them. One of its first actions was to suggest that the entire membership of the Supreme Court submit themselves for re-selection. This is being opposed by the membership through action in the Constitutional Court. The consequence is that the Supreme Court (as opposed to High Courts and District Courts etc) has yet to accord the Commission the recognition intended.

<sup>5</sup> This is not the case with ‘first instance’ courts

and project document supplied the best possibility of a product which would be owned and taken forward by the stakeholders.

- 1.1.7 The project document, dated 1 October 2003, envisaged completion of the project within 24 months with a budget of US\$472,114. The Indonesia's Government's Department for Law and Human Rights signed the document on 10 November 2003 and the Chief Justice signed it on 17 November 2003. The project commenced on 1 January 2004 and was completed on 30 June 2006.

## **1.2 Purpose and Objective of the Evaluation**

- 1.2.1 The evaluation reported upon in this document has been carried out at UNODC's request so that conclusions can be reached on the value of the project and any lessons learned from the performance, management and programme design, taken forward both within the Indonesian context and globally. The evaluator was tasked to examine the mandate of the project, the strategies utilised, the objectives set and their relevance and effectiveness. The results and impact of the project are also to be commented upon as are the sustainability of the outcomes achieved.

## **1.3 Executing Modality/Management Arrangements**

- 1.3.1 The project was implemented within Indonesia by a locally appointed National Project Coordinator. He was assisted full time by a project assistant and, part time, by another assistant/interpreter. The project coordinator and his full time assistant were, appropriately, academics within the law development field. The local implementation team was tasked with organising and coordinating meetings with stakeholders and partners, researching resources providers (e.g. an agency to carry out the surveys in the pilot provinces), arranging both provincial and national workshops, liaison with the UNODC project management team, procurement issues, arranging the publication of proceedings, the promulgation and implementation of action plans and facilitating the proceedings of implementation committees.

- 1.3.2 This team worked from a project office situated in the National Law Development Agency in Jakarta in which the three staff held posts. Unfortunately, these premises are situated at some distance from the central business district of Jakarta, increasing the travelling time taken up with meetings.
- 1.3.3 The project was managed from the offices of the UNODC in Vienna, personnel from which undertook missions to Jakarta throughout the project. The UNODC Field Office in Bangkok had minimal involvement in the project. This was because the project was an element of the Global Programme Against Corruption, the expertise and experience of which resided in Vienna. A number of persons interviewed during the evaluation expressed the hope that if a similar or even expanded programme is contemplated, then UNODC expertise ought ideally to be situated throughout the project nearer to Indonesia, preferably in Jakarta itself. See also paragraphs 2.5.1 and 2.5.2 on this issue.

#### **1.4 Scope of the Evaluation**

The evaluation has covered the following matters

##### 1.4.1 Project concept and design, including

- The appropriateness of the project strategy in addressing the problems identified
- The appropriateness of the objectives and planned outputs set for the project
- The executing modalities and management arrangements
- A review of the appropriateness, quality and cost effectiveness of base line studies and achievement indicators
- A review of the work plan, planned duration of and budget for the project
- An analysis of the clarity, logic and coherence of the project

##### 1.4.2 Project implementation, including

- Quality and timeliness of inputs and efficiency and effectiveness of activities carried out

- Management effectiveness
- Quality and timeliness of monitoring and backstopping

#### 1.4.3 Project outputs, outcomes and impact, including

- Assessment of the outputs and impact achieved and sustainability of the project results
- Contribution of project to overall objective

1.4.4 From these have been drawn

#### 1.4.5 Recommendations

#### 1.4.6 Lessons learned

### **1.5 Methodology**

The evaluation was undertaken by

#### 1.5.1 Desktop reviews of

- The project document
- Mission Reports
- Project Progress Reports
- Proceedings Documents from Provincial Integrity Meetings in Palembang and Kendari
- Declaration adopted at the National Integrity meeting in Jakarta
- Updated action plans from the two pilot provinces
- Technical Assessment report
- 2005 Annual Report of Indonesia's Corruption Eradication Commission

#### 1.5.2 Telephone conferences with UNODC Officials in Vienna

#### 1.5.3 Meetings with the persons listed in Annex 2

#### 1.5.4 Site visits to Courts in the pilot provinces

#### 1.5.5 Meetings with the members of the provincial implementation committees

#### 1.5.6 Reviews of recordings of radio and TV programmes emanating from the project

#### 1.5.7 Visit to the offices of the National Project Coordinator

## **2 ANALYSIS AND MAJOR FINDINGS**

### **2.1 Overall Performance Assessment**

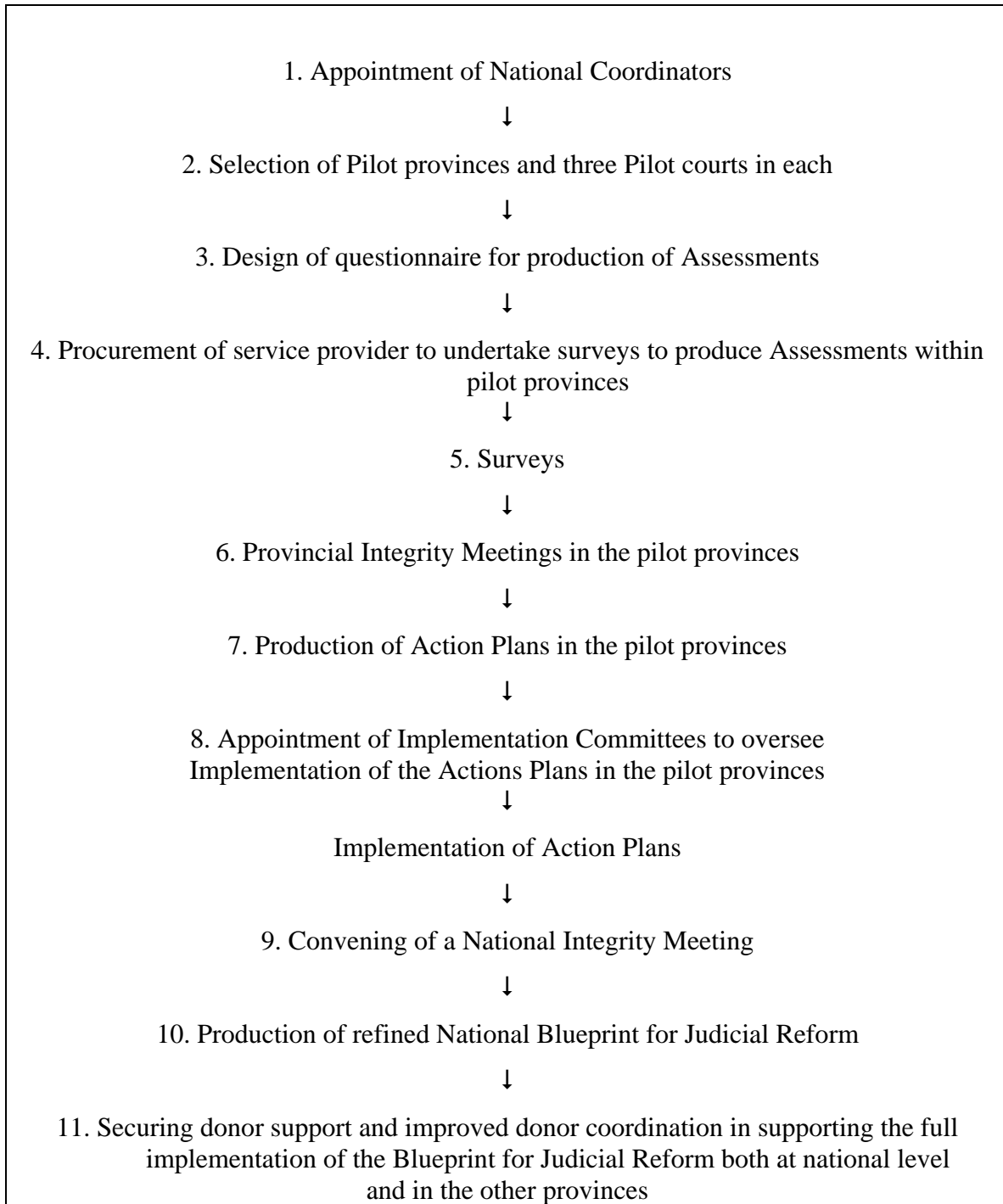
2.1.1 The thrust of the project was the ‘enhancement of the rule of law in Indonesia by strengthening judicial integrity and capacity, thus creating more favourable conditions for the country’s economic, social and political development’. More specifically, the project aimed at the ‘development and pilot-testing of facts-based, comprehensive and inclusive anti-corruption action plan for the judiciaries in two pilot provinces as the foundation for the implementation of the National Blue Print for Judicial Reform’.<sup>6</sup>

