

An Evaluation of HuMa's work with Rainforest Foundation Norway, 2008 – 2014

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Report commissioned by RFN

May, 2015

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Executive Summary

HuMa, the *Perkumpulan untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis*, or Association for Law Reform Based on Community and Ecology, was formed in 2001 to provide legal expertise to the growing forest and community rights policy reform movement in Indonesia, and to help to develop critical legal awareness amongst communities. The organisation has five work programs: community law facilitators; conflict resolution initiative; data and information centre; forestry and climate change; and organisational development. It is supported by several donors.

2015 is the tenth year of support from the Rainforest Foundation Norway (RFN) to HuMa, and this independent external evaluation looked at the period between 1st January 2008 and 31st December 2014. The evaluation is focused on HuMa's projects entitled *Forestry policy and Advocacy for Legal reform in Indonesia* and *Community Initiative on Forest conflict Resolution* which were implemented in the period evaluated and funded by Rainforest Foundation Norway through Norad. The evaluators spent three weeks in Indonesia meeting HuMa, partners, communities and other stakeholders.

Key findings and recommendations

1. Planning and implementation of the projects funded by RFN

1.1 Workplanning

Findings

- An effective workplanning mechanism is in place. Long-term workplans allow HuMa and RFN to plan for multiple years, while annual workplans allow the detailed plans to be adjusted.
- The multi-year plans submitted to RFN draw directly on HuMa's organisational strategic planning processes and help ensure that there is a clear link between activities and overall strategic direction, suggesting that there is no undue donor influence.
- Formulation of objectives and indicators in the workplan could be improved and the long list of results and activities condensed to make the workplan more useful as a basis for management and reporting.

Recommendations on workplanning

(These recommendations are directed to the membership, for discussion during strategic planning, and to the board and executive who will produce documentation and negotiate plans with RFN.)

- **Maintain the current system** of three- to five- year plans which provide a framework for annual planning cycles
- **Formulate the project purpose in terms of *the desired change in the beneficiary group*** to focus on what HuMa is trying to achieve with RFN support
- **Formulate indicators that can be realistically observed or measured** and that shows that the desired change has happened.
- **Revise the results so that there are fewer (3-6?), they do not overlap, and are a more or less the same level of ambition.** Ensure that together they cover everything needed to achieve the purpose.
- **Develop plans which allows for the integration of activities across the programs,** keeping the focus on marginalised communities as the ultimate beneficiaries.

1.2 Funding

Findings

- RFN has provided about 12.6 billion IDR/7.7 million NOK/almost 1 million US\$ to HuMa over the seven years 2008 – 2014. Overall about 67% has been for Forest Policy and Conflict Resolution, a further 21% for Institutional Development.
- Annual funding has increased by 170% over this time. The 2014 funding of 2.85 billion IDR/1.8 million NOK/217,000 USD is still modest for the ambition of HuMa's workplan and is similar in scale to funding managed by, for example, the Samdhana Institute and AMAN.

Recommendations on funding

- The board and executive should consider ways to **reduce the dependence of programs on single donors** by looking at the way proposals and programs are structured, and through changes in the ways funds are allocated between programs, while maintaining a transparent and accountable financial system.
- The board and executive should consider **hiring dedicated fundraising staff**
- The board and executive should advocate to donors for **increased short term funding** to enable HuMa to respond to the current opportunities and needs at field and national policy level

1.3 RFN supported work on forest policy reform and forest conflict resolution

Findings

- HuMa has been involved in about 75% of important national level events and processes in the forestry sector over the period of the evaluation
- The HuMa-coordinated CSO coalition to reform the main Forestry Law (KPKK) has not succeeded in its main objective but has contributed to other significant advances. The failure is mainly due to complex external factors, but poor communication and coordination within the CSO network may have contributed.
- The work of HuMa and the policy advocacy network has resulted in changes to the attitude and actions of Government officials at national and local levels
- The openness of the Jokowi Government has created a new challenge for CSOs, how to engage without losing independence from Government
- HuMa (with other CSOs) has been successful in raising the profile of forest sector and agrarian conflict, initially within the DKN and then more widely, and in getting rights and tenure recognised as underlying factors in these conflicts. This has contributed to a series of actions by Government to resolve the underlying problems.
- The HuMaWin conflict database is recognised as a credible source by agencies such as DKN, but there are problems with presentation of data and there are opportunities to promote its use more widely
- HuMa's experience with direct involvement in conflict resolution has been mixed and any future involvement requires clarification of the position taken by the organisation
- There are critical opportunities to advance the policy reform and conflict resolution agenda with the new Government. Some of these are time-limited, and HuMa should prioritise these opportunities.

Recommendations on Forest Policy Reform

- **HuMa should continue to work with the CSO coalition on the reform of the Forestry Law 41/1999**, but seek additional alliances with other stakeholders. The coalition should continue to work to remind President Joko Widodo of his commitments on agrarian reform, continue to influence the Ministry of Environment and Forestry, but also decide how to work with the new Ministry of Agrarian Affairs and Spatial Planning, which includes the Lands Agency and will play a role in land titling. The coalition should monitor the revision of Law 5/1990 on conservation, as the future management of protected areas will have an important influence on community rights and livelihoods.
- In its strategic workplanning HuMa should find ways to increase **support to District Governments** which are willing to take action (for example in support of *adat* forests) but which lack capacity and guidance.
- **HuMa board and executive need to decide how to work with the GN-SDA** (replacement for the NKB12 process)
- **HuMa board and executive should assess the strategic value of continued engagement with REDD+ and climate change issues** and ensure that the work is aligned with HuMa's vision and mission, and that climate change work contributes to the development of the PHR network and policy reform.

Recommendations on Conflict Resolution

- HuMa board and members should confirm in the strategy **HuMa's position as a supporter of community rights, not a neutral conflict mediator**, and also clarify what is meant by a conflict resolution model/mechanism. These decisions should then guide the executive in its engagement with Government Institutions and private sector initiatives for conflict resolution.
- The board and executive need to **decide how to deal with conflict and land issues outside the forest estate**, as these cases will not be affected by the recent advances in forestry policy. To date they have been handled on a case-by-case basis.
- The executive should **increase the use of conflict data and partner's experiences** to provide feedback to policymakers on the implementation of new policies such as the conflict resolution initiatives of MoEF, working groups on agrarian conflict and indigenous peoples, and regulation 79/2014 on land ownership in state forest reserves.

Recommendations on the HuMaWin conflict database

- The executive should **set targets for uploading existing data and for updating**, and ensure they are implemented. Development of HuMaWin should take into account the progress of the geodata-cso group database as well as other similar initiatives.
- The executive should **improve the presentation of public data on the HuMaWin website**, address problems with formatting, provide background information on key concepts, and provide information on the source, reliability, limitations and possible errors in the data. Where possible more information should be available publicly, and the public space on the website can be used for promoting analysis and the need for action on conflict.
- The executive should **publish the HuMaWin training material on line** to support the conflict training carried out by working group - tenure for the MoEF and to promote wider understanding and use of the data.

1.4 RFN supported work with communities through strategic partners

Findings

- HuMa's model of working through local partners builds capacity in the regions and facilitates long-term relationships between communities and local NGOs.
- Across the partnership, there are examples of documenting and strengthening customary practices and institutions, assisting communities to negotiate with Protected Areas and companies, securing recognition from local Government, securing licenses for community based forest management and, more recently, processes to secure release of *adat* forest from the state forest zone. These are important policy-relevant cases.
- The impact on communities has been significant in terms of increased ability to understand their legal options, articulate their position, and negotiate with external stakeholders
- HuMa's role as funder, source of information, conduit for issues to National level, is recognised and valued by communities and the partners working with them
- Partners face demands from communities to broaden the range of assistance they provide, and there are important strategic choices about whether to use scarce resources to replicate their approach in more villages, or deepen their work in a few
- The program offers important opportunities to contribute to the developing discussion on *adat* forest and the implementation of MK35

Recommendations on working with communities

- The executive should **build on existing initiatives to promote a mechanism for legally recognising customary communities**, addressing the criteria established in the MK35 decision and related policies (e.g. aiming for a technical guideline (*Juklak* and *Juknis*) by the MoEF)
- The executive and strategic partners should use the 13 on-going *adat* forest pilots and other experience to address **key issues in the development of *adat* forest**:
 - The need for **models of resource use planning** which fulfil community aspirations within the limits of sustainable forest use, including **guidance on the extent to which customary norms, rules and sanctions can effectively control resource management**, and priorities for enhancing local management systems.
 - The need for **clearer definition of the responsibilities** of community, local Government and others in the management of *adat* forest.
 - The question of **what happens to existing third party rights** (logging concessions, mining concessions, timber plantation licenses) within *adat* forest areas
 - The question of whether there needs to be **compensation or incentives** for communities when their rights to use/exploit *adat* forest are limited for public good (for example in protected areas or for watershed protection)
 - The potential for the **village law (Law 6/2014)** to support the identification and management of *adat* forests through its allocation of budgets and decentralisation of planning functions to village Governments
- The executive and strategic partners **should ensure the documentation and dissemination of lessons, experiences and problems**, including sharing through a second national dialogue on Adat forests.

2. HuMa's organisational vision, mission and strategy, structure and communications work

2.1 Vision, mission and strategy

Findings

- HuMa's tradition of strategic review, analysis and planning is one of the strengths of the organisation. The five year organisational strategy will be reviewed in June 2015.
- The current vision statement emphasises the process (a social movement and legal renewal) rather than the ultimate impact on wider society or communities.
- The mission statement and organisation of the work programs within HuMa are nearly identical. This helps ensure alignment between mission and activities, but appears to result in poor integration of the different programs. PHR, in particular, are treated as a separate program when they should be integrated into all HuMa's work. The critical importance of HuMa's place as a member of a wider CSO advocacy network is also not evident from the mission.
- A great deal of strategic thinking has happened but HuMa does not have a written strategy which can guide management and board in setting priorities and making decisions. The matrix of results and activities is not a strategy.
- There are opportunities to improve the participation of strategic partners and PHR in HuMa's strategic planning.

Recommendations on vision, mission and strategy

- HuMa membership may want to **explain the idea of legal pluralism** more clearly in the strategic planning process and vision. This would also lead to a stronger focus on this as a key role for PHR and for HuMa's work with partners and others.
- The executive with a mandate from the board **should produce a strategic plan document for 2016 – 2020 from the planning session in 2015**. The document should be short and accessible to partners and donors, explains the vision, mission, values, approaches, HuMa's role and relationships with other key stakeholders.
- The executive with a mandate from the board should **produce a strategy for fund-raising** (or include one as part of the organisational strategy).
- The executive with a mandate from the board should **develop a new indicative five-year workplan for the whole organisation based on the strategy** with a maximum of six result-level objectives, showing how HuMa will move towards its vision. To ensure that the elements of the mission statement (PHR, policy advocacy, data, capacity) are integrated with programmatic work, objectives should be defined for each area where HuMa works with a partner
- The executive with a mandate from the board should **use the 2015 strategic plan process as an opportunity to renew strategic partnerships, collaborations and the policy reform movement**.

2.2 Staffing and Organisational Structure

Findings

- HuMa's membership of 25 people is the highest decision making body in the organisation, but more than this, it holds highly respected and experienced legal analysts and campaigners, who have personal influence and networks which they use to further HuMa's agenda. There are opportunities to better integrate the role of members into HuMa's work.
- The three-person board is elected at the five yearly members meeting and is accountable to the members. Relations between Board and staff team are good, with significant efforts by the

board to support the staff, but no indication of unwarranted interference or personal agendas biasing this process

- The HuMa staff team is small and over-stretched in some respects, with data-information-publications (one person) and administration and human resources (one person) apparently under-staffed. The recent changes in personnel mean that the staff are relatively inexperienced in their current roles
- The practice of recruiting HuMa staff from partners has caused concern among some donors, who perceive that it drains capacity from the partners, but is welcomed as an opportunity to learn and gain experience by the staff and organisations concerned
- RFN support to institutional development has funded much of the strategy, monitoring and review process and is an important contribution to the operations of HuMa

Recommendations on staffing and organisational structure

- The membership and board should **keep the issue of recruiting new members on the agenda**. There will be a need to involve a new generation of members, and it would be better to add a few at a time.
- The board and executive should **find ways to make better use of the members' expertise and connections to support HuMa's objectives**, perhaps including through a dedicated small fund to cover costs.
- The executive should **implement the idea of members mentoring staff**, and evaluate the program
- The executive should **plan for development of future managers and encourage partner staff who move to HuMa to eventually return to strategic partners** so that the knowledge and experience they gain at national level is not lost to the partnership.
- The executive, with the mandate of the board, should **secure funding and recruit additional staff** to support the key work areas such as communications/database /publications, and the administration/HR. Recruitment should consider key areas such as the need for English language skills and international experience, and the need for fund raising expertise.
- The executive, with the mandate of the board, should **plan to diversify funding** for core internal costs of strategy development, monitoring and management.

2.3 Communications and media

Findings

- HuMa's publications are recognised as one of its major contributions to the advocacy and awareness raising. HuMa is aware that attention is needed to publication quality.
- HuMa's media profile is not high, and there are opportunities to improve the website and to promote the work of the organisation and its partners to the public
- The HuMa website and linked databases is adequate but needs to be better managed, with attention to updating and quality of translation
- HuMa has started to use social media effectively, and is working with communications consultants to improve this area of its work

Recommendations on communications and media

(These recommendations are all for implementation by staff in the executive team)

- **Produce a public summary of the strategic plan** for partners and other stakeholders and post it in HuMa’s website
- **Produce an easy to read publication on ‘what is HuMa’** for public consumption, in Indonesian and English
- **Publish annual report and audited accounts** in the public domain
- **Use HuMa’s existing communications platforms to disseminate regular updates on policy and legal developments** as well as the work of HuMa and partners
- **Ensure publications are effective** by targeting them to specific groups (analysing the audience, monitoring response) and putting in place systems to check the quality of language and production (including English when relevant). Evaluate the opportunities for wider dissemination through social media.
- **Maintain the production of comics**, recognised as a characteristic and effective HuMa publications, consider using PHR who have done well in writing training as a pool of writers.
- **Improve the website**, including prioritised updating of content with the involvement of the relevant technical staff. Maintain the website, update links, and promote it to target audiences. Ensure a good standard of English, perhaps through a network of volunteer native speakers.

3. HuMa’s role in wider networks

3.1 Working with strategic partners

Findings

- HuMa has six long-term strategic partners, and delivers its community-level work through them. The relationship is important for both sides.
- There is a lack of clarity about the difference between ‘strategic partner’ and ‘partner’, which will become more of an issue as HuMa works with more organisations in the *adat* forest program
- The use of short-term, activity based contracts between HuMa and strategic partners does not reflect the ethos of partnership.
- There are opportunities to engage partners more in strategic planning and joint fundraising
- Partners are in the front line of implementation of *adat* forests and are facing challenges with capacity and strategic choices in their work with communities

Recommendations on working with strategic partners

(except where stated, these recommendations are directed to the executive)

- **Increase support to work in the regions**, especially to partners work on district recognition of indigenous communities, agrarian conflict resolution, and the *adat* forest program. This uses HuMa’s greatest strengths, the link between Jakarta, strategic partners and PHR.
- **Work with partners to secure additional funding**, including joint fundraising for shared programs, networking between partners to share ideas and expertise, and support to local fundraising by partners.
- **Assist Partners with strategic choices**, on whether to provide a broader range of assistance to communities with *adat* forest, or to provide legal support to more communities.
- The members and board should mandate the executive to **expand HuMa’s partnerships, and stop using the term ‘strategic partner’** but distinguish between ‘partners’ (a shared vision and

mission, commitment, equality, and a longer term relationship) and ‘collaborators’ (limited cooperation for a specific project). Develop written agreements with partners, but leave enough flexibility for the relationship to change with time.

3.2 Working with Community Law Facilitators (*Pendamping Hukum Rakyat*, PHR)

Findings

- PHR are described as one of the pillars of HuMa, but definitions of PHR differ
- Promoting the PHR network as legal advisers for communities is widely recognised as one of HuMa’s most important initiatives.
- The PHR program is managed as a project and integration with other programs is weak
- There are opportunities to engage the PHR more in strategic planning and lesson learning

Recommendations on working with PHR

- The members and Board should **reaffirm the position of PHR at the heart of what HuMa does**, articulating what a PHR is, what they do and what capacity they already have and need, without losing the flexibility of the concept which is one of its strengths. **The executive should ensure that PHR are represented in all planning processes**, and that their experiences and lessons are shared.
- The executive should evaluate the pros and cons of **legal recognition for PHR under Law 16/2011 or the Legal Aid Law** and identify the relationship (if any) between the **role of PHR and recognition of adat courts** in some areas
- The executive should **develop a realistic strategy for how the PHR function can be scaled up** including how PHR might be supported or facilitated by local Governments, and not just by NGOs. This links with the proposal for creation of a PHR movement, separate from but supported by HuMa and other CSOs.
- The executive and partners should **ensure the development of up to 13 adat forests by HuMa is fully integrated with the PHR development program**, as communities with *adat* forest will need ongoing support.

