A Long Journey

The Long Journey towards Governance Reform
A Partnership Approach

- Consensus of donors and Government: National ownership of reform is key to real change results in the establishment of the Partnership for Governance Reform in Indonesia in 2000

- “Pressure from Without, Capacity from Within”

- Multi-stakeholder approach with special dedication to women and the marginalized
Accomplishments

• Facilitated Law Summit III and alter law groups
• Transparent, participative and accountable (*tpa*) selection of Commissioners and Initial Start Up support to the Anti Corruption Commission
• *Tpa* Selection of Judges for Anti Corruption Court and Training
• Peaceful and well-monitored Elections
• Guilty verdict for 43 Councilors in West Sumatera;
• Helping to set the Governance Reform Agenda (AC, LJ, CSR, Corporate and Security)
Future Challenges

- Maintain the momentum of new commitment to governance reform, e.g. implementation of Law Summit III
- Facilitate partners in applying a multi-stakeholder approach,
  e.g. Development and Implementation of National Action Plan Against Corruption
- Establish support for Caucuses for Governance Reform on national and regional levels
- *Tpa* selection processes for new oversight bodies
Governance Reform: a new Aceh by the Acehnese

- Program in Aceh since 2001; Aceh Working Group (AWG) and wide network of partners
  - program included anti-corruption initiatives, police reform, parliamentary strengthening, legal & judicial reform, including issues of *sharia* law

- Post Tsunami:
  - Monitoring activities of aid support to ensure its ethical use
  - Promotion of consultative processes in building new and reformed institutions of governance
Thanks are due due to our partners:

- Donors – Support
- CSOs – Pressure
- Government - Capacity
SINE QUA-NON

More effective partnerships
for stronger pressure
and greater capacity!
Background and Approach
The Partnership of Governance Reform in Indonesia emerged from a common consensus of the Indonesian Government and donors at the 2000 CGI meeting. At the time it had become obvious that sustainable reform of governance practices cannot be affected by “conditionalities” imposed from outside, but rather must be based upon building a domestic demand for such reform coupled with supporting the implementation of reform within the institutions concerned. National ownership is a key to change.

The Partnership has come to phrase the notion of building up demand by the citizenry for reform with a commitment by institutions to implement reform as “pressure from without, capacity from within.” It has become our trademark concept and has led us to forge partnerships with those in demand of reform and those in need of capacity enhancement. By our experience, sustainable reform and enhancement of capacity can only be accomplished by ensuring that all relevant stakeholders are included in processes of decision-making and resource allocation. The Partnership’s approach therefore is a multi-stakeholder approach. Our special efforts thereby have been dedicated to make those voices heard that tend to be ignored: the voices of the poor and marginalized.

A partnership between national stakeholders and the international community can help ensure that Indonesia’s efforts to reform the process of governance draw upon international experience and best practice.

However, making use of the wealth of experience from peoples across the world cannot be achieved by merely importing these experience and best practices. Rather there must be much more value added nationally in terms of understanding and adjusting the

----

1 Paper presented by H.S. Dillon, Executive Director of the Partnership of Governance Reform in Indonesia, at the Pre-CGI meeting in Jakarta on January 19, 2005.
information and experiences to the national and local context. To be successful therefore there must be a strong Indonesianisation of these concept and processes. This means incorporating the ideas within the context of real experiences and traditions within Indonesia. This is most crucial to guarantee national ownership and ultimately to both the viability and the sustainability of the reforms themselves.

**Accomplishments**

The Partnership approach has led to a number of achievements that display how aspects of governance can be tackled from different angles and be mutually reinforced.

One example is the development and implementation of an integrated justice system, which is basically an issue of legal and judicial reform and has been most successful when conducted on regional level taking as its source for local support the enthusiasm for decentralisation and regional autonomy. The guilty verdict against 43 councilors from the West Sumateran Provincial Parliament in 2004 was preceded by workshops by the Partnership on integrated justice together with the Law Centre of Andalas University, West Sumatera. The trial against the outgoing corrupt councilors was continuously accompanied by a well thought out strategy to support the prosecutors in charge of the cases with technical expertise as well as raising the necessary pressure in terms of public oversight to ensure ethical progress of the trials.

Another case worthwhile mentioning is the success of one of our partners in Aceh, Sorak Aceh, to get the court’s recognition of a legal standing in a corruption case. This is the first time that the legal standing of a non-governmental organization has been deemed eligible as a plaintiff in a corruption case. Class action and legal standing so far have only been applied in environmental and consumer protection cases in Indonesia. Although Sorak Aceh lost the case due to lack of recognized evidence, its approach set a precedent in Indonesian jurisdiction, and now awaits replication elsewhere.

One of the most prominent examples of cross-sectoral achievement last year was the realization of the dream of peaceful elections. Whereas the Electoral Reform program of
the Partnership supported voter education, and the Anti Corruption program encouraged among others the monitoring of the General Elections Commission’s procurements and politicians track records, the Security and Police Reform program proved successful in developing together with the National Police an approach to ensure peaceful elections. The police worked with political party security groups, traditionally associated with electoral violence, to develop protocols on managing rallies etc. The Partnership also worked with the Police to develop guidebooks on how the police should conduct themselves in democratic elections. One clear distinguishing feature of the 2004 elections was that they brought the long held dream of peaceful election to fruition.