2.1.2 The Provinces of South Sumatera and South East Sulawesi were selected in the early part of the project. South Sumatera was selected because it was urban in character and South East Sulawesi because it was more rural.

2.1.3 The following flow chart indicates the planned sequence of activities for the project:

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<sup>6</sup> Quotations from Project document



2.1.4 Most of this planned sequence was in fact implemented successfully. However, at the time the project concluded, activity 10 had only been partially achieved and there was little evidence of any product from activity 11 although at the end of the

project term, the national coordinator had embarked on a series of interactions with donors.

2.1.5 All components of the action plan were relevant and appropriate to the overall project aim and, despite some activities not having reached full fruition by the end of the project, the actions have resulted in a substantial advance from the pre-project position. The major achievements have been the increase in awareness, both amongst the public and within the judiciary, and the training of Judges and Prosecutors having been successfully implemented in both provinces. The complaints system installed within the both provinces has not been successful however, and recommendations in this respect appear at paragraph 5.2.11.

2.1.6 In terms of its prime objective of pilot testing with a view to establishing facts upon which future decisions can be based, the project has been a complete success, delivering many lessons. Not all anticipated outputs contained in the flow chart in paragraph 2.1.3 above were achieved. Specifically the refined National Blue Print for Judicial Reform had not been produced and donor support and improved donor coordination had not been secured. Nevertheless, the majority and most important planned outputs were effectively and efficiently achieved. They were assisted in this respect by the project design, which as has been noted already was flexible and realistic.

## **2.2 Attainment of the Objectives**

2.2.1 Nine specific outputs directed at achieving the objectives of the project were elucidated in the project plan together with specifics on the inputs and activities required to achieve the outputs.

2.2.2 The project initially focused on the production of an “Assessment of Justice Sector Integrity and Capacity in Two Indonesian Provinces”.<sup>7</sup> The design of a

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<sup>7</sup> Technical Assessment Report dated March 2006 published jointly by The Supreme Court of the Republic of Indonesia and the National Law

questionnaire aimed to eliciting the required data for the assessment took some time, especially as it was considered necessary to temper that used by the UNODC GPAC in other countries so that it was more aligned to Indonesian culture and the sensitivities of Indonesians. Following a procurement process, Messrs Moores Rowland Indonesia were contracted to carry out the survey and produce the technical assessment report. Moores Rowland subcontracted data collection to students at public universities in each of the provinces. This took place in August, 2004.

2.2.3 The assessment was based on data collected from judges, prosecutors, lawyers, court staff, court users, business people and prisoners awaiting trial. There were 1467 respondent in South Sumatera and 1018 in South East Sulawesi. Opinions and experience histories were solicited in the following dimensions:

A. Access to Justice

- Access to Service
- Access to Information
- Physical Access to Courts
- Affordability

B. Timeliness of Justice Delivery

C. Quality of Justice Delivery

- Alternative Dispute Resolution
- Competence and Predictability of the Justice System
- Quality of Services
- Record Management and Computerisation
- Performance Monitoring and Evaluation

#### D. Corruption in the Justice System

- Perception of Corruption in the Justice System
- Frequency and Nature of Corruption in the Justice System
- Frequency and Nature of Corruption among Judges
- Frequency and Nature of Corruption among Prosecutors
- Frequency and Nature of Corruption among Police
- Frequency and Nature of Corruption among Court Staffs
- Amounts Paid for Bribery
- Code of Judicial Conduct

#### E. Public Trust in the Justice System

#### F. Independence, Fairness and Impartiality of the Judiciary

(The assessment also produced a report on the profiles of respondents)

2.2.4 The results of the surveys can best be described as sobering. It is not intended to reproduce them here – it suffices to say that in respect of most dimensions measured in the surveys, respondents’ experiences and perceptions proved to be profoundly negative. There was little difference in the outcomes for each of the provinces surveyed. In each, some of all types of court user (Judges, Prosecutors, Lawyers, Court Staff, and Prisoners) had actual experience of ‘unofficial payments for such things as more lenient sentences, favourable judgements, bail, copies of judgements etc. Access to justice was perceived to be a major problem and more than half of those questioned did not believe the Judiciary was independent. Overall, the survey resulted in eight findings, viz

1. Access to justice could be significantly enhanced by reducing the number of adjournments and as well as time required to resolve the case in South East Sulawesi, while in South Sumatera the high court fees should be reviewed.
2. In particular in criminal and labour cases there is a need to reduce the time it takes to resolve such cases. Such action is likely to improve the overall

perception concerning the accessibility of the courts.

3. Overall perceptions of the timeliness of the courts should be significantly improved by improving the access of information for court users, and by reducing the number of adjournments.
4. Measures to limit judicial discretion and enhance judicial accountability, such as sentencing guidelines, will not only enhance the predictability and reliability of the law and its interpretation, but will also reduce the opportunities for corrupt practices.
5. Public trust in the justice system is highly dependent on the ability of the courts to deliver justice in a reliable, predictable, timely and affordable fashion, as well as on the absence of corrupt practices in the courts.
6. A lack of judicial independence and corruption appear to be mutually reinforcing factors. Thus, measures are required that strengthen judicial independence as well as accountability.
7. There is a strong linkage between corruption on the one hand and delays, access to justice or the lack thereof on the other, which suggests that enhancing accountability and integrity of the courts will assist in:
  - Increasing the timeliness of justice delivery,
  - Enhancing access to justice,
  - Increasing the public's confidence in the judicial system.
8. The more corruption the less trust, the less trust the more people accept bribery as normal when dealing with justice sector institutions.

2.2.5 The survey results were presented to the First Provincial Integrity Meetings held in Kendari (South East Sulawesi) on 7 and 8 October 2004 and Palembang (South Sumatera) on 11 and 12 October 2004. 51 participants attended the Kendari event with 6 facilitators, 2 national coordinators and 2 UNODC officials. The Kendari event was given a high profile start, being opened by the Chief of the provincial High Court and the provincial Deputy Governor. Participants included Judges from High and District Courts, Prosecutors, Lawyers, Police Officers, Academics and UNDP representatives. Regrettably, there was little involvement from the business community. In Palembang, there were 66 similarly composed participants. The event was opened by the Chief of the High Court for South Sumatera and the Governor of the Province. Both meetings had the benefit of oversight inputs from Dr. Petter Langseth of UNODC GPAC and they were

introduced to the UN Principles on the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct. Other contributors to the Provincial Integrity Meetings seem to have accepted the perceptions reflected in the survey as being representative of reality. All accepted the need to address the various problems identified. No one was in denial.