3.3 Working with CSO networks

Findings

- CSO networking is central to the way HuMa works on policy advocacy. Prominent members of the network value HuMa’s role as convener and a source of legal analysis, but expressed some uncertainty about the network’s current focus and direction
- Recent policy advances and the change of government have presented CSOs with unprecedented challenges and opportunities which they are struggling to respond to
- Originating in the RFN-funded HuMa policy research program, Epistema was successfully set up as a separate organisation, and took advantage of the availability of highly qualified personnel to run the new organisation. HuMa has an effective, flexible working relationship with Epistema, but some in the forest policy reform movement are confused about the division of roles between the two.

Recommendations on working with CSO networks

- The executive should **encourage closer collaboration with key national CSOs (e.g. KPA, SAINS, Walhi, Epistema, HuMa, AMAN) and communication with others.** The aim should be to maximise the collective impact of the consortium without spending too much time and energy on communications and networking. To do this the priority should be coordination between those CSOs who are active and have capacity.
- With a mandate from the board, the executive should **engage with organisations from outside the forest policy reform movement,** for example those NGOs focused on budget transparency and governance reform such as TAF, Kemitraan, Bank Information Centre, EITI, IWGFF.
- HuMa and Epistema should continue to **explain the division of roles** between them to other stakeholders (Government and CSO), but maintain the flexible working relationship.

3.4 Fundraising and donor relations

Findings

- HuMa has a small number of dedicated donors. There are opportunities to improve communications and the mutual value of the relationship with each donor, as well as to recruit more donors
- HuMa considers that increased financial independence is very difficult to achieve, and has not identified it as a priority for now
- The relationship between RFN and HuMa is unusually good, with no sign of undue donor influence and modest requirements in terms of reporting. There is good alignment of HuMa and RFN agendas and a high level of respect and trust between the two organisations
- Donors, including RFN, want to be kept better informed about important developments inside and outside HuMa
- There are considerable opportunities to increase sharing of lessons, experiences and data with RFN which will, in term, assist RFN in securing funding from other sources
- HuMa is cautious about accepting private sector, Government and multilateral funding, but needs a written policy which can guide board and management in assessing opportunities

Recommendations on fundraising and donor relations

(These recommendations are all for implementation by staff in the executive team, with support from the board where appropriate)

RFN and other existing Donors:

- **Improve communication with donor desk officers,** including finding opportunities for efficiency in communicating to members and donors simultaneously
- **Ensure that donors are informed of significant workplan and financial changes,** and that where necessary these changes are discussed with donors in advance
- **Discuss how to match the requirements of policy and communications staff in RFN with HuMa's data and analysis,** and put in place mechanisms to facilitate communication
- **Use the 2015 strategic planning process** as an opportunity to engage donors in deeper discussion of how the relationship with HuMa can be enhanced and extended

Potential new donors, including private sector:

- Members and the board should ensure that the organisational strategy provides **adequate guidance on donors and sources of funding that are acceptable and not acceptable** for HuMa

- The executive, with a mandate from the board, should **identify how private sector influences HuMa's vision and mission**, identify risks, opportunities from private sector funding, and strategic options for HuMa, from opposition to collaboration.
- The executive, with a mandate from the board, should **put in place clear guidance and safeguards** against the risk of HuMa's credibility and mission being undermined by association with private sector, including a decision making mechanism.

4. Conclusions

It is clear that there have been significant shifts in policies on rights and conflict within the forest and land use sector, and that HuMa has played an important role in many of these changes. Broadly defined project purpose statements make it difficult to use them as a basis to judge **effectiveness** objectively, however.

The **impact** felt by HuMa's target audiences (defined as the Peoples chamber of the National Forestry Council (DKN), *Adat* and local communities in project areas, Partners in project areas and Forestry Ministry officials responsible for conflict resolution) has been significant, with clear changes in capacity and attitude attributable to the organisation's work.

HuMa's **relevance** is high, as shown by the organisation's involvement in 75% of the major relevant policy processes during the period evaluated.

Efficiency is not possible to quantify but is probably high, a result of a small but dedicated staff team supported by strategic partners and a large network of PHR.

Sustainability of some aspects of the work is ensured through permanent changes in policy or land status, for example. Sustaining positive changes in attitude and capacity among decision makers, CSOs and communities requires on-going effort. HuMa needs to avoid creating dependence and to be able to graduate partner CSOs and communities to independent funding.

The rate of positive change in the areas of forest policy, community rights and conflict resolution over the last five years in Indonesia is unprecedented. There is an urgent need for more critical legal education for communities so that they can respond to the new opportunities. HuMa has established itself as a credible advocate of policy change grounded in a network of partners and communities, and is in a good position to respond to the challenge. The scale of the task is huge, however. HuMa will require increased funding, greater staff capacity and improved management systems and strategic planning in order to achieve the greatest impact with limited resources.

Acknowledgements

The authors of the report are very grateful to all the staff and members of HuMa, partner CSOs, communities, Government officials and others who gave their time to contribute to this study. The HuMa board, headed by Chalid Muhammad, gave their approval for the evaluation and made themselves available for discussion with the team. The HuMa executive staff, and especially Dahniar Andriani, Nurul Firmansyah and Susi Fauziah provided guidance, practical advice and logistical support. The staff of Qbar and Bantaya ensured that the field visits were highly informative and ran very smoothly. RFN funded the evaluation through its funding from Norad, and Lorelou Desjardins at RFN drafted the ToR and was available throughout to provide input and support the process.

While the authors have done their best to verify the facts presented here, the responsibility for any errors is theirs, and opinions expressed are those of the authors, not HuMa or RFN.

Exchange rates

Exchange rates used in this report are, unless otherwise stated, mid-market rates on 16 March 2015:

- 1 Norwegian Kroner (NOK) = 1,610 Indonesian Rupiah (IDR)
- 1 US Dollar (USD) = 13,239 Indonesian Rupiah (IDR)

Converted currency figures are rounded to the nearest thousand.

Abbreviations and Acronyms

AA	Adriana Sri Adhiati, member of the evaluation team
adat	Indonesian word for 'customary' or 'traditional'
AGATA	Conflict style analysis, <i>Analisis gaya bersengketa</i> , ICRAF toolkit for mediation
AMAN	Indigenous Peoples' Alliance of the Archipelago, <i>aliansi masyarakat adat nusantara</i>
BPN	National Land Agency, <i>Badan Pertanahan Nasional</i>
BRWA	Customary Territories Registration Body, <i>Badan Registrasi Wilayah Adat</i> , BRWA
CLUA	Climate and Land Use Alliance
Commifor	HuMa's Community Initiative on Forest Conflict Resolution
CSO	Civil Society Organisation
DeBIC	HuMa's Database and Information Centre
DKN	National Forestry Council, <i>Dewan Kehutanan Nasional</i>
DPD	Regional Representative Assembly, <i>Dewan Perwakilan Daerah</i>
DPR	Peoples' Representative Assembly, <i>Dewan Perwakilan Rakyat</i>
DPRD	Regional Peoples' Representative Assembly, <i>Dewan Perwakilan Rakyat Daerah</i>
ELSAM	Community Study and Advocacy Organisation, <i>Lembaga Studi dan Advokasi Masyarakat</i>
FKKM	Community Forestry Communication Forum, <i>Forum Komunikasi Kehutanan Masyarakat</i>
GeoDataCSO	Multi-stakeholder website presenting customary territories in spatial form
HTI	Industrial Tree Plantation, <i>hutan tanaman industri</i>
HuMa	Community and Ecological Based Society for Law Reform, <i>Perkumpulan untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis</i>

HuMaWin	HuMa's online conflict database, at https://www.humawin.org/
ICCO	Interchurch Cooperative for Development Cooperation
ICEL	Indonesian Centre for Environmental Law
ICRAF	International Centre for Agroforestry Research
IDR	Indonesian Rupiah
InClaf	HuMa's Indonesian Community Law facilitators program
InDev	HuMa's Institutional Development program
JATAM	Mining Advocacy Network, <i>Jaringan Avokasi Tambang</i>
JICA	Japan International Cooperation Agency
JKMA	Aceh Indigneous Communities Network, <i>Jaringan Komunitas Masyarakat Adat Aceh</i>
JKPP	Participatory Mapping Network <i>Jaringan Kerja Pemetaan Partisipatif</i>
KADIN	Indonesian Chamber of Commerce, <i>Kamar Dagang dan Industri</i>
KITLV	Royal Netherlands Institute of Southeast Asian and Caribbean Studies
KPA	Agrarian Reform Consortium, <i>Konsorsium Pembaharuan Agraria</i>
KPH	Forest Management Unit, <i>Kesatuan Pengelolaan Hutan</i>
KPK	Corruption Eradication Commission, <i>Komisi Pemberantasan Korupsi</i>
KPKK	Forest Policy Change Consortium, <i>Konsorsium perubahan kebijakan kehutanan</i>
KpSHK	Community Forestry Consortium, <i>Konsorsium Pendukung Sistem Hutan Kerakyatan</i>
LBBT	<i>Lembaga Bela Banua Talino</i> , CSO in West Kalimantan
LBH	Legal Aid Organisation, <i>Lembaga Bantuan Hukum</i>
LSPP	<i>Lembaga Studi Pers dan Pembangunan</i> , Jakarta based CSO
MK35	Constitutional Court Decision No. 35/PUU-X/2012
MK45	Constitutional Court Decision No. 45/PUU-IX/2011
MoF, MoEF	Ministry of Forestry or [since January 2015] Ministry of Environment and Forestry
MoU	Memorandum of Agreement
NGO	Non-governmental organisation
NKB/NKB12	Joint Note of Agreement 12 Ministers <i>Nota Kesepakatan Bersama 12 Menteri</i>
Norad	Norwegian Agency for International Development
PHR	Community Law Facilitator, <i>Pendamping Hukum Rakyat</i>
PILnet	Public Interest Lawyers Network
PLN	National electricity company, <i>perusahaan listrik negara</i>
PLTA	Hydro-powered electricity generator, <i>pembangkit listrik tenaga air</i>
PPHMA	Customary Community Rights Protectors Union, <i>Persekutuan Pembela Hak-hak Masyarakat Adat</i>
PW	Pete Wood, evaluation team member
RAPP	Riau Andalan Pulp Paper
RaTA	Rapid Land Tenure Assessment toolkit from ICRAF
REDD+	Reducing Emissions from Deforestation and forest Degradation
RFN	Rainforest Foundation Norway
RMI	Rimbawan Muda Indonesia (NGO)
RRI	Rights and Resources Initiative
SAINS	Sajogyo Institute, the Indonesian Centre for Agrarian Study and Documentation
SK	Decision Letter, <i>Surat Keputusan</i>
SPI	Indonesian Farmers Union, <i>Serikat Petani Indonesia</i>
TAF	The Asia Foundation
TAP MPR IX	MPR Decision No. IX/2001 on Agrarian Reform and Natural Resource Management
UKP4	President's Delivery Unit for Development Monitoring and Oversight, <i>Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan</i>
USAID	United States Agency for International Development
WGT	Working Group – Tenure

Section 1: Introduction

1.1 History and Structure of HuMa

HuMa was created by a group of Indonesian lawyers and activists who were involved in the NGO ELSAM¹ and the Biodiversity Support Program, a USAID funded initiative which included a program of capacity building for lawyers. With the fall of the Soeharto regime in 1998, and the rapid and sometimes chaotic process of democratisation and decentralisation that followed, this group recognised that the law was not supporting the struggles of indigenous and marginalised people for rights and recognition, nor their dependence on the natural resources. They also recognised the importance of the principle of legal pluralism – that more than one system of law could exist at the same time – and argued that customary law, as religious law, was recognised in the constitution and the basic Laws of Indonesia. HuMa, the *Perkumpulan untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis*, or Association for Law Reform Based on Community and Ecology, was formed in 2001.

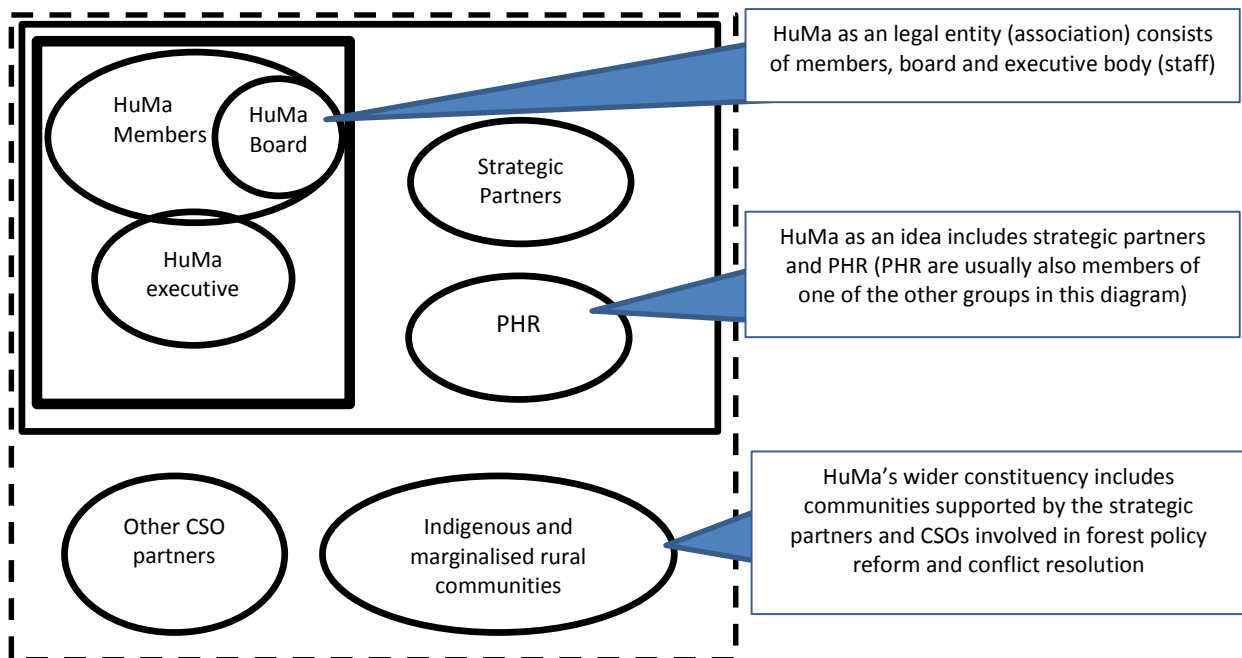
From HuMa's inception it was recognised that policy advocacy and critical legal awareness for communities could only ever be part of the solution to problems of disempowerment and poverty. HuMa's intention was to bring a specific legal focus to bear on these issues in support of a wider movement working for reform. As a result HuMa has worked through numerous partnerships and coalitions, some long-term, some issue- and time-limited. Prominent among the members of the movement were (and still are) were KpSHK, JKPP, KPA, Walhi, and AMAN. The movement has formed various alliances and associations to coordinate their efforts, including the Working Group on Agrarian Issues and Natural Resources (*Kelompok Kerja Agraria dan Sumber Daya Alam*, Pokja PASDA) and the Coalition for Change in Forestry Policy (*Koalisi untuk Perubahan Kebijakan Kehutanan*, KPKK). In the regions, HuMa has long-term relationships with six CSOs which it describes as strategic partners – RMI and LBH Semarang on Java, Qbar in West Sumatra, LBBT in Kalimantan, and Bantaya and Wallacea in Sulawesi. The community-level legal work, facilitation and conflict resolution which these partners do in collaboration with HuMa is a key part of the organisation's work.

One of HuMa's most important ideas was the introduction of Community Law Facilitators, *Pendamping Hukum Rakyat* or 'barefoot lawyers' (henceforth referred to by the Indonesian abbreviation, PHR). These are people with legal, analytical and advocacy skills who work – depending on their location and background – to promote critical legal awareness and customary law at community level; to promote recognition of community rights by local Governments; and to promote legal and policy reform nationally. PHR are described as 'the main constituents' of HuMa. PHR at community level are supported by the strategic partners in each region.

Despite the legal reality that the members control the association, HuMa always describes itself as being based on three pillars – members, strategic partners and PHR (Fig 1). Section 3 of this report discuss how this relationship between the various components of the organisation is working out in reality.

¹ <http://www.elsam.or.id/>

Fig. 1: Constituents of HuMa as a legal entity and as an idea



1.2 Introduction to the Evaluation

1.2.1 Purpose and objective

2015 is the tenth year of RFN support to HuMa, which began with support to the forest policy program in 2005. In 2009 an additional funding stream for climate change became available to RFN, and HuMa's work on rights and REDD+ commenced.

There has never been an independent evaluation specifically of the work supported by RFN. The purpose of this evaluation, as agreed by HuMa and RFN, was to assess the performance of HuMa since 2008, to look at the challenges and opportunities it faces, and to make recommendations for how HuMa can be increasingly effective in future.