Strategically the Partnership used the momentum of the elections as a vehicle to promote governance reform and to set priorities in Governance reform. In the lead up to the second round of the presidential elections the Partnership proposed 20 initiatives in Anti Corruption, Legal and Judicial reform, Civil Service reform, Corporate Sector Reform and Security reform to accelerate governance reform during the first 100 days of office to the two presidential candidates. The criteria for issues selected were that they should be “quick wins” with foreseeable political risks. Then candidate now President Yudhoyono, a former co-chair of the Partnership’s Governing Board, received the 20 recommendations with interest. Since being elected, President Yudhoyono has converted this initial political commitment into action with a number of these reform initiatives now being implemented.

Another indicator that elements of good governance are becoming more and more ingrained in Indonesian institutions and their processes is the replication of a transparent, participative and accountable selection process for recruiting members of state auxiliary bodies, such as national Commissions. The model being used was developed by the Partnership and its partners in late 2003 and was first applied for the recruitment of the commissioners to the Anti Corruption Commission (KPK). The Supreme Court subsequently asked the Partnership to facilitate a similar selection process for the judges of the Special Court for Corruption, which took place in mid 2004. In the planned
establishment of the new oversight bodies (Judicial, Prosecutorial and Police Commissions) the application of similar selection processes are now being included.

In addition to the support in the selection of the Anti-Corruption Commissioners, the Partnership also initiated a start up program for the Commission. This project which included outreach strategies, ICT system, ethical human resource management approaches and support for integrating the former pecuniary interests commission into the new Anti-corruption Commission. This project was already operational within four weeks of the inauguration of the Commission.

**Challenges in the Near Future**
The Partnership is already engaged very actively with key members of the new Government in its war against corruption and the implementation of governance reform. The Anti Corruption program is supportive of substantive consultative processes in producing the National Action Plan against Corruption which is being coordinated for the Government by Bappenas. The Partnership is also supporting this process preparing support for the internal and external monitoring of its implementation. It will also facilitate the mapping of inconsistencies and weaknesses in the Indonesian anti-corruption legislation and a compliance review of the national legislation in regard to the United Nations Convention against Corruption.

The Legal and Judicial Reform team is preparing support for the establishment of the “Independent Prosecutorial Commission” and the “Judicial Commission”, as mentioned before in particular focusing on a transparent, participative and accountable selection process. Moreover the support program for the new Attorney General includes the preparation of a task force to assist the Attorney General in reviewing the prosecution of corruption cases that are not being processed or that have concluded on the basis of an Order to Stop Investigation. Additionally a working group will execute and monitor the institutional work agenda as agreed in Law Summit III, conducted in April 2004.
The Representation Reform program is fostering the development of newly established Caucus for Governance Reform in the national parliament and encourages similar caucuses in pilot regions.

The Decentralization program in conjunction with Representation Reform and Anti Corruption programs is supporting the preparation and monitoring of the direct elections for provincial and local government leaders. The wider framework of Partnership work on decentralisation and regional autonomy has also developed and implemented significant governance reform programs in selected regions, notably in Papua, Yogyakarta and Aceh.

In the area of civil service reform, the Partnership has established a close working relation with the State Ministry for Administrative Reform in a number of areas that focus on improved civil service and reduced potential opportunities for corrupt practices to take place. Areas of particular interest include taxation, customs and immigration. The Partnership will continue to work with the multi-stakeholder network of groups and agencies that collaborate on civil service reform, known as KOREKSI, which is facilitated by the Partnership.

The combined catastrophe of earthquake and tsunami that struck Aceh has forced a major change in the design of the program with Aceh. Established programs focused on a number of areas such as counter-corruption initiatives mobilizing civil society organisations in conjunction with the local parliaments, community policing with the police, development of an independent local government budget monitoring institute, facilitating dialogue on the application of Syariah law and women and the marginalized in Aceh, and a just and sustainable management of natural resources including illegal logging all of which were based in Aceh while a final programme which monitored the military budget and military policies in Aceh were conducted by partners based in Jakarta.
In this post-catastrophe era the Partnership will look to supporting its partners in Aceh to conduct monitoring activities of aid support to ensure its ethical use. Looking ahead the Partnership will continue to work with its networks in Aceh and in Jakarta (through the Aceh Working Group) to focus on initiatives to ensure that the systems of governance to be established in Aceh will be reformed in spirit and substance and with institutions much better able to account to the public and to coordinate and delivery of public services to those in need. Governing in Aceh at this time in terms of whether the processes developed are actually consultative, representative and publicly supported or simply planned and implemented from afar will have profound implications in terms of the kind of Aceh we will see in the longer time.

The Partnership considers it critical not to engage in “protocol” consultations but rather to genuinely reach out and include the Acehnese in the decisions to be made that will affect their lives so directly. Institutionalising and normalising such approaches by governments in engaging with their citizens represent a powerful foundation upon which to build the physical infrastructure needed to build sustainable livelihoods.

These are only but a few issues going to be tackled by the partnership during the next year. More detailed information is available from the program flyers and upon request from the program staff.