2.2.6 As part of both events, participants broke away into working groups to assist in the process of developing action plans. In this they were successful and two workable and sensible plans were produced. Also in each province, implementation and coordination committees were appointed to oversee the implementation of the plans. Sub-committees were established to oversee activities under the areas addressed by the survey and by the working groups held at the Provincial Integrity meetings. The sub-committee functioned well in South Sumatera, less so in South East Sulawesi. The table below lists components of the action plans developed, including revision following a UNODC mission to the project in August, 2005, and indicates what activities in fact took place:

	<b>Planned Action</b>	<b>Action taken in South Sumatera</b>	<b>Action taken in South East Sulawesi</b>
1	Develop legal awareness	Proposal developed but not yet implemented	Little evidence of activity
2	Provide legal information to villagers	Several socialisations conducted	Several socialisations conducted
3	Strengthen Legal Aid	Proposal being drafted for consideration by UNODC	N/A
4	Enhance awareness of persons awaiting trial as to their rights	Posters and flyers designed and distributed – television and radio shows produced	Poster and flyers designed and distributed – television and radio shows produced

	<b>Planned action</b>	<b>Action taken in South Sumatera</b>	<b>Action taken in South East Sulawesi</b>
5	Training in case management, prosecution tactics and indictment preparation	Two training sessions held for judges and prosecutors	One training session held for judges and prosecutors
6	Consider time limits on investigations	Research undertaken – reveals most cases completed within 3 month time limit	Research undertaken – reveals most cases completed within 3 month time limit
7	Enhance transparency and predictability of court decisions	Copying machines installed in 3 courts – working well	Copying machines installed in 3 courts – working well
8	Ensure accessibility of court judgements	Ditto	Ditto
9	Review the civil and criminal procedure codes	Draft revision completed and being circulated	N/A
10	Consider the establishment of anti-corruption task forces	Research indicates these would not be lawful within Indonesia	N/A
11	Create poster and flyers campaigns	Implemented by National Coordinators – excellent material produced and distributed	Implemented by National Coordinators – excellent material produced and distributed
1	Establish credible complaints mechanisms	Framework of mechanism in place	Framework of mechanism in place
13	Install complaints and suggestions boxes	Installed but ineffective – proposal to install boxes in prisons has not been implemented	Installed but ineffective
14	Computerise the complaints system	Postponed pending implementation of complaints system	N/A
15	Remind judges of contents of judicial code of conduct	Undertaken through training sessions	Undertaken through training sessions
16	Provide professional ethics training for judges and court staff	Undertaken through training sessions	Undertaken through training sessions

	<b>Planned action</b>	<b>Action taken in South Sumatera</b>	<b>Action taken in South East Sulawesi</b>
17	Assess case flow systems	Little evidence of activity – awaits amendment to the criminal procedure code	N/A
18	Adopt new working procedures	Little evidence of activity – awaits amendment to the criminal procedure code	N/A
19	Make justice more affordable for the poor	N/A	Chief Justice has issued circular to all courts on this issue
20	Establish District Courts in all Districts	N/A	Chief of the High Court has submitted request but budgetary constraints have debarred progress

2.2.7 One of the successes of the project has been the catalytic effect of the press conferences that followed each event and the series of TV and radio programmes (talk shows) dedicated to the theme of corruption and focusing on the judiciary that ensued. Recordings of some of these programmes were reviewed in the evaluation. It is clear that the programmes gave rise to intense local interest and they, coupled with a series of socialisation visits to a number of communities within the province by the Chief of the High Court and others, are given credit for the emergence of an anti-corruption pressure group within the province of South Sumatera. It is clear that these TV and radio shows have had the greatest impact of all the project's activities.

2.2.8 The implementation and coordination committees established in both provinces functioned well at the beginning and indeed that in South Sumatera continues to do so even now. The Chief of the High Court in South East Sulawesi, as is apparently not infrequently the case within the Indonesian judiciary, has been working from Jakarta for some time and his absence has resulted, hopefully temporarily, in a lack of cohesion and drive relative to the project in that province.

During the evaluation it was learned that the implementation and coordination committee had not met for several months. Despite that, local awareness of the project remains high and it is in this province that the success of the TV and radio productions was most pronounced. Here too, socialisation visits have continued under the stewardship of the Vice Chairman of the High Court. Of particular note in relation to the Kendari High Court, is that the banner used for the Provincial Integrity Meeting and which contains an anti-corruption theme has been permanently sited on the wall behind the judge's dais in the main courtroom. A photograph is at Annex 5.

- 2.2.9 The proceedings in both pilot provinces have been published<sup>8</sup> and distributed to all provincial courts and widely within Indonesia's academia.
- 2.2.10 A National Integrity Meeting was convened in Jakarta on 17 May 2006 as the project was nearing its end. The proceedings were led by the Chief Justice of the Supreme Court and attended by most of the major role players and supporters of the project including representatives of the Provincial Implementation and Coordination Committee from South Sumatera and South East Sulawesi. The meeting heard reports of the activities in the two reports and endorsed the work undertaken and to be undertaken via the two action plans. Also discussed at the meeting was the viability of rolling out the project to other provinces in Indonesia. There was little media coverage of the meeting.
- 2.2.11 The meeting culminated in the adoption of a Declaration that firmly supported the project endeavours and called upon the Government and the country's judiciary to support the programme. The Declaration is reproduced at Annex 4.<sup>9</sup> Of particular note within the Declaration is an appreciation of the value of the adoption by the United Nations Commission on Crime Prevention and Criminal Justice at its session in April, 2006 of a draft resolution on Strengthening Basic Principles of Judicial Conduct which amongst other things invited Member States

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<sup>8</sup> Thanks also to a contribution from the Government of Germany.

<sup>9</sup> A report of the proceedings has yet to be produced.

to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of judges.

2.2.12 Credit is due to the project's National Coordinators for having effectively organised the Provincial and National Integrity meetings and pushed through many items contained in the action plans. Geographical and communications complications, many of which are cultural rather than technical, have been overcome by a combination of tact, determination and hard work.

### **2.3 Achievement of Programme/Project Results**

2.3.1 The project has certainly achieved its immediate objective of providing a foundation for the implementation of the National Blue Print for Judicial Reform. In the process, a number of other desirable outcomes have also been achieved. Principal amongst these has been tangible raising of the awareness within the two pilot provinces, both inside the judiciary and more broadly, of the need for reforms, an increase in activism against corruption generally, particularly within South Sumatera and the production of some very practical lessons that can be used to take the programme further.

2.3.2 Not all activities set out in the original and updated action plans were attained but when viewed as a whole, these shortfalls are not significant. The items in the shortfall, notably consolidating and coordinating donor support, remain immediately desirable however.

2.3.3 No changes were needed to resource and staffing levels and the project is assessed as having been excellent value-for-money.