The evaluation is especially timely because the very rapid change in Indonesia is forcing all advocacy and rights-focused NGOs to reflect on their positions, and because HuMa had a change of Executive Director at the end of 2014, and will prepare a new 5-year strategic plan in mid-2015.

1.2.2 Evaluation Methodology

This evaluation covers those areas of HuMa's work funded from RFN's regular Norad budget, covering forest policy reform and conflict resolution at national and local levels, publications and communications, and organisational development of HuMa and partners, but not climate change work. The PHR program was initially excluded from the evaluation, but during discussion it became clear that the PHR were a key part of the story of HuMa's work, so were included. The evaluation Terms of Reference are in Annex 3.

Documents reviewed by the evaluation team included semi-external evaluations of HuMa from 2010 (by Chalid Muhammed and Lili Hasanuddin) and 2013 (by Nonette Royo, Herlambang Wiratraman and Scott DuPree); multi-year proposals submitted by HuMa to RFN; annual workplans, reports and financial reports. The evaluation also interviewed 32 people face to face or through phone calls, and another 53 participated in meetings. The informants included HuMa members, board and staff;

donor representatives; strategic partners; CSOs; local and national Government representatives; PHR; and members of communities which are supported by the strategic partners (Annex 1). Phone interviews were carried out in November and December 2014, face to face interviews and meetings between 19 January and 3 February 2015, when the evaluation team was in Jakarta and the field. A wrap-up meeting on 2 February 2015 was attended by the HuMa board and the relevant staff (Annex 2). HuMa initially recommended that the evaluation team should visit five of the six strategic partners. However time limited the team to an office meeting with one (RMI, in Bogor) and field visits to two (Qbar in West Sumatra, visited by PW, and Bantaya in Central Sulawesi, visited by AA). A discussion was held with the Directors of the three other partners (LBBT, Wallacea, LBH Semarang). Detailed descriptions of the work of the strategic partners visited is in annex 5.

1.2.3 Evaluation team

The evaluation team comprised two people:

- **Pete Wood**, a UK based consultant, who lived in Indonesia from 2001 to 2014 where he worked with NGO's and projects in the environment and sustainable development field.
- **Adriana Sri Adhiati**, an Indonesian consultant, who has been involved in campaigns for ecological justice in Indonesia with a focus on land rights and natural resource policy reform.

1.3 Rights and tenure issues in the Indonesian Forestry sector, 2008-2014

The context for the evaluation of RFN support to HuMa is the complex and dynamic arena of rights and tenure over land and forest resources in Indonesia from 2008 to 2014. Throughout this period (and long before it) the Ministry of Forestry and the body of law through which the Ministry operates was a key target for rights campaigners. The Ministry's designation of over 60% of Indonesia's land surface as state forests, completed in the 1980s, disregards the existence of 33,000 communities – some indigenous, some not – who live in or around this vast area. In many places the conflict between formal designation and the reality on the ground remained latent simply because the Ministry lacked the capacity to police and enforce its domain. However as the Ministry issued more and more large scale logging, mining and plantation permits in the forest estate, communities suddenly found that land they considered their own was claimed by commercial enterprises, and conflicts emerged. During the new order era of President Soeharto (pre-1998) the companies enforced their claims with the backing of the armed police and the army, and communities could do little to protect their rights. Post-reform these tactics were replaced by political pressure and corrupt licensing and legal processes.

The seven years to 2014 saw gradual change, with the Ministry of Forestry allowing other stakeholders more influence over forest resource management and decision making, despite initial opposition from within the Ministry. This progress was in response to a combination of external pressure, internal dialogue, legal challenges and political events, and civil society has had to be flexible and creative in pursuing all these channels.

In 2008, at the beginning of the period evaluated here, the Ministry of Forestry had just issued the first licenses for community management of forests within the forest estate (village forests, community forests and community forest plantations²). While welcomed as a major step forward,

² **Village forest:** Peraturan Menteri Kehutanan Nomor P.49/Menhut-II/2008, tentang Hutan Desa; **Community Forests:** Peraturan Menteri Kehutanan Nomor P.37/Menhut-II/2007 tentang Hutan Kemasyarakatan; **Community forest plantation:**

communities and CSOs noted that these licenses were time-bound and conditional, and kept the Ministry firmly in control. CSOs hoped that there would be further steps towards recognition, while the Ministry intended that the licenses would satisfy community demands for rolling back of the forest estate. At this time there was no discussion of tenure and rights within the Ministry except in the multi-stakeholder Working Group on Tenure, created in 2001.

In 2010 Indonesia and Norway signed an agreement on REDD+ which required, critically, independent and transparent monitoring of forests and peatlands. The job was given to the influential Presidential Team for the Monitoring of Development (UKP4), which established a REDD+ Task Force and a REDD+ strategy process, both of them with significant CSO involvement. UKP4's involvement in the REDD+ process made it aware of the problems in the management of the forest estate, especially conflicts, overlapping licenses, and irregularities in the release of land for plantation development and mining. Most significantly for HuMa, the REDD+ process moved the issue of rights, conflict and tenure from a CSO agenda to being a mainstream concern of influential Government bodies and weakened the monopoly of the Ministry of Forestry over these issues.

The community forest management licenses issued by the Ministry of Forestry were for areas outside existing commercial logging and plantation licenses, and so did little to resolve the continuing conflict between communities and companies. As a result of work by HuMa the National Forestry Council (DKN) became a forum for discussion of conflict, rights and tenure (see section 2.3.3). In 2011 for the first time a conference co-hosted by the Ministry (with Rights and Resources Institute and CSOs including HuMa) discussed these issues, leading to the 'Road Map for Tenure Reform' which continued until 2012 when it stalled in the face of inaction from the Ministry. The conference also led to the addition of 'tenure' as part of the function of a unit within the Ministry, and 'resolving conflict' to the job of regional offices - though the changes may have been cosmetic.

In 2011 five District Heads from Kalimantan brought a successful Judicial Review against the Forestry Law³, asserting that the Ministry did not have the authority to unilaterally designate the forest estate. The legitimacy of the estate was further weakened in 2012 when a KPK assessment of corruption risks within the Ministry identified the fact that almost 90% of the national forest estate had never completed the full legal gazettement process. In response, the Ministry signed up to a joint program of reform with KPK and other Ministries that included the acceleration of gazettement⁴. While this agenda has so far been more successful than the DKN or road map initiatives, in part because of the power of the KPK to investigate and prosecute Government officials, the tensions between reform and inertia within the Ministry are also evident. For example, the process agreed with KPK was that 'finalisation of boundaries' should start in 2016, after a period for preparation of regulations, public consultation and piloting. Instead in August 2014 MoF issued 1,536 Ministerial decrees gazettement 56.9 million hectares of state forests, attempting to shortcut the process of consultation and negotiation envisaged by KPK^{5,6}.

Peraturan Pemerintah Nomor 6 Tahun **2007** jo PP No 3 Tahun **2008** tentang Tata Hutan dan Penyusunan Rencana Pengelolaan Hutan serta Pemanfaatan Hutan

³ Putusan Perkara No. 45/PUU-IX/2011 (Putusan MK 45)

⁴ Nota Kesepakatan Rencana Aksi Bersama 12 Kementerian/Lembaga terkait percepatan pengukuhan kawasan hutan Indonesia, ditandatangani di Istana Negara disaksikan Presiden RI bersama dengan Ketua UKP4 dan Ketua KPK.

⁵ Information from evaluation informants who were involved with the NKB process

⁶ With the change of Government the NKB12 process was replaced by the GN-SDA (<http://acch.kpk.go.id/gn-sda>) in 2015

In 2012 a group of CSO's led by AMAN requested a judicial review of the forestry law, asserting that customary rights that were protected in the constitution had been disregarded by the Law. The main points of the case were accepted, and Constitutional Court Decision No. 35/PUU-X/2012⁷ (widely referred to as 'MK35') offered the possibility of customary communities reclaiming land from the forest estate. It took until 2014, however, for the Joint Law of Four Ministers (79/2014)⁸ to propose a mechanism for releasing land, and in 2015 the implementing regulations of this Law were still be worked out.

During the 2014 Presidential election one of the candidates, Joko Widodo, made commitments to influential CSOs including Walhi and AMAN on conflict resolution, indigenous rights and return of land to communities. With his victory, he created a 'transition room' to come up with policy ideas, involving several senior CSO figures. Suddenly, CSOs had unprecedented access to Government policy making, and key demands such as reform of land and forest management and high level action to resolve agrarian conflict were being discussed. However the openness to NGOs is also extended to business and other interests, and it is not yet clear which agenda will prevail.

In the first three months of Joko Widodo's Presidency the Ministries of Forestry and Environment were combined, the REDD+ agency and the National Climate Change Council disbanded and rolled into a new Directorate-General for Forest Fire Control, Land and Climate Change within the new Ministry. A new Ministry for Agrarian Affairs and Spatial Planning was created, including the previously independent National Land Agency. The Government also decreed that 30% of appointments to senior positions within the bureaucracy will be from outside the civil service, with the selection team to involve people from outside the Ministry. This rapid change has created unprecedented opportunities for CSO's to be heard within the bureaucracy, to participate in change, or even to become part of Government. In doing so it has created huge pressure on CSO, and presented challenges to CSOs which wish to influence Government but remain independent from it.

As legal recognition of community land rights becomes a reality, identifying and mapping the boundaries of these rights has become increasingly urgent. A group of CSOs led by AMAN, JKPP and the Customary Territories Registration Body (*Badan Registrasi Wilayah Adat*, BRWA) have worked to establish a mechanism for expanding community mapping and ensuring that the maps produced are recognised by Government. It is not yet clear which Government agency will become the custodian for this data, but AMAN hopes that it will be the new Ministry of Spatial Planning and Agraria.

While there is optimism about the possibility of change under the Jokowi government, CSOs are aware that they will have to wait for the 'honeymoon period' to be over before they evaluate the real extent of reform. Even then, there are huge challenges in policy implementation. One informant estimated that over 2000 villagers are currently in prison or on trial for defending their land and forests against companies and Government. Issuing of community forestry licenses is far below target, despite communities queueing for licenses. At the same time private sector expansion of industrial pulp plantations and oil palm estates continues aggressively.

⁷ In full: Putusan Mahkamah Konstitusi No. 35/PUU-X/2012 atas uji Materi UU No. 41 Tahun 1999 tentang Kehutanan

⁸ Peraturan Bersama Menteri Dalam Negeri, Menteri Kehutanan, Menteri Pekerjaan Umum, Dan Kepala Badan Pertanahan Nasional Nomor 79, PB.3/MENHUT-11/2014, 17/PRT/M/2014, 8/SKB/X/2014 Tahun 2014 tentang Cara Penyelesaian Penguasaan Tanah Yang Berada Di Dalam Kawasan Hutan

Section 2: Planning and implementation of RFN Supported work, 2008-2014

After the discussion on work planning (section 2.1) and funding (section 2.2), discussion of implementation is divided into national level forest policy advocacy and conflict resolution work (section 2.3) and working through strategic partners at community level (section 2.4).

2.1 Work Planning

Summary of key points on work planning:

- An effective workplanning mechanism is in place. Long-term workplans allow HuMa and RFN to plan for multiple years in advance, while annual workplans allow the detailed plans to be adjusted.
- The multi-year plans submitted to RFN draw directly on HuMa’s organisational strategic planning processes and help ensure that there is a clear link between activities and overall strategic direction, suggesting that there is no undue donor influence.
- Formulation of objectives and indicators in the workplan could be improved and the long list of results and activities condensed to make the workplan more useful as a basis for management and reporting.

HuMa has submitted three proposals and workplans to RFN during the period covered by this evaluation:

- From 2008 to 2010, the contract between RFN and HuMa was based on a project entitled *Forestry policy and Advocacy for Legal reform in Indonesia*
- From 2011 to 2013 RFN continued funding HuMa’s forestry advocacy work with the project entitled *Community Initiative on Forest conflict Resolution (COMMIFOR)*
- From 2013 to 2017 a new multi-year contract was signed because of an internal decision in RFN to have a 5 year contract period, in accordance with RFN’s practice for other long-term partners. This contract is still valid and follows the lines of the 2011-2013 contract.

HuMa’s vision statement is used as the ‘overall goal’ of these proposals, with the 2007 vision used for the 2008-2010 proposal, and the goal of the 2011-2015 and 2013-2017 proposals updated in line with the revised vision agreed in the 2010 strategic planning workshop. The project purpose and indicators for each of the three proposals funded by RFN are repeated below for reference.

2008-2010 proposal:

Project Purpose	Indicators
Change in Forest Policy which promotes and supports the recognition of the rights of local and indigenous communities over forest areas’	<ol style="list-style-type: none"> 1. Increase the critical awareness of indigenous and local communities about forest laws and state policies in the six areas where HuMa partners work so that they can resolve natural resource conflicts 2. Development of learning centres which focus on understanding of policies and laws on forestry in the six areas where HuMa

	<p>partners work, which encourage suggestions for changes in forest policy at the sub-national level</p> <p>3. Local and indigenous communities secure legal protection for their rights over forest as a result of changes in sub-national and national regulations which give management and use rights on the basis of local systems and values and receive strategic and political support from institutions including DPR, DPRD, DPD and strategic networks at national and local level such as academics, NGOs and mass organisations</p> <p>4. Strengthening of the institution and organisation of HuMa so that it is more effective in pushing proposals for policy change which promote the recognition of local and indigenous community rights over forest areas.</p>
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2011-2013 proposal:

Project Purpose	Indicators
To promote policy and legal reform on forestry that supports the emergence of institutionalized and effective models of forest conflict resolutions	<ol style="list-style-type: none"> 1. There are national and local forestry policies that recognizes the rights of local people's that are marginalized 2. The availability of national policy on forest conflict resolution: government regulation, institutions / mechanisms 3. The presence of efforts and support to empower customary laws to serve marginalized local and indigenous people's interest

2013-2017 proposal:

Project Purpose	Indicators
To promote policy and legal reform on forestry that support the establishment of institutionalized and effective models of forest conflict resolutions that guarantee the security of community rights over forest.	<ol style="list-style-type: none"> 1. There are national and local forestry policies that recognizes the rights of local people's that are marginalized. 2. Strong pressure from the local/adat communities for the revision of Forestry Law to parliament and government. 3. The availability of national policy on forest conflict resolution: government regulation, institutions / mechanisms 4. There are efforts and supports to empower customary laws that serve marginalized local and indigenous peoples.

Under the project purpose the 2008-2010 proposal to RFN was further broken down into four 'results', while for the 2011-2013 and 2013-2017 proposals the number of results is expanded to 12, adding detail to the previous four results rather than adding new elements to the proposal.

Annual workplans are developed and approved at the annual working meeting (*rapat kerja, raker*), which only involves the staff. However there is an annual 'coordination' meeting of a wider group (staff, partners, PHR) to agree on joint programs. Starting in 2016 the working meeting and coordination meeting will be combined, in the hope that this can help encourage synergy and coordination between programs. Monthly staff meetings have been reintroduced to assist coordination.

2.1.1 Findings on Work Planning

The development of multi-year plans which are broken down into annual workplans is an effective mechanism which allows HuMa and RFN to plan for three to five years in advance while accommodating the dynamics of highly unpredictable policy advocacy processes. It enables the proposals to RFN to be closely aligned with HuMa's three to five year strategic planning process (discussed in section 3.1.2). HuMa does not have to significantly re-package its ideas and plans to make them palatable to RFN, indicating that there is strong alignment between RFN and HuMa's overall vision, a high degree of trust from RFN towards HuMa's own planning processes, and an adequate degree of flexibility from RFN. A long-term donor-partner relationship of this quality is not the norm, something that both sides should recognise and invest in maintaining (see section 4.4, donor relations).

HuMa notes that producing workplans (and reporting) has become more complex. In the past they produced one proposal which was an organisational workplan, and submitted it to all donors, who would then support different elements of the plan. For the last three years, however, donors have insisted on individually tailored proposals and workplans. Although this adds to the administrative burden, it is the same as the situation that most NGOs have to manage, and in fact the close alignment between donor interests and HuMa's strategy, noted above, still allows HuMa to extract individual donor workplans directly from their strategy with a minimum of re-writing.

The evaluation made a number of observations about the formulation of the logframes which form the heart of the workplans:

- The project purpose, which is important in defining the specific change that will be achieved during the life of the project, changed little between proposals, and remains very broadly defined. The indicators to the project purpose help to give additional information on the emphasis of the program, but are in most cases not defined clearly enough to be specific, measurable, or objectively verifiable, and so cannot function as an effective basis for monitoring or evaluating progress.
- The four results in the 2008-2010 proposal are not clearly formulated. Result three is almost identical to the project purpose, the link between results one and two and the project purpose can be guessed at but is not clear, and the fourth result (on capacity building for HuMa) requires further definition. The results are exactly the same as the four indicators for the project purpose (with the exception that result 3 is a shortened version of the long third indicator). This confusion of indicators and results emphasises that the purpose – results section of the plan needed to be thought through more clearly.
- The four results of the 2008-2010 proposal referred to four relatively discrete areas of work: community level awareness (R1), knowledge production (R2), policy advocacy (R3) and capacity building for HuMa (R4). The 12 results that replace them in the 2011-2015/2013-2017 proposal logframes do not fit into discrete areas of work, although they all refer to policy reform and conflict. Some are very specific, more like outputs from activities (e.g. 'Result 5: The formulation of working papers regarding the proposal for forestry conflict resolution mechanism'), while others are very broad, high-level changes similar to the purpose or even the goal (e.g. 'Result 9: The forest policy change at national and local level supports the recognition of community rights and forest conflict resolution').