2.3.4 Expenditure within an overall budget of US\$472, 114 has covered the following items:

- Project personnel

- Administrative Costs
- Staff Travel
- National Salary costs
- Sub-contracts (Moore Rowland)
- Meetings/Training
- Miscellaneous<sup>10</sup>
- Project Support costs (UNOPS, UNODC).

## **2.4 Implementation**

2.4.1 Following the appointment of the National Coordinator and his assistant day-to-day conduct of the project was devolved to them. The role of the National Coordinators was to implement the plan set out in the Project Document on the ground in Indonesia. This involved establishing contacts with role players, arranging meetings, dealing with the logistics of setting up the Provincial and National Integrity meetings, liaison with sub-contractors, production of papers and meeting minutes and liaison with the GPAC team in Vienna.

2.4.2 Members of the GPAC team undertook 7 missions to Indonesia throughout the project and on two of these the UNODC Representative from the Regional Centre for East Asia and the Pacific in Bangkok attended. The missions developed from setting the parameters of the project, through consolidating and coordinating stakeholder involvement and providing advice and support to the national coordinators, to facilitating the processes of developing, implementing and revising action plans at and arising from the provincial and national integrity meetings.

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<sup>10</sup> Included in this item were a computer for the National Coordinator's Office, a computer in each of the pilot province and copying machines in 3 courts in each of the 2 pilot provinces. Most of this equipment was seen during the evaluation, found to be working well with accurate usage records being maintained. Additionally funds were allocated to television and radio productions in both pilot provinces.

2.4.3 Commitment from National role players, including from UNDP, GTZ and the Partnership for Good Governance remained strong throughout the project and remains so. Commitment at the local provincial level was not so pronounced initially but picked up following GPAC interventions in January 2005 and was then sustained.

2.4.4 Largely then, the operational plan was implemented and monitoring and backstopping was effective and timely.

## **2.5 Institutional and Management Arrangements**

2.5.1 Comment was made by a number of role players interviewed during the evaluation that it would have been preferable to have had GPAC expertise close to or at the project venue throughout. That the project had to be driven on the ground by locally appointed citizens who understand the cultural and social norms was obvious, though this must always be the case when a project in a certain country is being implemented by an outside agency.

2.5.2 The evaluation supports the view that future developments in this overall programme would benefit from GPAC expertise being more available on site although in respect of the recently completed project, it is recognised that this would have substantially increased project costs and may not at this initial stage of the overall programme, represented value-for-money had the UNDOC expertise been deployed full-time.

2.5.3 The National Coordinators were not initially familiar with UNODC, UNDP and UNODP institutional arrangements, particularly relating to procurement. Delays resulted. Time differences between Jakarta and Vienna also reduced available immediate contact time to 3 working hours per day.

2.5.4 Because of the need for constant and immediate interaction between the National Coordinators in Jakarta and the GPAC team in Vienna, the level of involvement

of the UNODC Regional Centre for East Asia and the Pacific, under whose ‘territory’ the project was situated, was not ideal and will need to be addressed in any follow up projects in support of the programme.

- 2.5.5 Relationships within the Government framework of Indonesia, among NGOs supporting the project and academics were largely effective and have been managed appropriately. The relationships with NGOs, business and other stakeholders at the Provincial level has been less effective given the constraint and attitudinal issue raised in paragraph 2.4.3. (See paragraph 3.1.2 for assessments of the impact of the project on various role players)
- 2.5.6 Taking an overview however, the scale, tenor, timeliness and effectiveness of the project’s management was appropriate and produced the vast majority of intended outcomes.

### **3 OUTCOMES, IMPACTS AND SUSTAINABILITY**

#### **3.1 Outcomes**

- 3.1.1 A successful pilot test has been completed producing a number of guidance points for further potential development of the programme in the future. Of particular note is the welcome that the project has received from National Government and the Head of the Judiciary coupled with expressions of wishes that it be continued and expanded throughout Indonesia. If by raising public awareness in the pilot provinces, the populations of them have become more aware of their rights, of how justice can be accessed and how the judiciary can be made more transparent and accountable, and if it is accepted, as it appears to be, that there is a need to roll-out the project nationwide, an excellent start has been made.
- 3.1.2 Specific positive outcomes have been:

- Raising of public awareness of corruption, its consequences and what can be done to counter it in the two pilot provinces
- Raising public awareness in the pilot provinces of how justice can be accessed
- Full ownership and support of the project by the Chief Justice of the Supreme Court as is evident from the final declaration produced at the National Integrity meeting and his forewords in the reports of the proceedings at the Provincial Integrity meetings.
- The Indonesian Government's Ministry of Foreign Affairs has been and remains supportive of the project and is keen to see the initiative developed by UNODC.
- GTZ has provided intellectual support and remains keen for this to continue.
- The Partnership for Governance Reform in Indonesia has viewed the project as taking a unique and important niche in the overall reform strategy.
- The Corruption Eradication Commission (KPK) has viewed the project as being complementary to its own programmes within the Indonesian Judiciary.<sup>11</sup>
- The National Law Reform Agency<sup>12</sup> views the project outcomes very positively as they have learned much which can be used in future law drafting initiatives
- UNDP in both Jakarta and Bangkok support the programme and see it as complementary to other national and regional good governance programme
- The Indonesia/Australia Legal Development Agency also sees the programme as complementary and indications of future support were evident.

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<sup>11</sup> KPK are performing a GAP analysis and implanting a programme to support record keeping and transparency in corruption trials by video recording these proceedings.

<sup>12</sup> From whom the National Coordinator and his assistant were recruited

## 3.2 Impacts

- 3.2.1 During a meeting between the evaluator and the Chief Justice of the Supreme Court on Monday 19 June 2006, the Chief Justice was asked if he considered the project to have been a success, and if so, what the most striking aspect of it was. He said that in his view the project had been a great success and that “at least we now know where we stand”. He urged UNODC to consider taking the project forward into other provinces. The comment and hope expressed by the Chief Justice are very firm indicators that the project has had impact where it counts most; at the top.
- 3.2.2 Another lasting impact of the project has been the perhaps courageous public declarations of intent to tackle corruption within the Judiciary by the Chief Justice and the senior judicial figures in the two pilot provinces. Flowing from this has been the high level of interest shown by the populations of South Sumatera and South East Sulawesi as evidenced by their responses to the television and radio shows which followed. Indeed the Provincial Integrity meetings and subsequent local publicity are credited with having been the catalysts for the establishment of an anti-corruption activist group in South Sumatera.<sup>13</sup>
- 3.2.3 The production of base-line data from the experience gained in the project could also have produced a lasting impact provided that the lessons learned are quickly taken forward. Certainly the data is very relevant to the finalisation of the National Blue Print for Judicial Reform.
- 3.2.4 Distribution of copies of the proceedings of the Provincial Integrity Meetings to all the Courts in the country’s provinces and to academia will also have been very useful in conveying the message from the country’s top judicial authority that the days of ignoring the problems of judicial integrity and capacity are over.

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<sup>13</sup> According to Professor Amzulian Rifai

- 3.2.5 The installation of copying machines at 6 courts (3 in each pilot province) has been effective and is encouraging judges to accuracy, transparency and fairness in their judgements.
- 3.2.6 The working groups on improving access to justice and improving case management have had little impact thus far, perhaps because systems analysis expertise has not been available.
- 3.2.7 Finally, the project has resulted in a clearer understanding of the need for judicial reform and increasing judicial capacity at the national and international levels and amongst the donor community and improved cohesion on the issue between these role players.