- The choice of results does not show how PHR, policy advocacy, data and internal capacity will be integrated to achieve the project purpose.

2.1.2 Recommendations on Work Planning

(These recommendations are directed to the executive who develop proposals and plans for RFN)

- **Maintain the current system** of three- to five- year plans which provide a framework for annual planning cycles
- **Formulate the project purpose in terms of *the desired change in the beneficiary group*** (in this case, something around marginalised communities having greater security of access and rights over forest resources) to give a focus on what the project is trying to do and a basis for assessing the relevance and importance of alternative activities
- **Formulate indicators that can be realistically observed or measured** and that show that the desired change has happened. This will sharpen the focus on what the organisation is really trying to do. It is important that the indicators independently demonstrate that the change has happened, rather than just showing that the outputs or outcomes which are stepping stones to the desired change have been achieved. Note that indicators (and objectives) should become a reference for guiding the project, but should be negotiable with the donor when the situation changes.
- **Revise the results so that there are fewer (3-6?), they do not overlap, and are more or less the same level of ambition.** Ensure that together they cover everything needed to achieve the purpose. This should not mean changing the overall objective of the work proposed for 2013-2017 and would improve reporting and monitoring.
- **Develop plans which allows for the integration of activities across the programs.** Keeping the focus on marginalised communities as the ultimate beneficiaries, create a matrix of HuMa's missions (PHR, policy-advocacy, data, capacity building) against each of the regions where partners work (West Sumatra, Central Sulawesi etc.), with a single statement of what HuMa aims to achieve in each region with its partner, and then an objective for each element of the mission in that region. As well as providing a good platform for joint planning with partners and PHR, this would have the effect of sharpening the focus of all HuMa's work – for example it would raise the question, when HuMa interacts with the DKN or task force for conflict resolution in the Ministry of Environment and Forestry, how does this help deliver the objectives for beneficiaries in the focal areas? Ensure that staff understand the entire program and share responsibility for its implementation, not just for their individual area of work.

Note that findings and recommendations on work planning should be read in connection with those on strategic planning (section 3.1.2) and staff management and structure (section 3.2.2)

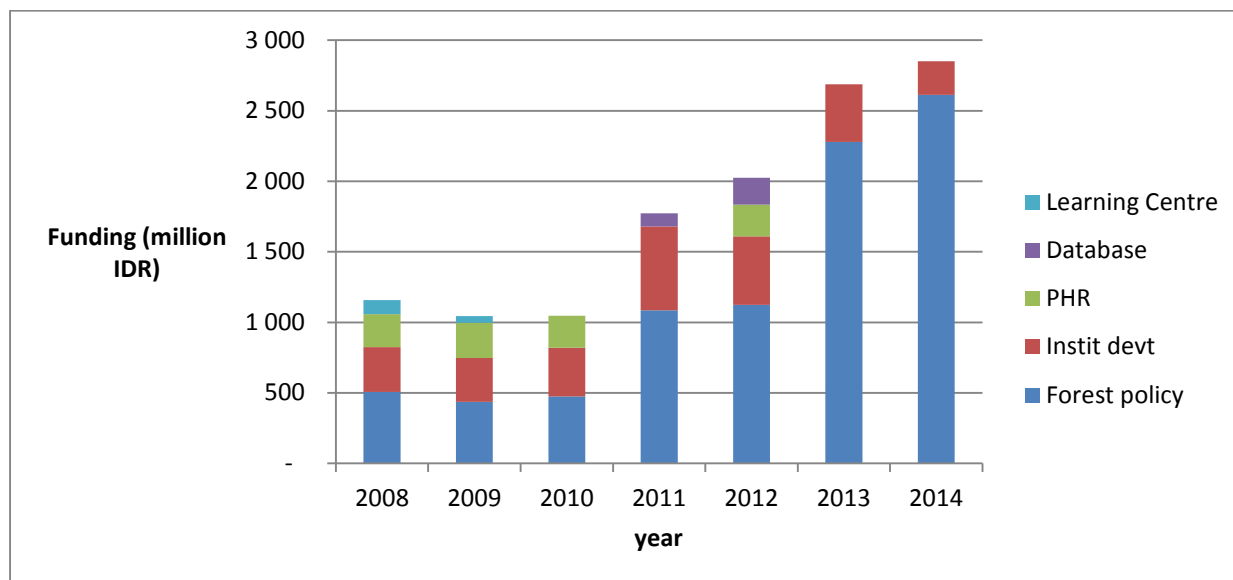
2.2 RFN Funding to HuMa

Summary of key points on Funding:

- RFN has provided about 12.6 billion IDR/7.7 million NOK/almost 1 million US\$ to HuMa over the seven years 2008 – 2014. Overall about 67% has been for Forest Policy and Conflict Resolution, a further 21% for Institutional Development.
- Annual funding has increased by 170% over this time. The 2014 funding of 2.85 billion IDR/1.8 million NOK/217,000 USD is still modest for the ambition of HuMa's workplan and is similar in scale to funding managed by, for example, the Samdhana Institute and AMAN.

Using reported expenditure figures (and budgeted expenditure for 2014) RFN contributed 12.6 billion IDR to HuMa between 2008 and 2014 (7.8 million NOK or almost 1 million US\$ at 2015 exchange rates). The annual contribution was just over 1 billion IDR per year for the three years 2008 – 2011, rising by over 150% to 2.85 billion IDR (1.8 million NOK or 217,000 US\$) in 2014 (budgeted expenditure).

Fig. 2: RFN Funding to HuMa (reported expenditure in million IDR)



Notes on Figure 2:

- The figures for 2008 – 2012 are taken directly from HuMa’s financial reports, which provide a break down of expenditure per program. In 2013 and 2014 the report format changed, splitting out fixed costs as a separate item and breaking activity costs down between the 12 results. Distinguishing between results that are addressing the work of Commifor, PHR or institutional development is more difficult with the new format, so for the purposes of this analysis Results 1 to 11 are assumed to be Commifor and Result 12 to be Institutional development. All fixed costs are included in Commifor.
- 2014 – budgeted expenditure used as actual expenditure not yet available

2.2.1 Findings on Funding

Between 40 and 90% of funding each year has been for the Forest Policy and Conflict program (Commifor), with Institutional Development absorbing a further 10 – 30%. The community law facilitator (PHR) program received funding between 2008 and 2010, and again for a single year in 2012, while the learning centre was funded in 2008 and 2009 but then funding ceased because it was spun-off as an independent organisation, Epistema (see section 4.3). Figure 2 illustrates the total funding and breakdown per program area.

The 2014 level of input is similar to grants received by other large national CSOs (such as WWF-Indonesia, Samdhana Institute or AMAN) and is modest for the scale of ambition of HuMa’s workplan. The present opportunity for progress offered by the around the new Government, which is time-limited, should be a target for additional support.

HuMa has arranged its funding and its donors so that ICCO funds the PHR program, RFN the Commifor and the Information and database work (with some additional funding from Ford Foundation), and all donors contribute to the institutional development funding. As noted in section

4.1, the compartmentalisation extends to sub-contracts with strategic partners, which sometimes have separate contracts with HuMa for different pieces of work. While administratively simple, this way of working makes each program entirely dependent on one donor and thus vulnerable to donor fatigue, changes in donor policies and funding capacity. It risks creating a situation where staff on a particular program are considered to be paid by a particular donor, or where a particular program has a more generous travel or equipment budget than another.

The evaluation team discussed the possibility of broadening HuMa's funding base to make it less donor dependent, but informants were unanimous in stating that self-funding remains a distant goal, and that it is more important at present to concentrate on emerging policy opportunities.

2.2.2. Recommendations on funding

- The board and executive should consider ways to **reduce the dependence of programs on single donors** by looking at the way proposals and programs are structured, and through changes in the ways funds are allocated between programs, while maintaining a transparent and accountable financial system.
- The board and executive should consider **hiring dedicated fundraising staff**
- The board and executive should advocate to donors for **increased short term funding** to enable HuMa to respond to the current opportunities and needs at field and national policy level

2.3 RFN Supported Work on Forest Policy Reform and Conflict Resolution

Summary of key points on Forest Policy Reform and Conflict Resolution:

- HuMa has been involved in 75% of important national level events and processes in the forestry sector over the period of the evaluation
- The HuMa-coordinated CSO coalition to reform the main Forestry Law (KPKK) has not succeeded in its main objective but has contributed to other significant advances. The failure is mainly due to complex external factors, but poor communication and coordination within the CSO network may have contributed.
- The work of HuMa and the policy advocacy network has resulted in changes to the attitude and actions of Government officials at national and local levels
- The openness of the new Government has created a new challenge for CSO how to engage without losing independence from Government
- HuMa (with other CSOs) has been successful in raising the profile of forest sector and agrarian conflict, initially within the DKN and then more widely, and in getting rights and tenure recognised as underlying factors in these conflicts. This has contributed to a series of actions by Government to resolve the underlying problems.
- The HuMaWin conflict database is recognised as a credible source by agencies such as DKN, but there are problems with presentation of data and opportunities to promote its use more widely
- HuMa's experience with direct involvement in conflict resolution has been mixed and any future involvement requires clarification of the position taken by the organisation
- There are critical opportunities to advance the policy reform and conflict resolution agenda with the new Government. Some of these are time-limited, and HuMa should prioritise using these opportunities.

2.3.1 Overview of HuMa's engagement with Forest Policy Reform and Conflict Resolution

National policy processes are dynamic, political and unpredictable. While CSOs involved in policy advocacy need clear objectives and planning, they have to be able to react to unexpected developments and opportunities. Rather than comparing activities and workplans, the evaluation assessed HuMa's policy engagement by compiling a list of key events, and then asking how HuMa was involved in each. Table 1 shows that of 30 significant events and processes identified, HuMa was involved in 22, organising or leading on at least three, with HuMa members were involved in a further three in other capacities. Only five events had no HuMa involvement.

Table 1: Significant National Events in Forest Policy in Indonesia, 2008-2013, and HuMa's role

No.	Regulation/Event	Year	HuMa intervention/role
1	SK MenLHK 24/Menhut-II/2015 forming a team to tackle environmental and forestry conflicts	2015	HuMa is identified in the SK as part of the steering committee, 2 HuMa staff members have been proposed as members of the technical team
2	Development of the Regulation on working groups on Agrarian Conflict and Indigenous Peoples leading to the National Committee on Agrarian Reform	2014-2015	The working group was conceptualised in the 'transition room' of the President. HuMa proposed the need for a non-sectoral working group on agrarian conflict, advocacy on this is now led by AMAN and KPA
3	Team restructuring Ministry of Environment and Forestry	2014-2015	HuMa members involved, HuMa hosted discussion
4	'Transition room' of President elect Joko Widodo (Sept-Oct 2014) and ministerial advisory teams, charged with identifying quick wins and ideas for the mid-term national development plan	2014-2015	Two HuMa members are members of the team in a personal capacity. Other members provide expert inputs. Data on conflict and information from HuMa programs has been used as input to the team.
5	National Dialogue on Adat Forest	2014	Organised by HuMa and partners - preceded by identification of potential <i>adat</i> forests in 13 locations - attended by over 200 people including 6 district heads and 1 governor - Huma and partners met with Minister of Environment and Forestry and Minister of Agraria and Spatial Planning to submit a report recommending 13 sites as potential <i>adat</i> forests. The Minister of Agraria and Spatial Planning responded by sending out a letter requesting District Heads to issue local regulations on land for customary communities
6	Presidential Election campaign 2014	2014	HuMa produced a position paper of the direction of natural resource policy and responded to the vision-mission statements of the two candidates
7	Law 1/2014 on management of coastal areas and small islands	2014	An important issue for HuMa but when the law was produced HuMa did not have the capacity to engage
8	National Human Rights Commission Inquiry on "The rights of customary communities over their territories within state forests"	2014	HuMaWin data on conflict was used as an input to the inquiry. HuMa supported the attendance of witnesses connected to five cases at regional hearings of the inquiry, and ensured that they covered a representative selection of conflict types (e.g. customary communities in conflict with national parks, wildlife reserves, companies). HuMa assisted the technical team producing the final report.
9	Joint Regulation 79/2014: Joint	2014	HuMa was not directly involved but HuMa member Myrna

No.	Regulation/Event	Year	HuMa intervention/role
	regulation of the Ministers of Interior, Forestry, Public Works and the Head of the Land Agency, on a mechanism for resolving land ownership within State Forest Reserves		Safitri was involved in drafting the regulation (as a member of the KPK expert team)
10	Law 6/2014 on village governance Implementing regulation for Law 6/2014 by the Minister of Internal Affairs Regulation 52/2014 on guidance on the recognition and protection of customary peoples	2014	<ul style="list-style-type: none"> - HuMa studies are reported to have been referred to in the development of the draft law - a staff member was involved in the consultations for the drafting of implementing regulation 52/2014 - HuMa undertook research on the opportunity for customary communities in the law and made the link between MK35 and the law - HuMa and partners visited The Ministry of Agraria and Spatial Planning, and Ministry of Village Affairs to disseminate a policy brief on the Law - the implementing regulation Permendagri 52 has been trialled by HuMa partner Wallacea, with a staff of partner RMI acting as resource person.
11	Efforts to identify a suitable official data custodian for maps of customary territories and to encourage recognition	2013 - 2014	Led by JKPP/AMAN/BRWA, HuMa involved in discussions
12	Permenhut P 47/Menhut-II/2013, implementing Government Regulation 6/2007 on forest planning and forest management plans, and the utilisation of forest and forest area, as amended by PP 3/2008	2013	No intervention by HuMa
13	Presidential Instruction (Inpres) 10/2011 on a Moratorium on the Issuing of New Licenses in Primary Forest and Peat Land, extended and improved by Inpres 6/2013	2013	HuMa joined the CSO coalition (in connection with climate change), including during the advocacy for extension of the moratorium
14	UU 18/2013 on prevention and eradication of forest destruction (UU PPPH) Judicial Review of the law submitted at the end of 2014	2013	<ul style="list-style-type: none"> - HuMa made an intervention on the original academic draft of a law on illegal logging through the public consultation - when the law was enacted, HuMa and partners supported submission of a Judicial Review, providing case studies, expert witnesses, and organising expert meetings - HuMa and partners discussed the issue with communities in Malalo (West Sumatra), Lebak (West Java), and Kendal (Central Java) leading to them deciding to become plaintiffs in the case
15	Law 11/2013 Ratifying the Nagoya Protocol on Access to Genetic Resources and Equitable Benefit Sharing (recognises customary knowledge as a source of wealth)	2013	No intervention by HuMa
16	KPK Decision 451/2013 on the formation of the Joint Agreement Note (NKB12) on acceleration of forest gazettelement	2013	<ul style="list-style-type: none"> - KPK used the text from HuMa (originally submitted to the MoF after the Lombok conference, but not acted on at that time) as a reference for the process - members of NKB teams have used information from

No.	Regulation/Event	Year	HuMa intervention/role
			HuMa in their role in NKB - HuMa provided input to NKB discussions on acceleration of Forest reserve Gazettement - A HuMa member was part of the process (in her role as expert advisor for KPK)
17	Judicial review of Forestry Law 41/1999 leading to Constitutional Court Decision MK35/2012 on Adat Forests	2012	- Judicial review led by AMAN, supported by several NGOs including HuMa - HuMa staff supported the development of the legal substance of the case - HuMa members have acted as expert witnesses - post-decision, HuMa has produced a book, comic and film, and has sent PHR and staff to be resource people in disseminating information on the decision to communities at events organised by AMAN, KPA, local CSOs and partners
18	MoF regulation P 44/2012 on enactment of forest area, amended by P 62/2013 – gazettement of forest reserves – the response of the Ministry of Forestry to MK35	2012	- HuMa and AMAN produced a position paper on limitation to rights, emphasising that the Forestry Ministry was still using the paradigm that ‘forest reserve’ is the same as ‘state forest reserve’
19	Agricultural Minister’s regulation Permentan 7/2012 about technical guidance of criteria and requirement of area and land for sustainable food agriculture	2012	No intervention by HuMa
20	Ministry of Environment: Guideline on an Approach to Inventory of Recognition of Customary Communities, Local Customs, and Local Rights connected with Protection and Management of the Environment	2011	HuMa worked with the Ministry of Environment as a facilitator and member of the organising committee for the public consultation for this guideline. In the later stages AMAN led as partner of the Environment Ministry, with HuMa continuing to participate in discussion forums.
21	Constitutional Court Decision MK45/2011	2011	HuMa, with Epistema, AMAN, Silvagama and other CSOs made a formal intervention in the case (brought by District Heads from Kalimantan) identifying the cause of the problem as multiple interpretations possible because of the use of “and/or” in the law. Intervention became the basis for the judges’ decision
22	National Forestry Congress No. V	2011	HuMa and partners supported identification of participants for the Community Chamber and helped them prepare for the congress - several PHR were appointed to the Community Chamber, HuMa staff became members on the basis of competency
23	Ministry of Forestry regulation 49/Menhut-II/2011 on national forestry plan 2011-2030	2011	HuMa was involved in the discussion forums organised by the Ministry
24	Lombok Conference on Forestry and Tenure	2011	- HuMa was an organising partner, several HuMa members played key roles in the conference - HuMa was a member of the post-conference Road Map team (coordinated by Epistema) - HuMa proposed Malalo as one of ten pilot sites for conflict resolution to be used by the team
25	Forest Minister’s Decision on the formation of a team for conflict	2012	HuMa Director named as the team leader

No.	Regulation/Event	Year	HuMa intervention/role
	resolution in Pulau Padang		
26	Forestry Minister's Regulation P6/Menhut-II/2010 on standards, procedure and criteria of forest management	2010	No intervention by HuMa
27	MoF data on the number of settlements within Forest Areas updated	2009	- data on villages within state forests became the basis for the 'village portal' on HuMa's website, and a reference for other CSOs involved in conflict resolution
28	Law 32/2009 on environmental protection and management (recognises the central role of customary communities in management of natural resources)	2009	- HuMa was involved in the drafting of the law through members, and succeeded in influencing the sections on Strategic Environmental Assessment
29	Law 14/2008 on transparency of public information, and PP 61/2010 (the results of a campaign on freedom of information that had been running since 2002)	2008	- HuMa was a member of a large CSO coalition campaigning for a freedom of information act, which included ICEL, LSPP - A HuMa staff member (in his private capacity) produced a reference guide to the law - HuMa helped disseminate information on the Law
30	Forest Minister's Decision 254/Menhut-II/2008 about the establishment of forestry sector conflict mediation team	2008	HuMa supported this initiative through its role in the DKN

2.3.2 Advocacy on the Forestry Act (Law 41/1999) and Related Regulations

Throughout the period under review HuMa was involved in advocacy to reform Law 41/1999, to influence the development of regulations under the law, and in parallel efforts to challenge the Law through the Constitutional Court. Reform of the forestry law is also in the 2015 work plan.

HuMa coordinated the CSO advocacy effort for reform of Law 41/1999 through the Coalition for Reform of Forest Policy, KPKK. In 2005 the KPKK group prepared a draft revision of the law and met with the Parliamentary Commission for Law (Commission III), but from 2006 to 2008 it was judged that the composition of the Legislative (DPR) was dominated by mining and other interests, and that putting revision of the Law on the agenda would likely result in an unfavourable revision⁹.

As an alternative to full revision HuMa planned to use the draft text prepared by the CSOs to push for discussion of the various implementing regulations under the law. Amongst other things this contributed to the enactment of Government Regulation (PP) No. 6/2007 which created mechanisms for communities and local groups to apply for licenses to manage village forests, community forests, and to establish community tree plantations.

In 2011 the Forest Minister stated that revision of Law 41/1999 was a priority for the Ministry, and the revision was included in the National Legislative Program (Program Legislatif Nasional, *Prolegnas*) of the DPR. HuMa revisited the old draft revision, focusing on the issue of rights, and

⁹ This impression was based partly on the issuing of a regulation (19/2004) which confirmed an earlier decision (Perpu 13) by the President to allow 13 companies with pre-existing concession licenses to mine in watershed protection forest. The amendment alerted the CSO community to the potential for harm if the revision of Law 41/99 was influenced by pro-mining and pro-plantation interests.

attempted to meet with the DPR Commission III again to revitalise dialogue with them. However the Commission was not accessible and in the event the Ministry of Forestry never produced its own draft revision, a requirement for discussion by the DPR. Ultimately the issue lost political momentum in the preparation for the 2014 elections.

In early 2015, with the new Government, the change in the organisational structure of the Ministry of Forestry, and the various judicial reviews and amendments that have been enacted, a revision of Law 41/1999 would seem to be overdue. However politics may interfere again, as the new President struggles with an opposition majority in the legislature. Law 41/1999 is again included in the five-year National Legislative Program, but it will not be prioritised for discussion without a draft, and one informant stated that the new Forestry and Environment Minister is not interested in pushing through a revision until the political make up of the Parliament has changed.

Constitutional Court Decision MK45/2011

A Judicial Review of Law 41/1999 was brought by District Heads in Central Kalimantan who had issued permits for plantation development within the forest estate, in contravention of the Law. The issue at stake was the authority of the Forestry Ministry to designate State Forest Reserves without the explicit approval of local Governments. HuMa intervened not because it supported the plaintiffs, but because the review challenged a fundamental claim by the Ministry of Forestry. Agreeing to HuMa's intervention, a crucial technical point on the wording of the Law, the Constitutional Court ruled that the wording in Law 41/1999 should be changed, and clarified that the Ministry does not have the sole right to establish forest reserves without consultation. While the decision did not immediately nullify those parts of the forest estate that had never been properly gazetted, it pushed the issue of consultation and forest delineation to the top of the Ministry's agenda and created opportunities for other agencies and CSOs to engage, leading to the NKB12 process with the KPK.

Constitutional Court Decision MK35/2012 and follow up

In 2012 a group of CSOs led by AMAN and including HuMa brought a case to the constitutional court, with plaintiffs from Csitu, a village in West Java facilitated by HuMa partner RMI, and Kontu, a village in Sulawesi facilitated by partner Wallacea. Although not all of AMAN's points were accepted, the critical issue that the Ministry of Forestry did not have the right to declare that customary forest land was state forest was accepted by the court, and a new forest zone designation created, *adat* forest. Importantly though, the court decreed that adat communities could not be entirely 'self-identifying', and concurred with Law 41/1999 in saying that they must be recognised through a district regulation.

In 2013 HuMa used Commifor (RFN) resources to produce a comic book and a sub-titled short film¹⁰ which explains the decision and in 2014 followed up with action research in 13 sites to look more closely at how MK35 might be implemented. The results were published in a report (English and Indonesian versions) which was an input to the National Dialogue on Adat forest in October 2014. The National Dialogue, held over 2 days in Jakarta, was organised by HuMa, five of the six strategic partners, five additional partners (Akar foundation from Bengkulu, Padi Indonesia from East Kalimantan¹¹, JKMA Aceh, Warsi from Jambi and Yayasan Merah Putih from Central Sulawesi).

¹⁰ Available on HuMa's website, <http://huma.or.id/publikasi/film-hutan-adat-paska-putusan-mk-35.html>

¹¹ Two names used in the publication, PADI Indonesia and Serumpun Padi, are assumed to be the same organisation

FKKM, JKPP, AMAN and the Ministry of Forestry were co-organisers. The event brought together over 200 people, including five District Heads and one Governor. Informants in the District Government of Tanah Datar (West Sumatra) identified the event as the key to convincing the District Head to support the issuing of a local regulation on the creation of *adat* forest in the Malalo community (facilitated by Qbar). At policy level HuMa is working to influence Government responses to the MK35 decision, including the draft Government Regulation (PP) on *adat* forest.

Judicial Review of Law 18/2013 on Forest Destruction ('P3H')

Law 18/2013 on Prevention and Elimination of Forest Destruction (*Pencegahan dan Pemberantasan Perusakan Hutan*, abbreviated to P3H) started life as a proposed Law on illegal logging. HuMa worked with a group of CSOs led by Indonesian public interest lawyers network PILnet, argued that the law would criminalise indigenous communities whose land had been declared forest estate by the Ministry of Forestry, and that the law should distinguish between 'illegal' and 'destructive' logging. However they failed to influence the draft, which was developed behind closed doors, and the law was enacted in a more damaging version. HuMa and Qbar have since worked with the Anti-Forest Mafia Coalition, which comprises Walhi, AMAN, KPA, Sawit Watch, Indonesian Corruption Watch and Silvagama (now Auriga) to bring a complaint to the Constitutional Court on behalf of the Guguk Malalo (a community facilitated by Qbar), and individuals from communities in West Nusa Tenggara, Central Java and Banten. A HuMa and Qbar member from the University of Andalas, Padang, has appeared as an expert witness in the case, which is ongoing in February 2015.

2.3.3 Advocating a Model of Conflict Resolution at National Level

HuMa describes its strategy on conflict resolution as three-pronged. The first is the institutionalisation of conflict resolution within government; the second is to compile data on conflict (not only within the forestry sector, but agrarian conflict); and the third is to support the resolution of specific cases.

2.3.3.1 Institutionalisation of conflict resolution

Agrarian conflict as a Forest sector problem started to come to the attention of decision makers with the publication of Contreras-Hermosilla and Fay's book in 2006¹². At that time HuMa had produced maps showing the overlap between customary lands, licenses and the forest estate in some regions, and these maps became the 'visualisation' of the problem that the book was describing. In part in response to this new articulation of the issue, in 2007 the Ministry of Forestry worked with the National Statistics Agency and produced the PoDes data, which recognised that there are some 33,000 villages inside state forest reserves – and that these people are therefore illegal and denied any rights to land and resources¹³. This mismatch between local or customary rights and formal law represented a huge conflict. The challenge for HuMa was how that conflict could be 'heard' by decision makers, and a solution found which respected rights and addressed tenure issues.

Working with the DKN

¹² Arnoldo Contreras-Hermosilla and Chip Fay (2006) *Memperkokoh Pengelolaan Hutan Indonesia melalui pembaruan penguasaan tanah: Permasalahan dan kerangka tindakan*. Bogor, Indonesia: World Agroforestry Centre.

¹³ In 2009 the village data was improved, resulting in the figure of 34,997 villages that is frequently quoted now

DKN is based on a mandate in the Forestry Law (Law 41/1999), and is the only formal structure for dialogue on forestry issues between private sector, community, NGOs, academia, and Government. HuMa supported its formation, at the 4th Indonesian Forestry Congress in 2006, and has successfully used it to advance the conflict and tenure agenda. In 2010 HuMa founder member Hedar Laudjeng became the first leader of the DKN's Community Chamber, Andiko Mancayo (at that time Director of HuMa) became the head of the Conflict Desk. With allies in the NGO and Academic Chambers, HuMa was successful in making conflict one of the institution's main areas of work and in broadening the discussion of conflict from legality and enforcement to rights and tenure as underlying causes. This led DKN to adopt the position that forestry sector conflicts could not be resolved within the Ministry of Forestry alone, as the issue of villages and customary territories within the State Forest touches on issues handled by Ministries such as Internal Affairs, Land, and Development Planning.

The conflict desk at DKN provided, for the first time, a clear process for a community to submit a complaint. The desk compiled data and case studies of conflicts, and carried out analyses which showed how failure to recognise land rights in forest zonation and licensing was contributing to hundreds of conflicts. HuMa's conflict database HuMaWin was adopted as the official data source by the DKN, and the group raised funds (from CLUA, Ford Foundation, and through HuMa) for field work which led to recommendations for mediation and resolution of three conflicts. DKN produced a manual on conflict resolution and a publication on the use of FPIC in Indonesia.

At the 2011 National Forestry Congress the status of the Conflict Desk was raised to a second 'Commission' of the DKN. With increasing numbers of cases being reported, DKN signed an MOU with the Impartial Mediators Network to bring additional capacity into the DKN. During the run up to the 2014 Presidential Election the DKN produced a 'white paper' on policy reform for the sector, and all the Chambers supported the revision of the Forestry Law 41/1999 (though for different reasons).

HuMa assisted communities to engage with the DKN through the Community Chamber, especially in the run up to the 2011 National Forest Congress. HuMa conducted a series of regional workshops to consolidate community views and agendas, funded participation of community members at the Congress, and worked with Community delegates to prepare them for participation.

Agrarian conflict resolution under the Jokowi Government

In 2015 the new Minister for Environment and Forestry created a Team to Handle Conflicts in the Forest and Environment Sector (*Tim Penanganan Pengaduan Lingkungan dan Kehutanan*). Ten CSOs including HuMa are named as the steering committee for the Team, with HuMa Board chair Chalid Muhammed representing the organisation and chairing the committee, and there is also a proposal that two staff members from HuMa be included in the technical team, which will reviews cases and make recommendations. The effectiveness of the team has yet to be proven – there are other teams internally within the Ministry of Forestry which have done little.

CSOs including HuMa are also engaged with the Government on two commitments made by Joko Widodo before he was elected President: the creation of a Agrarian Conflict Agency, and a Customary Community Agency. Both are at the stage of draft Presidential decisions, with AMAN and other CSOs actively working to ensure the two bodies have adequate, clear terms of reference.

2.3.3.2 Inventory and Data Management on Conflict

As HuMa worked to raise the profile of conflict with decision makers, access to good data on conflict became essential. HuMa created HuMaWin (<https://www.humawin.org/>) as a platform for partners to input data, and to provide summaries of the key issues. Using this data, HuMa published ‘conflict outlook’, which they report has become a reference for police and has been quoted in the Oil Palm industry magazine – in other words has credibility beyond the CSO world.

HuMaWin was originally based on hard copy documents submitted by partners which had to be re-typed and uploaded. In 2014 it became a web-based platform which has a front page with links to graphic summaries of conflict data, while those with login privileges can access the detailed information on individual cases. There are currently 370 conflicts documented on HuMaWin.

HuMa has used HuMaWin to provide input to DKN and to the National Human Rights Commission’s enquiry into the treatment of customary communities which is reporting in early 2015. The data also contributed to research on the 13 *adat* forest sites where HuMa is now working.

HuMaWin is used by the Working Group Tenure for teaching Forestry Officials about conflict (along with the ICRAF’s participatory analysis tools Rapid Tenure Assessment, RaTA, and Conflict Style Assessment, Agata¹⁴). The curriculum including HuMaWin has been established as a certificate course and is officially recognised in a Decision Letter of the Head of the Training Agency of the Ministry of Forestry, as the ‘Agrarian Conflict Module’. WGT has provided this training to Forest Management Unit (*Kesatuan Pengelolaan Hutan, KPH*) managers 10 times, with HuMa providing material and resource people.

HuMaWin is not the only conflict database. KPA and Sawit Watch also have data on conflict, though this is said to be less complete and organised. There has been an effort to consolidate conflict data between HuMa, Sawit Watch, Forest Watch, KpSHK, KPA, JKPP and JATAM. The resulting website, www.geodata.cso, presents conflict data on maps and therefore adds a dimension that is not available on the HuMaWin platform. However the data in the website is not well presented, incomplete and not updated. The Directors of the seven organisations have signed off on an standard for the collection of data, and there is a plan to relaunch the website in February 2015.

2.3.3.3 Resolution of specific cases of conflict

In 2012 HuMa accepted a request from the Ministry of Forestry to lead a team to mediate a conflict between communities and the HTI company RAPP on Pulau Padang in the peat lands of eastern Riau. The action by HuMa was controversial because it was the first time a mandate was given to an NGO in this way. The fact that the team’s recommendations were not fully implemented and the conflict later re-ignited does not necessarily demonstrate that it was a mistaken strategy, but informants inside and outside HuMa note that it represented a step away from HuMa’s role supporting community rights, towards mediation (and presumed compromise).

¹⁴ Available on the HuMa website and also at <http://outputs.worldagroforestry.org/record/170> and <http://www.worldagroforestrycentre.org/sea/Publications/files/book/BK0143-10.PDF>

2.3.4 Findings on Forest Policy Reform and Conflict Resolution

2.3.4.1 Findings: Policy Reform

HuMa is playing two roles within the forest policy reform agenda: facilitator for the policy reform network, and conduit for communication between Jakarta and the regions.

HuMa as facilitator and convener of policy advocacy

As a facilitator HuMa identifies and researches issues, raises the awareness of other CSOs and in some cases coordinates a response. This role is recognised and valued by the wider CSO network, although some cited the failure to reform the Forestry Law as a failure of leadership of the KPKK by HuMa. HuMa points out that coordination of a CSO coalition has been difficult because in this case there is a fundamental debate within the CSO community about whether to advocate for the amendment of specific paragraphs and articles within the law, or to campaign for complete revision along the lines of MPR TAP IX¹⁵. The changing political situation has also complicated this effort. However differences in understanding (e.g. when HuMa states that there is a draft revision of the Law 41/1999, while some KPKK members state that there is a lack of clarity on what the group wants to change, and a lack of material to use to advocate for the formal process of revision) suggest that there has been a lack of communication within the group.