### **3.3 Sustainability**

- 3.3.1 Whilst the evaluation saw much evidence of political will to continue the initiative of the project, and there is also good residual enthusiasm amongst the various role players, there is cause for concern that without continuing close UNODC support, the issue of sustainability could be a serious concern. This is because the end of the project has possibly left a void that there is no local mechanism to fill. It was clear that much of the progress made during the project was the direct result of the underpinning provided by UNODC from both the national coordinators and the GPAC team.
- 3.3.2 Evidence that early and renewed support is needed can be found in the example provided by the experience in South East Sulawesi. There can be no doubt of the enthusiasm for the project by the various role players there, particularly from the Chief Justice of the Province. However, his prolonged absence from the province awaiting possible appointment to the Supreme Court, resulted in a lack of cohesion on the project with, seemingly, no one taking over the stewardship and driving the implementation of the Action Plan. As has been noted, the

Implementation and Coordination Committee had not met for some time prior to the evaluation and there were no immediate plans to convene a meeting. Whilst transfers between various courts of members of the judiciary is not uncommon and not of itself undesirable, the need for external reinvigoration, maintenance of focus and pushing forward on activities, when these occur in pilot provinces, is evident.

- 3.3.3 At the national level, sustainability can be jeopardised by the absence of UNODC coordinators to provide support to the Chief Justice and to keep the project outcomes live. It is however, encouraging to hear that the Chief Justice of the Supreme Court has appointed one of his deputies<sup>14</sup> to oversee the continuation of the project outcomes, pending decisions on the next steps.
- 3.3.4 Recommendations on immediate and interim interventions to optimise the sustainability of the project appear at paragraphs 5.2.1 to 5.2.10.

#### **4.1 Lessons**

- 4.1.1 This project was experimental in nature and was meant to ascertain whether the designed approach worked within the Indonesian context and whether it would be worthwhile continuing the intervention or expanding it. Clearly, the project has been a success with the plan being shown to be appropriate and effective. Nevertheless, the project has now concluded and the programme is in an interregnum between ‘the conclusion’ and ‘what’s next?’ Whilst, naturally, evaluations must be conducted towards the end of the project and decisions on the way forward must be based to a large extent on the outcome of the evaluation, it might be considered desirable to build into the project plan a terminal planning phase and to advance the timing of the final evaluation by up to say 2 months. (An alternative might be to include a mid term evaluation in the project design.

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<sup>14</sup> Dr. Paulus Lotolung, whose portfolio, it is understood, contains a large number of developmental elements.

This planning phase could be reviewed as part of the evaluation.) This would provide an opportunity to dovetail the end of the project with the next stage(s).

- 4.1.2 Management of this project has had to overcome the communication problems caused by having the UNODC expertise located so far away from the arena and operating with a five-hour time-zone lag. Whether it would be necessary to have UNODC expertise available on a full time basis is debateable but it would be preferable to have UNODC expertise located on site or nearby in the UNODC Regional Office in Bangkok, which shares the same time zone as Jakarta and is less than 3 hours flying time away.

## **4.2 Best Practices**

- 4.2.1 The involvement of local television and radio broadcasters in the Provincial Integrity meetings, with follow up press conferences and talk shows, had the most pronounced effects of the whole project and should be a feature of all similar projects in the future.

- 4.2.2 The questionnaire, which was used as a basis for the surveys on judicial integrity and capacity in the two pilot provinces, was based on a well-founded GPAC model. The need became apparent however, to adjust the language in some of the model questions so that they were more suitable to the Indonesian cultural norm. This was achieved without detracting from the overall concept behind the GPAC model and should be a feature of all similar projects.

## **4.3 Constraints**

- 4.3.1 A system was devised to make it possible for the public at the three selected courts in each of the two pilot provinces to make complaints, anonymously if they wished. To this end red boxes were installed in two conspicuous positions at each of the courts and by means of widely distributed posters and flyers the public

were encouraged to write complaints letters and deposit them. (A photograph of one such installation is at Annex 5) The letters would then be collected and the complaints followed up.

4.3.2 Not one complaint has been received via this mechanism, a fact that drew some editorial comment in a Palembang newspaper recently.<sup>15</sup> It is easy to understand why the complaints boxes have not been a success. Because they are so conspicuously situated, it would be impossible for a member of the public to deposit a complaint letter without everyone else seeing him or her do so. Coupled with this is the fact that the boxes are situated within the court compounds that are locked and guarded overnight making it impossible to deposit a complaint after the courts have been closed. An alternative solution is recommended at paragraph 5.2.11

4.3.3 Whilst working from the office of the National Law Development Agency had distinct advantages for the National Coordinators, its distance from the central area of Jakarta was at least an inconvenience. It would seem to make sense to prevail upon the Chief Justice to make office space available for any continuation of the programme within the precincts of the Supreme Court in Jakarta. Closer and more frequent interaction with the major role players would thus be possible.

4.3.4 Projects of this nature clearly need to be implemented by coordinators who are nationals of the country in which the project is located. In the case of this project, the two members of the national coordination team had no previous experience of UNODC modalities particularly in relation to procurement. This led to the project taking off slowly.

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<sup>15</sup> It was however claimed during the evaluator's visit to South East Sulawesi High Court in Kendari that some complaints have been made in person and dealt with by the Court administrator. The complaints related to court mechanisms rather than corruption.

## **5 RECOMMENDATIONS**

### **5.1 Issues resolved during the evaluation**

5.1.1 This was a terminal evaluation and it was not possible to resolve any issue during it.

### **5.2 Actions/decisions recommended**

5.2.1 In view of the success of this pilot project, it is strongly recommended that the programme be continued in Indonesia in an expanded form together with continuing support at the two pilot provinces where activities are underway. It is also recommended that the methodology employed in the two pilot provinces be carried forward into the expanded programme, but with geographically closer GPAC expertise to ensure sustainability and to deal more quickly with unexpected contingencies. Until it is possible to commence an expanded programme, it is suggested that UNODC find some way of giving support to the Deputy to the Chief Justice who has been tasked with keeping the initiative moving and to the two pilot provinces, particularly South East Sulawesi, which is currently in need of reinvigoration. That support might take the form of meetings and site visits attended by a member of the GPAC team and assisted by one of the former National Coordination team employed on an ad hoc basis. Such a mission might conveniently be coupled with the events proposed and discussed in paragraphs 5.2.2, 5.2.3, 5.2.4 and 5.2.5

5.2.2 As a means of keeping the programme live, it is suggested that two activities take place until it is possible to commence a second phase. These would be a national press conference coinciding with the publication of the evaluation report and a workshop to which 'friends of the project' would be invited.

5.2.3 The proposed press conference would ideally involve the Chief Justice as chief presenter. In attendance should be a member of the GPAC team, the Chairs of the

Implementation and Coordination Committees from the two provinces, at least one of the former national coordination team and a representative from the Partnership for Governance Reform in Indonesia. The conference could summarise the project's impact thus far, reveal the outcomes of the evaluation, and, hopefully, announce how and when the programme was to be continued (if such a decision was by then possible). A danger, which needs circumventing at the conference, would be that of raising expectations there is not the capacity to meet and hence a precise definition of the parameters of the expanded programme would need to be promulgated.