Responding to MK35

The MK35 decision put particular pressure on the CSO reform movement, because it was unexpected (perhaps it should not have been, but it seems many CSOs had not thought through the implications of winning the case) and because its implications are so far-reaching in the way they allow landscapes to be re-classified as customary forests. Some informants noted that the forest policy reform network was slow to respond to the decision, especially given the Forestry Ministry's efforts at containment¹⁶, and as a result the news that '*adat* forest had been returned to communities' spread widely but without sufficient explanation, resulting in many cases of communities putting up signboards claiming their forest but little guidance on what to do next. AMAN and KPA are credited with the most rapid response. HuMa responded more slowly, but produced a film, comic and follow-up project that informants viewed as appropriate and valuable.

Change in attitude of central Government officials

The Ministry of Forestry started to use the language of tenure after the Lombok conference in 2011, though the change may have been more cosmetic than real until MK45, MK35 and the KPK investigation leading to NKB12 brought tenure and conflict issues to the top of the agenda. Presently, the change in the discourse, at least, is remarkable. When interviewed by the evaluation team, the Secretary-General of the Ministry of Forestry expressed his support for MK35 and tenure reform, noting that tenure has to be secured first, then sustainable forest management can be put in place, and that finally this will lead to improvements in community livelihoods. According to the Secretary-General, there needs to be a new, shared agreement on how much land should be managed as forest. While not solely attributable to HuMa or even the CSO policy reform movement, these changes are aligned with Huma's agenda and suggest that HuMa has made a difference.

¹⁵ TAP MPR IX, issued in 2001, is a decision of the Legislative which is Administrative rather than legal in nature. It calls for a review and cross-sectoral integration of laws on natural resources. The decision was never implemented, and for 15 years Law 41/99 has remained unrevised, although there have been some amendments and implementing regulations.

¹⁶ e.g. the Forestry Ministry Circular (*Surat Edaran*) SE1/Menhut II/2013, 16th July 2013 to Provinces and Districts asserting the ministry's control over decisions affecting *adat* forest

2.3.4.2 Findings: Conflict Resolution

A model of conflict resolution?

One recurring element of HuMa's proposals and workplans to RFN (including the 'purpose' statement) is the idea of creating a 'model for conflict resolution', but no model yet exists and this has led to questions from RFN about whether any progress is being made in this area. The evaluators understand that what HuMa's means by a model is (1) appropriate institutions, (2) tools or approaches, and a (3) supportive framework of legislation or regulation. In fact there has been progress on all of these, but HuMa has not communicated the link between this work and a 'model' of conflict resolution. Through the work with DKN, NKB12, and the team created by the Minister for Environment and Forestry to handle Conflicts in the Forest and Environment Sector, HuMa has been working on the higher level institutional and regulatory aspects. Through its work with PHR, HuMa is supporting the development of local capacity and documentation of experiences and lessons in conflict resolution, which is leading to refinement of approaches and inputs to policy.

Conflict outside the forest estate

For the focus of conflict resolution work has been on the Forestry Ministry and the Forest estate, and important progress has been made there. HuMa's work on conflict outside the forest estate is less developed, partly because there are many agencies and laws to target. Significant problems of dispossession of communities by agricultural plantations and mining exist outside forests, and while the data collated by HuMa covers these conflicts, the policy and advocacy response has been more piecemeal, consisting of support to specific cases of criminalisation of communities, working with NGOs such as Kontras, PILnet and Bantaya.

Clarifying HuMa's approach to conflict mediation

HuMa's leadership of a mediation team at Pulau Padang highlighted the need for clarity in its approach to conflict mediation. One informant described a fundamental choice as 'object based' and 'agenda based' approaches to conflict resolution¹⁷. HuMa's vision and mission suggest that it should take an object-based approach, supporting community rights. In Pulau Padang HuMa led a process of agenda-based mediation, which required it to be neutral, and to seek compromise rather than clarifying underlying rights. Agenda-based conflict resolution is favoured by the Ministry of Forestry and by the private sector. The DKN has not formally recognised this distinction but in practice the approach of the IMN (through its MOU with DKN) and the Ministry of Forestry itself has pushed DKN towards agenda-based mediation. The question is important for HuMa's future engagement with the DKN and other official conflict resolution mechanisms.

The strategic role of the DKN in future

When it was formed the DKN was an entry point to discuss policy with a conservative and defensive Ministry of Forestry. DKN raised the profile of conflict and of tenure as a causal factor within the forestry sector, including using maps of customary territories as part of the analysis of conflict.

¹⁷ Object based looks at the legitimacy of the rights of the parties in the conflict (including, for example, customary land rights), and takes this into account in making a recommendation. In the Pulau Padang case, for example, an object based approach might have resulted in a recommendation that the RAPP concession is entirely illegal, and should be cancelled. By contrast, agenda or interest based mediation looks at the land and assets which are the subject of dispute, and attempts to arrive at a compromise that all parties can accept without looking more deeply into the roots of the conflict and underlying rights.

There was progress with individual cases, but overall DKN did not have the mandate or resources to push through change in the way conflict was handled, and the Ministry of Forestry has never fully implemented DKN recommendations¹⁸. This failure of the Ministry to respond to the recommendations of a body which it created may have been because the approach to conflict resolution was seen as 'NGO driven' (and therefore too radical in terms of land tenure change), and was strengthened by private sector advocacy that the proposed solutions to the conflicts would set dangerous precedents.

HuMaWin: A good foundation for data that could be improved

Strategic partners, academics, students and policy makers all report that they find the data available on HuMaWin useful. Partners value the format, especially now it is web-based, and the training they had been provided in using it. They commented on the usefulness of the approach to tracking a conflict over time (as opposed to seeing each individual event as a separate conflict), and on the value of a standardised framework for documenting the information they have. One informant who had reviewed conflict data management in Indonesia found that HuMaWin was better than other compilations of conflict data in Indonesia because of its searchable database, protocols for sharing and managing data, and the sophistication of the online platform.

Several informants who work at the level of analysis and policy reform noted that HuMaWin does not yet live up to its full potential, and particularly noted the need to keep it updated. One specific criticism was that HuMaWin has only 18 cases from Java, and so is of little help in pushing for the release of 500 000 hectares from the forest estate there. Others (who do not have login access) noted that they use the products (briefings, book, comics) but not the database itself.

One weakness of the website is that it does not present information on assumptions and biases behind the summary data presented on the home page (for example, that it is sourced from where HuMa has strategic partners or has chosen to engage in a specific conflict, and is not representative of conflict in Indonesia overall). The problem is repeated in some publications on conflict which appear to give a representative picture of the situation nationally when in fact they are based on HuMaWin data. HuMa contributes very effectively to training on conflict for Foresters organised by the Working Group on Tenure, but again the lack of adequate explanatory material from HuMa means that WGT has been unable to include HuMaWin in its a web-based training module.

Some informants questioned the need to centralise data on conflict, arguing that the case for action on conflict has now been accepted, and that the priority is to provide solutions. However the evaluation team consider that further investment in HuMaWin is warranted, for four main reasons:

- HuMaWin is not only a centralised source of data, but a platform for storing and sharing data which partners find valuable.
- the direction of the new Government on agrarian conflict reform appears to be positive (e.g. with the establishment of the Ministry of Agraria and Spatial planning, and working groups on agrarian conflict), but is not yet clear. A central data repository that continues to make the case for action on conflict may still be needed.

¹⁸ In Senyerang (Toba, North Sumatra) the Ministry carried out its own 'mediation' process after the DKN report was received, and in Pulau Padang the DKN recommended that the land of five villages be excised from RAPP's concession, but only 2 were fully excised, with a division of land for 3. After the settlement the conflict continued and community mobilisers have recently been imprisoned for provoking the community to resist company activities.

- In addition to Government, there are new targets for advocacy on conflict (for example the Chambers of commerce, KADIN, and private sector oil palm companies which have made commitments to socially responsible production).
- there are debates *within* the conflict resolution community – for example on compromise vs rights as a basis for mediation. HuMaWin’s ability to track conflicts long-term may provide useful input to these debates.

2.3.5 Recommendations on Forest Policy Reform and Conflict Resolution

2.3.5.1 Recommendations: Forest Policy Reform

Although there has been dramatic progress in getting Government ‘buy in’ to the issues of conflict and tenure reform, there remains a great deal to be done to ensure that this progress is not reversed, and to institutionalise these changes into new policies and laws. This section outlines key policy agendas, many of which are already a target for HuMa. They are directed to the executive, which will work with the mandate from the board for specific issues.

- **Continue to engage with the CSO coalition working on the reform of the Forestry Law 41/1999**, but seek additional alliances with other stakeholders (legislative, executive and private sector) who share HuMa’s interests
- **Continue to work with the CSO lobby that is reminding Joko Widodo of his commitments**, including 40 million hectares of forest managed by communities (currently 12.7 million hectares in the National Mid-term Plan), redistribution of 500,000 hectares of land on Java, and the creation of National Agencies for Agrarian Conflict and Indigenous Peoples.
- **Monitor the revision of Law 5/1990 on conservation**, as the future management of protected areas will have an important influence on the rights and livelihoods of many indigenous and local communities
- **Continue to prioritise work to influence the Ministry of Environment and Forestry**, which is HuMa’s comparative advantage, while being open to engagement with a new range of Government partners.
- Monitor and decide how to work with the new **Ministry of Agrarian Affairs and Spatial Planning**, which includes the Lands Agency and will play a role in land titling. The Minister is said to be open to approaches by NGOs, but is not a technical specialist, and has approached issues per case rather than with an overall concept for how land use should change.
- In strategic workplanning find ways to increase support to **District Governments** which are willing to take action (for example in support of *adat* forests) but which lack capacity and guidance. Training courses and seminars for local Government officials, organised by partners using HuMa members and staff as resource people, might be an efficient way forward.
- Decide how to **work with the GN-SDA** (replacement to the NKB12 process¹⁹).

¹⁹ By the time of final editing, KPK had launched the National Movement on Natural Resources GN-SDA (<http://acch.kpk.go.id/gn-sda>) which identifies five fundamental issues in the forestry and plantation sectors: legal uncertainty and failure to include community in defining the forest estate; corruption in licensing; lack of involvement of communities in management of natural resources; weakness supervision leading to low remittance of tax and royalties; agrarian and forestry conflict.

- **Assess the strategic value of continued engagement with REDD+ and climate change issues**, ensure that the work is aligned with HuMa’s vision and mission, and that climate change work contributes to the development of the PHR network and policy reform.

2.3.5.2 Recommendations: Conflict Resolution

- HuMa board and members should confirm in the strategy **HuMa’s position as a supporter of community rights, not a neutral conflict mediator**, and also clarify what is meant by a conflict resolution model/mechanism. These decisions should then guide the executive in its engagement with Government Institutions and private sector initiatives for conflict resolution. The executive should ensure that CSO partners and Government agencies are informed of this position and have appropriate expectations of the role that HuMa can play. Most importantly, avoid becoming a rubber stamp for Government conflict resolution efforts which do not respect rights.
- The board and executive need to **decide how to deal with conflict and land issues outside the forest estate**, as these cases will not be affected by the recent advances in forestry policy. To date they have been handled on a case-by-case basis.
- The executive should **increase the use of conflict data and partner’s experiences** to provide feedback to policymakers on the implementation of new policies such as the conflict resolution initiatives of MoEF, working groups on agrarian conflict and indigenous peoples, and regulation 79/2014 on land ownership in state forest reserves.

The HuMaWin Conflict Database

HuMa’s position as a custodian of conflict data is valuable and needs to be enhanced by improvements to the HuMaWin platform itself, and to the marketing and promotion of the data. These recommendations are directed to the executive.

- **Set targets for uploading existing data and for updating**, and ensure they are implemented. Development of HuMaWin should take into account the progress of the geodata-cso group database as well as other similar initiatives.
- **Improve the presentation of public data on the HuMaWin website**, address problems with formatting, provide background information on key concepts, and provide information on the source, reliability, limitations and possible errors in the data. Where possible more information should be available publicly, and the public space on the website can be used for promoting analysis and the need for action on conflict.
- **Publish the HuMaWin training material on line** to support the conflict training carried out by working group - tenure for the MoEF and to promote wider understanding and use of the data.

2.4 Working at Community Level Through Strategic Partners

Summary of key points on HuMa's support to work with Communities

- HuMa's model of working through local partners builds capacity in the regions and facilitates long-term relationships between communities and local NGOs.
- Across the partnership, there are examples of documenting and strengthening customary practices and institutions, assisting communities to negotiate with Protected Areas and companies, securing recognition from local Government, securing licenses for community based forest management and, more recently, processes to secure release of *adat* forest from the state forest zone. These are important policy-relevant cases.
- The impact on communities has been significant in terms of increased ability to understand their legal options, articulate their position, and negotiate with external stakeholders
- HuMa's role as funder, source of information, conduit for issues to National level, is recognised and valued by communities and the partners working with them
- Partners face demands from communities to broaden the range of assistance they provide, and there are important strategic choices about whether to use scarce resources to replicate their approach in more villages, or deepen their work in a few
- The program offers important opportunities to contribute to the developing discussion on *adat* forest and the implementation of MK35

2.4.1 Findings on Working with Communities through Strategic Partners

HuMa's policy of working through local partners has encouraged effective, long-term partnerships with communities which have succeeded in raising community awareness of legal issues, regulations, and of the importance of their customary rules. In response there are examples of communities becoming more pro-active in defending their rights - for example negotiating agreement with National Park authorities - and communicating with local Governments and other stakeholders.

HuMa works with communities through the activities of six strategic partners: LBH Semarang and RMI in Java, Qbar in West Sumatra, LBBT in Kalimantan, and Wallacea and Bantaya in Sulawesi. Three of these were visited by the evaluation team, with two visits involving field trips to meet the communities (Qbar, Bantaya), and one limited to discussion with partner staff in the office (RMI). Findings on strategic partners' work with communities are discussed in this section. Further details of the partners programs and specific lessons and experiences are in the accounts in Annex 5.

HuMa's commitment to strategic partners, and the partners' commitment to communities, goes beyond the availability of funding and is seen by all sides as a long-term relationship. This appears to have created a space within which the partners can work flexibly and has contributed to success. There are however some issues on funding and contractual relationships, discussed in section 4.1.

Strategic partners share with HuMa an awareness of the need for critical legal (and other types of) awareness, and a commitment to empowering communities to defend their rights, rather than doing it for them. RMI's 'Community Mobilisation School' (*Sekolah Penggerak Masyarakat*²⁰) and

²⁰ In the local language the school is 'riung mungpulung', which translates as 'come together and take something away'

Bantaya's action research philosophy reflect this. While HuMa and partners use the term 'PHR' to describe community members who take a lead on mobilisation in their community, this is not a phrase which these individuals choose to use as a label. The issue of PHR identity and role is discussed further in section 4.2. With the support of the program:

- communities have become more experienced in developing their own laws and regulations. They include a *nagari* regulation on land rights (Guguak Malalo Community/Qbar), a village regulation on boundaries, management of water and other natural resources, and gravel extraction (Ngata Toro Community; Bantaya).
- communities have also become active in asserting and defending their rights using the opportunities available to them in formal law. Examples include addressing problems caused by a hydro-electric power scheme (Guguak Malalo Community/Qbar) and successful negotiation between communities and National Park authorities in the context of the Forest Ministry Regulation on Collaborative Management (Communities around Halimun-Salak National Park/RMI; Marena and Ngata Toro communities with Lore Lindu National Park/Bantaya). In support of these claims they have mapped their customary territories and documented practices and norms.
- Districts have started to recognise the existence and rights of adat communities – something that is increasingly important in the context of MK35 and the Village Law. Examples include the Lebak District Head's Regulation recognising Cisitu Kasepuhan, and subsequently all Kasepuhan communities in the district (Kasepuhan Cisitu/RMI), the drafting of a District Regulation on recognition of indigenous rights (Tanah Datar District/Qbar), and on natural resource management and indigenous villages (Donggala District/Bantaya).
- While there is an inevitable focus on claiming and securing rights over adat forest post-MK35, partners and communities have started to think beyond this point, to the need for a clear vision for management of their forest resources, stronger institutions and local regulations. Guguak Malalo community (Qbar) have recognised the need to shift their relationship with the District Forestry Agency from being a target of advocacy to become a source of technical advice. With this recognition has come increased expectation from communities towards partners, challenging them to go beyond their initial role as legal accompaniers to assist with roles such as forest management planning and conflict mediation support. The issue of how HuMa assists strategic partners to make these decision is discussed further in section 4.1.
- The strong link between HuMa and its strategic partners has allowed developments in the regions to be used as case studies in national policy debates and legal cases. Many partner sites, including West Sumatra (Qbar) and Central Sulawesi (Bantaya) are being used as testing grounds for the implementation of the MK35 decision.
- HuMa's link with partners and communities has led to their involvement as plaintiffs in key court cases - Kasepuhan Cisitu (RMI) in the case leading to the MK35 decision, Guguak Malalo (Qbar) in a judicial review of Law 18/2013 which is underway. The experience of communities in asserting their rights forms part of the evidence submitted by HuMa to the National Human Rights commission's enquiry into the rights of indigenous peoples.

HuMa organises opportunities for exchanges and learning between partners and their local stakeholders. The 2014 conference on *adat* forest was particularly influential, with officials from

Tanah Datar District (West Sumatra, facilitated by Qbar) stating that the meeting had helped to persuade their District head to support legislation to recognise *adat* communities.

HuMa strategic partners Wallacea (Sulawesi), LBH Semarang (Central Java), LBBT (Kalimantan) were not visited during this evaluation, but their Directors were interviewed on the subject of their program and relations with HuMa. Wallacea and LBBT are working on similar issues to Bantaya and Qbar, focusing on customary rights and resolution of conflict between communities, companies and Government Forest agencies. LBH Semarang is working in a rather different social and political environment, with redistribution of land from Government Forestry Company Perum Perhutani a critical land rights issue.

2.4.2 Recommendations on Working with Communities through Strategic Partners

Note that there is further discussion and recommendations of how HuMa works with Strategic Partners and PHR in sections 4.1 and 4.2. This section focuses on the work at community level and is connected to the work on *adat* forests in 13 sites. Many of the recommendations below are already on HuMa's agenda. They are directed to the executive and strategic partners.

- **build on existing initiatives to promote a mechanism for legally recognising customary communities**, addressing the criteria established in the MK35 decision and related policies. The target is technical guidance (referred to as *Juklak* and *Juknis* by the Ministry of Forestry) from Government, so that Districts and Provinces are clear on what is expected of them. Clarity is needed on whether recognition in the context of Law 6/2014 in village Government will also fulfil the requirements of MK35 and *adat* forests.
- Use the 13 on-going *adat* forest pilots and other experience to address **key issues in the development of *adat* forest**:
 - The need for **models of resource use planning** which fulfil community aspirations within the limits of sustainable forest use, including **guidance on the extent to which customary norms, rules and sanctions can effectively control resource management**, and priorities for enhancing local management systems.
 - The need for **clearer definition of the responsibilities** of community, local Government and others in the management of *adat* forest.
 - The question of **what happens to existing third party rights** (logging concessions, mining concessions, timber plantation licenses) within *adat* forest areas
 - The question of whether there needs to be **compensation or incentives** for communities when their rights to use/exploit *adat* forest are limited for public good (for example in protected areas or for watershed protection)
 - The potential for the **village law (Law 6/2014)** to support the identification and management of *adat* forests through its allocation of budgets and decentralisation of planning functions to village Government
- Ensure the **documentation and dissemination of lessons, experiences and problems**. A second national dialogue on Adat forests will be one effective way to encourage networking between practitioners and with policy-makers, but other means of regular communication should also be developed. The PHR network should have a key role to play here.

Section 3. HuMa's Strategy and Structure

3.1 Vision, Mission and Strategy

Summary of key Points on Vision, Mission and Strategy

- HuMa's tradition of strategic review, analysis and planning is one of the strengths of the organisation. The five year organisational strategy will be reviewed in June 2015.
- The current vision statement emphasises the process (a social movement and legal renewal) rather HuMa's desired impact on wider society or communities
- The mission statement and organisation of the work programs within HuMa are nearly identical. This helps ensure alignment between mission and activities, but appears to result in poor integration of the different programs. PHR, in particular, are treated as a separate program rather than being effectively integrated across all programs. The critical importance of HuMa's place as a member of a wider CSO advocacy network is also not evident from the mission.
- A great deal of strategic thinking has happened but HuMa does not have a written strategy for the organisation or the forest program which can function as a guide for management and board in setting priorities and making decisions. The matrix of results and activities is not a strategy.
- There are opportunities to improve the participation of strategic partners and PHR in HuMa's strategic planning

3.1.1 Vision and Mission

HuMa's vision (unofficial translation) is "a strong social movement expands to support the renewal of systems and practice of law that are fair for marginalised communities and the environment, and respect the values of humanity and socio-cultural diversity"²¹. This vision was adopted at the 2010 strategic planning meeting after a lengthy discussion which focussed on accommodating the concepts of legal pluralism, renewal or recognition of the value of justice embedded in customary law, ecology or environment, and the idea that HuMa is working through a movement.

At the same meeting the discussion of HuMa's mission or role focused on the development and communication of an 'alternative discourse' as a central purpose of the organisation. As an organisation that does not work directly with its ultimate beneficiaries (marginalised communities and their environment) but aims to influence change by working through intermediaries (networks, partners, policy makers), HuMa's mission reflects its role:²²

²¹ Original, from www.huma.or.id is 'Meluasnya gerakan sosial yang kuat untuk mendukung pembaruan sistem dan praktik hukum yang adil bagi masyarakat marginal dan lingkungan, serta menghormati nilai-nilai kemanusiaan dan keragaman sosial budaya'

²² Original, from www.huma.or.id, is: (1) Mendorong konsolidasi, peningkatan kapasitas dan kuantitas Pendamping Hukum Rakyat (PHR) melalui mitra-mitra strategis dalam mewujudkan visi HuMa; (2) Melakukan advokasi kebijakan, kampanye dan berbagai model pendidikan hukum untuk menandingi wacana dominan dalam pembaruan hukum di isu tanah dan Sumber Daya Alam; (3) Menjadikan HuMa sebagai pusat data, informasi dan pengembangan pengetahuan berbasis situasi empirik (4) Memperkuat kelembagaan HuMa sebagai organisasi yang berpengaruh, kompeten dan mandiri untuk mendukung gerakan sosial dan pembaruan hukum.

1. Support the consolidation, capacity building and quantity of PHR through strategic partners to operationalise HuMa's vision
2. Carry out policy advocacy, campaigns and various types of legal education to challenge the dominant discourse in legal reform on the issues of land and natural resources
3. Make HuMa a centre for data, information and knowledge development founded on empirical understanding of the situation
4. Strengthen HuMa's as an organisation that is influential, competent and independent to support the social movement for legal reform

3.1.2 Strategic Planning

HuMa has a strong tradition of long-term planning, originally covering three years but most recently (since 2010) for five years. The current plan will be revised in June 2015 for the period 2015-2020. Documentation of the 2010 workshop process is very thorough, with 174 pages of minutes in five documents. The product of the discussion is a four sheet logic matrix which forms the basis of the multi-year proposal to RFN and of internal annual workplans. The evaluators understand that this matrix is what HuMa refers to as its strategic plan. In the logic matrix, each of the four parts of the mission statement is addressed through one of HuMa's programs: thus mission 1 (PHR) is delivered through InClaf, the Indonesian Community Law facilitators program, mission 2, policy advocacy, is delivered through the Community Initiative on Forest Conflict Resolution, Commifor; mission 3 on data is delivered through the Database and Information Centre, DeBIC; and mission 4 on strengthening of HuMa is delivered through the Institutional Development program InDev.

3.1.3 Involvement of other stakeholders in HuMa's strategic planning

Involvement of Strategic Partners

Despite their special, long-term relationship with HuMa, strategic partners do not have any formal role in the Governance of the organisation because it is an association (*perkumpulan*) based on individual membership. Outside the formal members meeting, strategic partners do make an input to the program evaluation and consultations that HuMa undertakes before the preparation of its 3-5 year strategic plans. All the partners visited had been involved in the most recent (2010) process, but they characterise their role as 'providing inputs, not taking decisions'. There is some overlap between strategic partners and individual members - ten of the 25 HuMa members are also founders or members of a strategic partner – and these individuals may bring partners' views to the meeting, but beyond this partners are not represented. This is not to say that the partners strongly disagreed with the current direction of HuMa's work, but they did hope for a greater role in decision making.

Involvement of PHR

If the assertion that all HuMa members are PHR is correct (the lack of a clear definition or a mechanism for registration leaves this open to debate), then there is representation of PHR within the strategic planning process. However none of these members are PHR who are based in their own communities. Consultation of PHR who are members of a community is through a process which is not clearly defined, and HuMa appears to make an assumption that strategic partners who participate in the consultation for strategic planning can speak on behalf of PHR. If PHR are genuinely to be one of the 'three pillars' of HuMa, as is often stated, then this level of engagement with the organisation's strategy setting seems inadequate. However HuMa's stated aim to not 'own' the PHR network, but to encourage the formation of an independent movement which can be

supported by different organisations as well as HuMa raises the question of the appropriate level of intervention by PHR in HuMa's decision making.

3.1.4 Findings on vision, mission and strategy

The difficulty of defining and delivering legal pluralism

Legal pluralism and the strengthening of customary law is a founding idea of HuMa, and is implicit in the vision and mission in the term legal reform (*pembaruan hukum*) but is not clearly expressed in the wording. The simple definition offered by one staff members was useful: 'PHR work for a shared dream – that community law becomes one source of justice'. One reason for this lack of clarity may be that *legal reform* is difficult to define, and there is an ongoing debate within HuMa about its meaning. Another is that there are differing views on its relevance within the wider movement. Informants in the forest policy reform movement who were concerned mainly with action on specific cases saw customary law as less important than formal law, because the issues they are dealing with operate within the formal legal framework. Similarly, partners and PHR understood the idea, but given their orientation to dealing with conflicts involving stakeholders outside the community (Government, private companies), they also see the ability to work within the formal legal system as more urgent. HuMa's current work on *adat* forests will provide a testing ground for the interface between customary and formal legal systems in the context of community based resource management.

The missing middle – a strategic plan

The fact that the four-point mission statement and HuMa's four programs are the same has the advantage of ensuring that HuMa's work is aligned with its stated mission – something which is a problem for many NGOs and which should not be underestimated as a strength. However 'jumping' directly from mission to logic matrix as multi-year workplan has left HuMa without most of the elements of an organisational strategic plan, which should at least:

- be a reference for management in setting priorities for allocating existing funds and staff resources, or seeking new funds, and in developing new areas of work
- be a reference for communications staff in preparing material to inform external constituents and the public about HuMa and its programs
- be a reference for management and board in evaluating new opportunities and threats (for example, offers of private sector funding, offers to participate in Government bodies)
- provide guidance on how cross-cutting issues, such as working with PHR, conflict resolution and collaboration through networks, should be integrated into all aspects of workplanning
- provide a baseline against which to judge the medium-term direction and progress of HuMa's work, including the roles and relationship between the main constituents – members, board and staff

3.1.5 Recommendations on vision, mission and strategy

Vision and mission

If the vision and mission will be revisited during the 2015 strategic planning exercise, the evaluation offers the following comments on the formulation:

- The vision should be based on a **clear explanation of legal pluralism**. This would also lead to a stronger focus on this as a key role for PHR and for HuMa's work with partners and others.

- The **2013 evaluation** of HuMa concluded that the organisation needed to strengthen its work on delivery of justice at a grassroots level, and proposed an alternative mission statement: ‘Provide the support for Indonesian communities to realize and access justice, particularly in being able to resolve resource and rights conflicts themselves’. This formulation only partly covers what HuMa wants to do, and any revision of the mission should take into account (a) the element of strengthening customary law mentioned above, and (b) the importance of influencing the legal and policy framework at national and sub-national level.

Strategic planning and the link to work plans (this section should be read with section 2.1)

- The executive with a mandate from the board **should produce a strategic plan document for 2016 – 2020 from the planning session in 2015**. The document should be short and accessible to partners and donors, explains the vision, mission, values, approaches, HuMa’s role and relationships with other key stakeholders. It should be specific enough to provide guidance to staff in developing their workplans and setting priorities, to assist partners in their planning, and to help new members understand what HuMa does and does not do.
- The executive with a mandate from the board should **produce a strategy for fund-raising** (or include one as part of the organisational strategy). Consider maintaining and enhancing existing donor relationships, developing new donor funding streams, and alternative sources of finance. Ensure the plan operationalises agreed policies on what sources of funding HuMa can accept.
- The executive with a mandate from the board should **develop a new indicative five-year workplan for the whole organisation based on the strategy** with a maximum of six result-level objectives, showing how HuMa will move towards its vision. To ensure that the elements of the mission statement (PHR, policy advocacy, data, capacity) are integrated with programmatic work, objectives should be defined for each area where HuMa works with a partner. The plan should be based on implementing HuMa’s own strategy, and not influenced by donor priorities or funding availability (this is a consideration for preparation of proposals based on the strategy later). Individual departments can formulate their own workplans based on this document.
- The executive with a mandate from the board should **use the 2015 strategic plan process as an opportunity to renew strategic partnerships, collaborations and the policy reform movement**. Consider providing an opportunity for all of these stakeholders to make an input to HuMa’s planning process, at a level appropriate to their role and shared commitment. Identify the current strengths, weaknesses and direction of the movement and define what role HuMa wishes to play.

3.2 Organisational Structure

Summary of key points on organisational structure

- HuMa’s membership of 25 people includes highly respected and experienced legal analysts and campaigners, who have personal influence and networks which they use to further HuMa’s agenda. There are opportunities to better integrate the role of members into HuMa’s work.
- The three-person board is elected at the five yearly members meeting and is accountable to the members. Relations between Board and staff team are good, with significant efforts by the board to support the staff, but no indication of unwarranted interference or personal agendas biasing this process

- The HuMa staff team is small and over-stretched in some respects, with data-information-publications (one person) and administration and human resources (one person) under-staffed. Recent changes mean that the staff are relatively inexperienced in their current roles
- The practice of recruiting HuMa staff from partners has caused concern among some donors, who perceive that it drains capacity from the partners, but is welcomed as an opportunity to learn and gain experience by the staff and organisations concerned
- RFN support to institutional development has funded much of the strategy, monitoring and review process and is an important contribution to the operations of HuMa

3.2.1 Board and Membership

HuMa is registered as an association (*perkumpulan*), the least bureaucratic of the various models of non-governmental organisation that are recognised in Indonesian Law. An association consists of its individual members, and the members meeting forms the highest decision making body of the organisation. HuMa has 25 living members, most of them the founders or early recruits, and has no plans to add new ones beyond seeking replacements for the two members who have died. The members elect a board with a chair, secretary and treasurer, and the board recruits and employs staff to carry out the programs of the Association. Table 2 lists members and summarises their role in HuMa and outside.

Table 2: Members of HuMa and their institutional affiliations

Name	Role in HuMa	Other relevant affiliations
Abdias Yas, SH.	Member	LBBT (strategic partner)
Andik Hardiyanto, SH.	Member, Board Secretary	Ex-LBH Semarang (strategic partner)
Andiko, SH.,MH.	Member, ex-Director	Ex-Qbar (strategic partner)
Asep Yunan Firdaus, SH.,MH.	Member, ex-Director	Ex-LBH Semarang (strategic partner)
Bernadinus Steni, SH	Member, ex-staff	
Chalid Muhammad, SH.	Member, Board Chair	
Concordius Kanyan, SH.	Member	LBBT (strategic partner)
Dahnir Andriani, SH.	Member, current Director	Ex-Director, Bantaya
Dr. Kurnia Warman, SH.MH.	Member,	Qbar member, University of Andalas
Drs. Noer Fauzi	Member	Sajogyo Institute, KPA founder
Drs. Stepanus Masiun	Member	LBBT (strategic partner)
Edison R. Giay SH.*	Member	
Herlambang Perdana, SH.MA.	Member	
Ifdhal Kasim, SH.	Member	National Human Rights Commissioner
Ir. Andri Santosa	Member, Board Treasurer	Ex-RMI (strategic partner)
Ir. Didin Suryadin	Member	
Julia Kalmirah SH.	Member	
Marina Rona, SH.	Member	Ex-LBBT (strategic partner)
Martje L. Palijsa, SH.	Member	Director, Bantaya (strategic partner)
Myrna A. Safitri, SH., MH., Ph.D	Member	Director, Epistema
Prof. Dr. I Nyoman Nurjaya	Member	Brawijaya University
Prof. DR. Ronald Z. Titahelu, SH.	Member	University teacher, Ambon
Prof. Soetandyo Wignjosoebroto, MPA*	Member	
Rikardo Simarmata, SH.,Ph.D.	Member	University lecturer
Rival Gulam Ahmad, SH.LLM.	Member	
Sandra Moniaga, SH.	Member, Ex-Director	National Human Rights Commissioner
Susi Fauziah, AMD.	Member	

Notes: *: deceased

HuMa is different from many associations in that the members are an asset which directly, and sometimes very significantly, advances the agenda that HuMa supports. The members are some of the most experienced and respected activists and thinkers in the field of legal reform, rights and natural resource management in Indonesia. HuMa uses them as expert witnesses, expert informants, and to lead on some issues. Many are involved in policy reform, as individuals (e.g. as Ministerial Advisers), through other institutions (e.g. Epistema). The new Government's 'Transition office' and the advisory teams that replaced it, charged with thinking through urgent problems and identifying quick wins that the new President could implement, have two HuMa members. HuMa supports their participation through meetings logistics and information from the field and partners.

Despite the importance of the role of some members, those interviewed expressed the hope that the membership overall could be more active and effective. Some members have become less active in recent years, and the board is trying to get them more engaged. In the past discussions were held with members annually, sometimes resulting in a position paper (for example on PHR or climate change), or an implementation guideline, depending on the issue. Staff reported that they use the *Kabar HuMa* newsletter and mailing list to keep members informed.