5.2.4 The 'friends of the project' workshop would ideally involve the following or their representatives:

- The Chief Justice
- The Chief Judges from the two pilot provinces
- UNODC – GPAC Vienna
- UNODC – Regional Office – Bangkok
- UNDP – Jakarta
- The former National Coordinator
- Partnership for Good Governance in Indonesia
- GTZ
- Indonesia. Australia Law Development Agency
- Department of Foreign Affairs
- Department of Law and Human Rights National Law Reform Agency
- Judicial Commission
- KPK (Corruption Eradication Commission)
- Potential Donors
- Leading figures from Indonesia's Business Community
- Selected NGOs with interest in the field of Judicial Reform
- A media expert (as participant)

- Academics active in the field of Judicial Reform (e.g. Professor Romli and/or Professor Rifai)

5.2.5 The purpose of the workshop would be to:

- Review the project's achievements to date
- Review all other current and recent anti-corruption and capacity building initiatives impinging on the judiciary
- Receive and discuss ideas on the structure, methodology and modalities of a phase II project and the optimal scope thereof
- Receive and discuss proposals as to interfacing, including potential partnership arrangements for Phase II
- Receive and discuss proposals for donor support for Phase II
- Receive and discuss proposals for the inclusion of the business and NGO communities in both Phase I and Phase II
- Consider ways of assisting with a review of Indonesia's rules for the professional and ethical conduct of judges (See paragraph 5.2.12)
- Receive and discuss proposals on avenues for introducing intelligence based proactive investigation as a means of dealing with ongoing corruption within the Judiciary
- Consider methods of addressing the need to improve court case management systems (See paragraph 5.2.11)

5.2.6 It is recommended that the methodologies employed in the recently completed project be replicated in Phase II. Integral to this would be technical assessments similar to those carried out by Moores Rowland in South Sumatera and South East Sulawesi. It is suggested that in respect of these two provinces a re-measurement exercise is undertaken enabling an impact assessment of the concluded project to be made. Others questions, aimed specifically at the impact assessment aspect could supplement the previously used questions. It is also recommended that the conduct of the surveys be closely monitored by UNODC

- staff to ensure that the outputs can be justified if subsequently questioned. It is recommended that invitations to Provincial Integrity Meetings include members of NGOs, the business community and the media as all three could have major positive impacts on the project's outcomes.
- 5.2.7 Persons consulted during the evaluation have suggested that if there was to be a Phase II the project should focus on six new provinces with again three pilot courts being selected in each. This proposition is supported but clearly, there would be staffing and other resource implications. Whilst two National Coordinators might continue to suffice, especially if closely supported by UNODC expertise, stationed in either Jakarta or Bangkok, additional full time administrative staffing would be needed. There would also be a need for additional IT and communications support, and additional office space.
- 5.2.8 Running the programme in provinces distant from Jakarta would also increase costs.
- 5.2.9 Two possible selection criteria have been proposed. The first suggestion is that two provinces in each of East, Central and West Indonesia be selected. An alternative would be for the Chief Justice to require all provincial Chief Judges to submit a justification as to why their provinces should be selected for the programme. Decisions could then be made based on the best justifications coupled with any compelling logistics argument.
- 5.2.10 It is accepted that running a programme at courts within Jakarta would be problematic if the same format was used. This is because of the complex community structures within the capital. However, it is recommended that on the agenda of Phase II be the requirement to produce a proposal for project implementation within the city.

5.2.11 Little progress has been made on improving case management within either of the two pilot provinces as no expertise in this area has been available. It would seem that a full systems analysis is required followed by recommendations which ideally, ought to involve computerisation. Of itself, this would be a major undertaking with nationwide implications and whilst it has close relevance to the programme under evaluation, it really needs to be carried out as a separate entity. Perhaps this subject could be on the agenda of the proposed 'friends of the project workshop'.

5.2.12 As a last major recommendation it is suggested that UNODC consider ways of assisting the Indonesian Judiciary to take forward the suggestion implied in the Declaration emanating from the National Integrity Meeting by means of engineering and facilitating a review of the rules with respect to the professional and ethical conduct of its judges taking the Bangalore Principles of Judicial Conduct into account. It is clear that GPAC expertise would be very useful in such an endeavour.

5.2.13 Other minor recommendations are:

- Placing the complaints boxes outside the court building so that the public may access them all day and every day and supplementing this with advertising a PO Box to which letters of complaint can also be sent
- Establish the National Coordinator's office within the precincts of the Supreme Court in Jakarta
- Future evaluations should be conducted about 3 months prior to the conclusion of a project to enable butt ending to take place if desired and to prevent voids between one phase and the next.

## **6 OVERALL CONCLUSIONS**

- 6.1 The project was carried out almost in the entirety proposed. Although the time frame was expanded from 24 to 30 months, the project remained within budget and represents excellent value for money. Any shortcomings in project delivery were negligible.
- 6.2 The intention of the project was pilot testing with a view to gaining experience on the efficacy of the project methodology and assessing the value of the outcomes so that decisions could be made on whether to continue the programme and if so, how. It succeeded in that intention, and UNODC and the other role players are now able to decide from the data obtained whether to run further phases of the programme.
- 6.3 It is recommended that further phases of the programme in Indonesia be planned and executed, that reinforcing work be undertaken at the two pilot provinces, including an impact assessment. It is also recommended that two events take place whilst planning for the second phase is underway, i.e. a national press conference and a 'friends of the project workshop' with participation from existing and potential stakeholders.

## TERMS OF REFERENCE FOR A CONSULTANCY

**Functional Title:** Consultant (project evaluation)  
**Starting Date:** 17 May 2006

**End Date:** 28 June 2006

**Duty Station:** Hometown, with a 10 w/d mission Indonesia, 2w/d Vienna (Austria), 1w/d Bangkok (Thailand).

**Organization Location:** Vienna, Austria.

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### 1. BACKGROUND

The pilot project on strengthening judicial integrity and capacity of the United Nations Office on Drugs and Crime/ Global Programme Against Corruption was launched in November 2003. It was aimed at strengthening the rule of law, both at the national and sub-national level. In order to achieve this goal the objective of the project is to assist the Government of Indonesia in increasing the capacity and integrity of the justice system, in particular of the judiciary.

The project had the main objectives of establish evidence based, inclusive, integrated and impact-oriented, pilot tested Anti-Corruption and Capacity Building Strategy for the Judiciary, to conduct comprehensive assessments of the types, locations, levels and costs of corruption in the judiciary in two pilot Provinces (South Sumatera, South East Sulawesi) and to development of comprehensive Action Plans in those two pilot provinces.

### 2. EVALUATION PURPOSE

The evaluator will analyse: a) project concept and design; b) project implementation; and c) the outputs, outcomes and impact of the project. The evaluator will ensure that lessons learned from the project will be recorded and recommendations on possible follow-up activities will be made, as appropriate.

### 3. TASKS TO BE PERFORMED

#### 1. Project concept and design

The evaluator will analyse the project concept and design with the focus of project elements directly related to strengthening judicial integrity and capacity. The evaluator

will review the problems identified by the project and the project strategy chosen in order to address them. The evaluation should encompass an assessment of the appropriateness and obtainability of objectives and of planned outputs, activities and inputs as compared to other cost-effective alternatives, if/as available. An evaluation of the executing modality and managerial arrangements will also be included. The evaluator will assess the appropriateness, quality and cost effectiveness of baseline studies and achievement indicators and review the work plan, planned duration of and budget for the project. Finally, an analysis of the clarity, logic and coherence of the project should also be provided for.

## 2. Implementation

The evaluator will assess the implementation of the project in terms of quality and timeliness of inputs and efficiency and effectiveness of activities carried out. Also, the effectiveness of management, as well as the quality and timeliness of monitoring and backstopping by all parties to the project, will be evaluated.

## 3. Project outputs, outcomes and impact

The evaluator assess the outputs, outcomes and impact achieved or expected to be achieved by the project as well as the likely sustainability of project results, where applicable. This should encompass an assessment of the achievement of the immediate objectives and the contribution to attaining the overall objective. If objectives other than the ones relating to strengthening judicial integrity and capacity are stated in the project document, the evaluator will also assess the achievement of these. However, care should be taken to prevent the evaluation from diverting attention to these objectives at the expense of the anti-corruption focus. The evaluator will also assess if the project has had significant unexpected effects, whether of beneficial or detrimental character.

## 4. Recommendations

The evaluator will make recommendations as appropriate. They should constitute proposals for concrete action that could be taken in future to improve or rectify undesired outcomes. Recommendations may also be made in respect of issues related to the implementation of management of the project and follow up projects dealing with the same issues.

## 5. Lessons learned

The evaluator should record lessons learned from the project that are valid beyond the project itself.

## **4. OUTPUT**

1. A finalized evaluation report on the project, proposing an analysis of the project concept and design. The report will contain a detailed review of the problems identified, as well as an evaluation of the strategy, of executing modality and managerial arrangements chosen to address them.
2. The evaluation report will contain an assessment of the implementation of the project in terms of quality and timeliness of inputs and efficiency and effectiveness of activities carried out, as well as the effectiveness of the management and of all the parties involved.
3. The evaluation report must contain a detailed assessment of the outputs, outcomes and impact achieved by the project as well as the likely sustainability of project results.
4. Finally the evaluation report will contain a detailed section on the lessons learnt in this project along its different phases, and the recommendations for concrete action that could be taken in future to improve or rectify undesired outcomes.
5. A mission report including the report of the interviews and output of one-day workshop above.
6. A completed summary evaluation questionnaire.

## **5. PERFORMANCE INDICATORS**

Timely and accurate submission of the documents. Substantive and linguistic quality of the documents prepared. Conformity of the project evaluation report with the standard format and guidelines for the preparation of project evaluation reports and the guidance received.

## **6. QUALIFICATIONS AND EXPERTISE SOUGHT**

The candidate should have at least 10 years of experience in designing and managing projects in the criminal justice area. Experience in the administration and designing of projects specifically focusing on the prevention and control of corruption is preferred. Familiarity with UN procedures and structures as well as professional experience in developing countries, in particular in Asia, is a strong asset. The candidate should have good communication and drafting skills in English.

## 7. CONSULTANCY MODALITIES

### 1. Responsibility for evaluation

As for the methodology and process, this evaluation will be a joint effort between the consultant and the GPAC project team. As for substance, it is critical that the consultant is independent and conducts a thorough evaluation covering both technical aspects of the project and also the management of the project itself.

### 2. Briefings, consultations and administrative support

The Officials responsible for briefing the evaluator are: Mr. Stuart Gilman, Programme Manager, UNODC Global Programme against Corruption, Mr. Oliver Stolpe, Global Programme against Corruption, Mr. Fabrizio Sarrica, Global Programme against corruption, Mr. Satya Arinanto, national project coordinator. As required, the evaluator will further consult with the UNODC Regional Office in Bangkok, the Independent Evaluation Unit and other UNODC staff, and the UNOPS Office Vienna, Mr. Hans Ulrich Hugo.

The consultant will have access to all relevant documents and staff who have worked on the project.

### 3. Evaluation report and follow-up

The evaluator(s) should follow the UNODC standard format and guidelines for the preparation of project evaluation reports and to fill out the summary assessment questionnaire. The format and guidelines as well as the summary assessment questionnaire will be provided by the Independent Evaluation Unit.

The deadline for the submission of the final evaluation report will be the 28 June 2006<sup>16</sup>. The draft report should be submitted to Mr. Rob Boone, Chief, Human Security Branch, UNODC, for comments. UNODC will distribute the final report to the other parties of the project.

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<sup>16</sup> Subsequently amended to 28 July 2006.

**“Strengthening Judicial Integrity and Capacity in Indonesia”**

**Evaluation by T. Roger Batty MBE**

**Itinerary**

<b>Date</b>	<b>Venue</b>	<b>Organisation</b>
9 June 06	Jakarta	National Coordinators
9 June 06	Bogor	National Law Development Agency
9 June 06	Jakarta	GTZ
9 June 06	Jakarta	Moore Rowland
12 June 06	Jakarta	National Coordinators – Media Review
12 June 06	Jakarta	Partnership for Governance Reform
12 June 06	Jakarta	Corruption Eradication Commission (KPK)
12 June 06	Jakarta	Indonesia.Australia Legal Development Facility
13 June 06	Jakarta	Project Office Visit
13 June 06	Jakarta	Professor Romli
13 June 06	Jakarta	Judicial Commission
14 June 06	Muara Enim	Visit to District Court
14 June 06	Palembang	Professor Rifai
15 June 06	Palembang	Visit to Palembang High Court
15 June 06	Palembang	Meeting with Implementation and Coordination Committee for South Sumatera
15 June 06	Palembang	Visit to Palembang District Court
16 June 06	Kendari	Visit to Kendari High Court
16 June 06	Kendari	Meeting with role players in South East Sulawesi
17 June 06	Jakarta	Indonesia.Australia Legal Development Facility
18 June 06	Jakarta	Meeting with National Coordinator
19 June 06	Jakarta	Meeting with Chief Judge, South East Sulawesi
19 June 06	Jakarta	Meeting with Department of Foreign Affairs
19 June 06	Jakarta	Meeting with Chief Justice, Supreme Court
19 June 06	Jakarta	Meeting with UNDP Jakarta
21 June 06	Bangkok	Meeting with UNODC Regional Office
21 June 06	Bangkok	Meeting with UNDP Bangkok

## List of Persons Consulted

### Chief Justice – Supreme Court of the Republic of Indonesia

Professor Dr. Bagir Manan, SH, MCL

### Ministry of Foreign Affairs, Republic of Indonesia

Mr. David Simamora

Vice Director, International Security  
and disarmament

Ms. Dian K. Yuwono

### National Counterpart

Professor Abdul Gani, Abdullah

Head, National Law Development  
Agency

### National Coordinators

Professor Dr. Satya Arinanto

Department of Law and Human  
Rights

Dr. Chairijah

Mr, Kritztomo Pitt

### Moores Rowland

Mr. Rully Aprianto

Solution leader

Mr. M.H.R.S. Ario Putro

Supervisor, Researcher

### Friends of the Project

Mr. Peter Rimmele

Senior Advisor for Good  
Governance, Deutsche Gesellschaft  
für Technische Zusammenarbeit  
(GTZ)

Mr. Nenad Baco

Partnership for Governance Reform  
in Indonesia (Kemitraan)

Professor Romli

Mr. Tony Robey

Lead Advisor, Anti-Corruption  
Indonesia . Australia Legal  
Development Agency

Judicial Commission

Mr. Soekotjo Soeparto, SH, LLM Member

Corruption Eradication Commission (KPK)

Mr. Amien Sunaryadi Vice Chairman/Commissioner

United Nations Development Programme

Ms. Marcia V.J. Kran Head of Policy and Programme and Deputy Regional Manager (Bangkok)

Ms. Ewa Wojkowska Programme Manager, Governance Unit (Jakarta)

United Nations Office on Drugs and Crime

Mr. Akiro Fujino Representative for East Asia and the Pacific - Bangkok

Dr. Oliver Stolpe Project Focal Point – Vienna  
Mr. Fabrizio Saricca Associate Crime Prevention Statistician – Vienna

Mr. Burkhard Dammann Senior Programme Management Officer - Bangkok

Implementation Committee for the programme in South Sumatera

Prof. H. Sofyan Zen, SH, MH Chief Justice of South Sumatera  
Mr. Soufnir Chibro Vice Chair of Implementation Committee

Prof. Alexander Abdullah, SH, MHum Dean of Faculty of Law, Palembang University,  
Secretary of Implementation Committee

Mr. Chairul Sutrisno Member of Implementation Committee

Prof. Amzulian Rifai, SH, LLM, PhD Faculty of Law  
Mr. Ajourotni Nasution Head of Law and Human Rights Regional Office

Mr. Abdul Rochim Prosecutor  
Mr. Abdul Roni Member of Implementation Committee

District Court, Muara Enim

Mr. H. Herri Swantoro SH, MH	Judge
Mr. Eko Tunggul Pribadi, SH	Judge
Mr. Dadi Rachmadi, SH	Judge
Ms. Lucy Ermawati, SH	Judge
Ms. Novita Riama, SH	Judge
Mr. Benny Octavianus, SH	Judge
Mr. Ikha Tina, SH, M.Hum	Judge
Mr. Arief Sapto Nugroho, SH	Judge
Mr. Dwi Purwanti, SH	Judge
Mr. Khairulludin, SH, MH	Judge

Other role players in South Sumatera

Mr. Abdul Ronisti

Implementation Committee for the programme in South East Sulawesi

Prof. M. Arsyad Sanusi SH, MHum	Chief Justice of South East Sulawesi (Met in Jakarta)
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Other role players in South East Sulawesi

Mr. H. Syam Amansyah	Judge of South East Sulawesi High Court
Mr. Iswahyudi Handoyo	Chief Secretary, South East Sulawesi High Court
Mr. JesayasTarigan,	Chief Justice, South East Sulawesi District Court
Mr. Kusnadi	Program Director, Radio Kendari
Mr. Yani	Program Manager, TV Kendari

## EVALUATION ASSESSMENT QUESTIONNAIRE

Programme/Project Title: Strengthening Judicial Integrity and Capacity in Indonesia

Programme/ Project Number: FS/INS/03/R43

Introduction:

This assessment form must be completed by the evaluator or evaluation team and submitted to the Independent Evaluation Unit. The purpose of the assessment is to provide information for UNODC evaluation database. This information will be used to provide an overview of UNODC's overall performance of programmes and projects.

Ratings:

The evaluators are required to give a rating to each of the items shown below. The ratings are on a scale of 1 – 5 (1 being the lowest and 5 being the highest). Ratings are based on the following criteria:

Excellent = 5  
 Very good = 4  
 Good = 3  
 Fair = 2  
 Unsatisfactory = 1

The ratings must reflect the level of achievement, completion, attainment or impact depending on what is being measured. These ratings are base on the findings of the evaluation and hence are a translation of the evaluation results.

A.	Quality Performance Items	Ratings				
		1	2	3	4	5
1.	Project Design (clarity, logic, coherence)					X
2.	Appropriateness of overall strategy					X
3.	Achievement of objectives				X	
4.	Prerequisites fulfilment by Government				X	
5.	Adherence to Project Duration			X		
6.	Adherence to Budget					X

<b>B.</b>	<b>Implementation</b>	<b>Ratings</b>				
		1	2	3	4	5
7.	Quality and timeliness of UNODC inputs					X
8.	Quality and timeliness of Government inputs				X	
9.	Quality and timeline ness of Third Party inputs				X	
10.	UNODC HQ Support (administration, management, backstopping)				X	
11.	UNODC FO Support (administration, management, backstopping)	N/A				
12.	Executing Agency Support				X	

<b>C.</b>	<b>Results</b>	<b>Ratings</b>				
		1	2	3	4	5
13.	Achievement of results					X
14.	Timeliness and quality of results				X	
15.	Attainment, timeliness and quality of outputs				X	
16.	Programme/project impact				X	
17.	Sustainability of results/benefits			X		

<b>D.</b>	<b>Recommendations</b>	<b>Ratings</b>				
		1	2	3	4	5
18.	Continue/extend no modifications					X
19.	Continue with modifications (minor, extensive)					
20.	Complete Project Revision					
21.	Terminate					

<b>E.</b>	<b>Comments</b>
	<p>(Provide relevant explanations as well as issues of clarification, replicability, best practices etc.)</p> <p>Overall, the project has been a success with most of the desired outcomes being achieved. The project took 9 months longer than originally anticipated to complete. It was well managed despite time and distance constraints. Early action is necessary to ensure sustainability. An expanded continuation of the programme is recommended with UNODC expertise being located at or near to the project venue.</p>

## First National Integrity Meeting for the Indonesian Judiciary

### Final Declaration

Jakarta, 17 May 2006

Recalling *the Charter of the United Nations which affirms, inter alia, their determination to ensure justice for all and the respect for human rights and fundamental freedoms without any discrimination,*

Convinced *that the integrity, independence and impartiality of the judiciary are essential for the effective protection of human rights, economic growth and the eradication of poverty,*

Aware *that corruption of members of the judiciary undermines its independence, impartiality and fairness with devastating effects for the rule of law,*

Recalling *the United Nations Convention against Corruption which in its Article 11 obliges State Parties, in accordance with the fundamental principles of their legal systems and without prejudice to judicial independence, to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, including rules with respect to the conduct of members of the judiciary,*

Noting *also the adoption of draft resolution on Strengthening Basic Principles of Judicial Conduct by the United Nations Commission on Crime Prevention and Criminal Justice at its recent session in April 2006, which, inter alia, invites Member States to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of judges,*

Welcomes *the holding of the first National Integrity Meeting for the Indonesian Judiciary as an opportunity to take stock of the integrity and capacity of the Indonesian justice system and exchange views and experiences with a view to foster the development of measures to enhance access to justice, improve quality and timeliness of justice delivery, strengthen accountability and integrity of the courts, facilitate cooperation among justice sector stakeholders, and increase public confidence in the rule of law,*

Welcomes *the assessment of justice sector integrity and capacity in Indonesia, carried out by the United Nations Office on Drugs and Crime, and, while deeply concerned about some of the findings, acknowledges the importance of reliable data on the status of the judiciary with a view to further develop measures to strengthen the professionalism, effectiveness, integrity, accountability and transparency of our courts,*

Notes *with appreciation the efforts undertaken, under the able leadership of the Chief Justice of Indonesia, to advance judicial reform in Indonesia, including the development*

and implementation of action plans to strengthen judicial integrity and capacity in South East Sulawesi and South Sumatra, which serve a source of inspiration for judges in other parts of the country to take similar action,

Notes also with appreciation, *the support provided by various international, regional and bilateral organizations as well as non-governmental organizations to the Indonesian judiciary and calls upon these organizations to continue providing technical assistance and financial resources to further strengthen the justice system,*

*Calls upon the Government of Indonesia as well as Government at the province-level to support the efforts undertaken by the judiciary both at the national and province level, including through the provision of additional financial resources*

*Calls upon all Indonesian judges to continue striving for excellence, contributing to the improvement of the judiciary and to uphold the rule of law for the benefit of all Indonesians.*