Members elect the board for a five year term at a members meeting which is combined with the five-yearly strategic planning meeting. HuMa's deeds require the board to meet with the staff twice-yearly, but in practice staff reported that meetings have been almost monthly.

3.2.2 The staff team

The Director of HuMa is hired and evaluated by the Board, and serves for the period of a strategic plan (presently five years) after which he/her may be extended for one further period. During the period evaluated here there have been three Directors: Asep Firdaus, Andiko Mancayo and, since November 2014, Dahniar Andriana. Dahniar was previously the Director of strategic partner Bantaya. The Director is supported by a program manager, presently Nurul Firmansyah, who was previously the Director of strategic partner Qbar.

In addition to the Director and Program Manager, RFN funded programs are implemented by two staff in the forest policy team, and one staff who handles all publications and HuMaWin. All the programs share the support of one staff who handles administration and human resources, and one finance manager.

Capacity building and support for HuMa: the *Indev* program

In the 2008 – 2010 workplan supported by RFN, institutional development (the '*indev*' program) is one of four main results. There are 39 activities under this result, including strengthening the overall structure of HuMa (administration of membership, enhancing the role of members and board), evaluation and strategy development (external evaluation and audits, meetings of the board, members and executive in connection with planning and strategy development), enhancement of the management team (HR systems development, staff capacity building, finance systems), and strengthening of systems for documentation and information dissemination (website, publications). In the 2011-2015 organisational workplan there is an *indev* component, but this is not included in the proposal submitted to RFN, which covers only the Commifor program (although, confusingly, there is an *indev* component in the budget for 2011 but not for subsequent years). In the 2013 – 2017 RFN workplan *indev* emerges again as one of the 12 results. While much shorter (7 activities), the 2013-2017 workplan covers the same areas of activity as the 2008-2010 *indev* program.

The allocation for institutional development was between 31% and 36% of the entire RFN budget for support to HuMa in the years 2008 – 2011. In the 2013 – 2017 budget it appears to decline to 752,900,000 IDR (468,000 NOK / 57,000 USD) for five years, or 5% of the total budget, but this apparent reduction may be because of the splitting out of institutional and staff costs into separate sections of the budget where before they were integrated into each component.

Capacity building for staff, PHR, and partners is based on demand and resources. Basic areas are introduction to HuMa (*'kehumaan'*), social analysis, advocacy, planning and monitoring. Time limits how many courses can be arranged or attended. The people providing the training may be members or from outside HuMa. In the past HuMa has invested in academic training, with past Directors Andiko and Asep assisted with the costs of taking their Masters degrees at the University of Indonesia. Several members of the current staff team are relatively new in their positions, and the board has initiated a program of mentoring between members and staff to ensure that knowledge is transferred. Members who can provide guidance on issues such as *adat* forests, *adat* villages, conflict resolution, law reform and community law have been identified, and which staff will 'study' which subjects is under discussion.

3.2.3 Findings on staffing and organisational structure

The role of members in HuMa's work has never been planned, and in some cases it is necessary to keep the relationship informal to avoid conflicts of interest or perceived bias on the part of the member. However there are occasions when HuMa could legitimately cover costs, support logistics or even pay a stipend of a member engaged in an activity which is judged to be strategic for HuMa. Such arrangements will require careful and transparent decision making, to avoid conflicts of interest and accusations of political interference by HuMa. The pay-off, however, would be that HuMa's member could take full advantage of the opportunities available to engage with the new Government and other institutions at a key time for setting the agenda.

The relationship between the board and the staff is a key one in any NGO, and very often a source of tension – either because staff feel unsupported, or because they feel micro-managed. HuMa seems to have avoided this trap. There is frequent interaction between board and senior management, but the staff described their relationship with the board as constructive, especially during planning and strategy development. Occasionally during implementation they feel there is a tension that needs to be managed between the demands of board and responsibilities of the management, but it was also recognised that this is often associated with an important opportunity which is available to the board member.

HuMa also appears to be free of the problem of members and board using the organisation to further their personal favourite projects and agendas, something which is common in NGOs with a similar structure. This is evidence of the quality and professionalism of both members and staff, and suggests that the existing channels for communications and planning are largely effective.

Although the staff team is small, through coordination with strategic partners they are able to deliver a considerable volume work, but the staff themselves recognise that there are opportunities to improve capacity. They recognise that they are stretched, with important opportunities for influencing change opening up at national (and sometimes local) level, while problems – conflicts, cases – in the field continue. The data and publication side seems to be particularly poorly staffed (recruitment for an additional person is in process), with one staff member, who has only been in

post one year, handling the partially complete PHR portal, the conflict database HuMaWin, publications, and HuMa's website and other electronic media²³.

The practice of recruiting some staff from partners has been criticised by informants outside HuMa because it is perceived as draining scarce human resources from the regions. However the Partners themselves welcome the opportunity for members of their network to gain experience in Jakarta, and feel that it helps to ensure that their concerns and knowledge are communicated.

RFN's funding of institutional development at HuMa would more accurately be called core costs, and has helped HuMa implement a system of strategy development, monitoring and evaluation that is more sophisticated than most NGOs. The ability to evaluate and reflect is one of the great strengths of HuMa and support to this part of the organisations work complements the support to work on policy advocacy and community rights.

3.2.4 Recommendations on staffing and organisational structure

- The membership and board should **keep the issue of recruiting new members on the agenda**. At present there are no plans to expand the membership except for replacing members who have died, but inevitably with time the issue of regeneration of an aging membership will arise, and it might be better to consider taking on a few new members at each strategic planning session.
- The board and executive should **find ways to make better use of the members' expertise and connections to support HuMa's objectives**, perhaps through a dedicated small fund that could cover costs, logistics or even pay a stipend of a member engaged in an activity which is judged to be strategic for HuMa.
- The executive should **implement the idea of members mentoring staff**, and evaluate the program
- The executive should **plan for development of future managers and encourage partner staff who move to HuMa to eventually return to strategic partners** so that the knowledge and experience they gain at national level is not lost to the partnership.
- The executive, with the mandate of the board, should **secure funding and recruit additional staff** to support the key work areas such as communications/database /publications, and the administration/HR. Recruitment should consider key areas such as the need for English language skills and international experience, and the need for fund raising expertise.
- The executive, with the mandate of the board, should **plan to diversify funding** for core internal strategy development, monitoring and management. Present donor funding to these areas is an extremely valuable contribution to HuMa's overall operations. Effective communication and reporting (see the section on donor relations, 4.4) will help to maintain this support, but HuMa should be aware that donors may not always be willing to continue this level of core funding and should plan savings and to supplement donors funds with other funding sources.

²³ There was a second staff member, but when his wife was recruited as HuMa Director, internal rules did not allow him to continue as a staff member and he moved to Epistema.

3.3 Communications and Media

Summary of key points on communication and media

- HuMa's publications are recognised as one of its major contributions to the advocacy and awareness raising. HuMa is aware that attention is needed to ensure that publications are high quality.
- HuMa's media profile is not high, and there are opportunities to improve the website and to promote the work of the organisation and its partners to the public
- The HuMa website and linked databases is adequate but needs to be better managed, with attention to updating and quality of translation
- HuMa has started to use social media effectively, and is working with communications consultants to improve this area of its work

3.3.1 Publications

HuMa is widely recognised for its publications. Between 2008 and 2014, the organisation produced a total of 83 publications: 40 books and booklets, 3 comics, 17 papers, 12 short films, and 11 bulletins. Forty-one, or about half of all publications, were produced under the Commifor program (including 2 which are joint Commifor-Climate change). One is an English translation of the Indonesian bulletin. All are listed in Annex 4.

Of the 16 Commifor publications that give details of financial support, eight (six books, two comics) acknowledge RFN, four of them jointly with other organisations. A further eight specifically acknowledge funding from Ford Foundation, RRI, TAF or CLUA, but presumably most of the remaining 25 Commifor publications – including eight films, three bulletins, eight books and six papers – also depended on the support of RFN or the results of RFN funded activities.

The comic series are the most widely known and sought-after HuMa publications, with informants stating that they are popular with communities and schools. Multiple reprints of the comics are also testimony to their popularity (using reprinting as popularity indicator, books on legal pluralism are come second after comics. Law students are the main readers). Comics are used widely as material for PHR training. An Jakarta-based informant who visits communities across Indonesia stated that he regularly carries HuMa's comics when he travels in response to popular demand.

Six comics were published between 2002 and 2007, but only three more have been added in the last seven years, one on climate change and two on community law issues. The slow down in comic production since 2008 has been an indirect result of a new emphasis on production of short films, a medium which HuMa believes can be effective in a society which still has strong in oral traditions²⁴. In the run-up to the presidential election 2014 HuMa engaged in public political education using short films. HuMa's films on climate change and MK35 attracted most responses. Another new format being tried is photo essays, but it has yet to be seen how effective it is at reaching the targeted audience.

²⁴ Films are available on the website at <http://huma.or.id/category/publikasi/video>.

HuMa usually announces the launch of its new publications through electronic mailing lists, a media release and through relevant events, such as discussion forums, seminars, conferences and workshops. Some of them are available online, accessible through the website.

At least a third of the Commifor books were produced in collaboration with strategic partners, other NGOs and international partners such as Van Vollenhoven Institute, KITLV and Leiden University. HuMa's international exposure has increased over the years, mostly through its climate change work. The attempt to cater to international readers is reflected in the publication of two English language works.

3.3.2 Communications through social and mass media

Indonesia had 69 million active Facebook users in 2014²⁵, and in 2012 Indonesia had the fifth largest number of twitter accounts, with Jakarta the most active city on twitter globally²⁶. HuMa has started to exploit this potential, and has 846 followers on twitter, and 1000+ friends on Facebook. The communications staff member is experimenting with infographics that can be tweeted and reports that some are being re-tweeted.

Several informants considered that HuMa's profile in the media has reduced, and suggested that a concerted effort is needed to raise the organisation's profile and status as a source of informed opinion on legal reform and rights. They recognised that Government is becoming more sophisticated in communications and that in an increasingly crowded field HuMa will need to be more creative to stand out. HuMa is aware of the issue, and has started to involve media in launching of reports and other products, is working with the Jakarta based NGO 'Public Virtue Institute'²⁷ on environmental campaigning through social media, and with media consultancy Intermatrix²⁸ on development of a media strategy.

A sub-set of public communication is with PHR and other partners and stakeholders. The rapid change in policies and institutions over the last 2 years, some of it overturning norms that have prevailed in the forest sector for decades, is difficult for many stakeholders to fully grasp, let alone implement. Regular communication of legal and policy changes, debates, and experience with implementation of new policies, is a strongly felt need. It would not take a great deal more effort (but it would take some – and there is little to spare) to use the social media platforms (Facebook, twitter, Whatsapp and Instagram are the most popular) much more effectively to communicate change and developments in appropriately packaged forms.

3.3.3 Findings on publications and media

HuMa reported that there has been some criticism of the quality of its publications, in particular an overly complex and legalistic style of writing. Some informants commented that policy briefs (for example on conflict) appear to be written to fulfil promises to donors rather than as a tool for policy makers. HuMa is aware of these perceptions, and has formed a team consisting of two University lecturers and one member who will undertake internal editing. Publications will also be externally reviewed before publication, and technical production quality will be ensured by re-checking of the print dummy.

²⁵ <http://blogs.wsj.com/digits/2014/06/27/facebook-users-in-indonesia-rise-to-69-million/>

²⁶ <http://www.thejakartapost.com/news/2012/08/01/jakarta-named-world-s-most-active-twitter-city.html>

²⁷ <http://virtue.or.id/home/>

²⁸ <http://www.intermatrix.co.id/>

HuMa's Website

HuMa's website (<http://huma.or.id/>) was visited around 35,000 times between May 2012 and January 2015, an average of over 1,000 visits a month or 30 a day. This is relatively low level of traffic for such a large website, which houses or links to 4 portals (HuMaWin, Portal Desa, Portal Peraturan, GeoDataCSO). The evaluation did not look deeper into visitor behaviour, and HuMa could learn more from looking at where the most traffic takes place.

Given that the website is the repository for a large amount of data, including ongoing publications, and that it is maintained by one staff member who has numerous other duties, it is not surprising that the content is not always up to date. The overall structure of the website should serve the organisations needs for several years, but the issue of content management needs to be addressed as a priority.

3.3.4 Recommendations on publications and media

(These recommendations are all for implementation by staff in the executive team)

- **Produce a public summary of the strategic plan** for partners and other stakeholders and post it in HuMa's website
- **Produce an easy to read publication on 'what is HuMa'** for public consumption, in Indonesian and English
- **Publish annual report and audited accounts** in the public domain. Two informants (one of them Government) noted that HuMa does not make efforts to be transparent about its funding sources or to account for its activities more widely than to the membership. This is common practice in Indonesian NGOs but may have to change as the public is sensitized, sometimes unfairly, to the possibility of foreign and subversive agendas infiltrating through NGOs. Beyond protecting itself for such accusations, HuMa is responsible to its entire constituency for the funds it receives and the work it does with those funds. Audited annual reports and activity reports are prepared as part of internal and donor accountability, and there seems no reason why they should not be available publicly.
- **Use HuMa's existing communications platforms to disseminate regular updates on policy and legal developments** as well as the work of HuMa and partners. There is no regular, reliable source of information on policy changes in this field. One informant commented that a replacement for the Down to Earth bulletins was needed, and proposed that this is a function HuMa could fulfil.
- **Target specific groups for tailored communication.** Take a systematic approach to analysing the audience for a publication, and make sure that this has been taken into account when drafting, writing and editing a publication. Monitor audience response. An example is preparing summaries of HuMa research on customary law to help educate judges and help them to come to better legal decisions through understanding the local legal context.
- **Maintain the production of comics**, recognised as a characteristic and effective HuMa publications, there is ample scope for production of further comics on *Adat* Forest, the village law, and other issues affecting communities. Consider using PHR who have done well in writing training as a pool of writers.
- **Put in place the measures planned to ensure that publications are appropriate and high quality**, but also consider how this system can be expanded to social and electronic media. Review the target of 20 publications in 2015 and consider reducing it if quality cannot be

guaranteed. Sources of help might include communication students looking for internships. The team should include the pool of comic writers and should have a balance of senior and junior members to ensure regeneration and to avoid asking too much of busy reviewers. The editorial team needs to ensure (a) relevance with overall vision of HuMa; (b) effective choice of format that speaks to target audience; (c) use of appropriate format - for example, films are interesting but less accessible to people without access to technology. Film should not displace printed content; (d) quality of writing and content, including proper proofreading both in Bahasa Indonesia and English

- **Identify and prioritise updating of website content**, put in place and monitor a plan to update and maintain the website.
- Achieving a **good standard of English** has been a challenge for HuMa's small number of English language publications, and for the website. Publications would benefit from proof-reading by native speakers, something that could be done over email with volunteers in other countries.

Recommendations for improvement of the website:

- **delegate data input to other staff members.** For example, staff on climate change to update relevant international and national regulations. A half-day peer training on how to use website platform should be sufficient.
- **Recruit volunteers to help with proofreading.** The English translations on the website are often very poor (they appear to use google translate, with no subsequent editing). At the moment the presence of an Australian volunteer helping to improve the English webpages, and HuMa might think of establishing a network of English speakers who could contribute small amounts of time and work via email.
- **Use volunteers for updating the website.**
- **Check the website regularly** for broken links, internal and external.
- **Keep the overall structure but review the content** – for example the presence of the Regulations Portal (*Portal Peraturan*) makes the link under 'publications' to 'Regulations and Decisions' (*Peraturan dan Keputusan*) redundant.
- **Promote the website and new content** through mailing lists and events and monitor the impact of promotion on numbers of visitors.

Section 4: HuMa's role in its wider networks

4.1 Working with strategic partners

Summary of key points on working with strategic partners

- HuMa has six long-term strategic partners, and delivers community-level work jointly with them. The relationship is important for both sides.
- There is a lack of clarity about the difference between 'strategic partner' and 'partner', which will become more of an issue as HuMa works with more organisations in the *adat* forest program.
- The system of short-term, activity based contracts does not reflect the ethos of the partnerships.
- There are opportunities to engage partners further in strategic planning and joint fundraising
- Partners are in the front line of implementation of *adat* forests and are facing challenges with capacity and strategic choices over expanding or deepening their work with communities

HuMa currently works through six strategic partners (listed in section 2.4). The original strategic partners were the organisations of some of the founder members of HuMa. Over the years three organisations have ceased to be strategic partners (pt PPMA, the organisation run by HuMa member Edi Giay, who died in 2012; LP2S in North Sulawesi and Putih Jaji in East Kalimantan), and two have been added – RMI, in Banten and West Java; and Wallacea, in Central Sulawesi. The relationship between HuMa and strategic partners has been strengthened by the movement of several staff from strategic partners (including the current Director, from Bantaya, and Program Manager, from Qbar) to HuMa. In 2015, HuMa is carrying out an assessment of strategic partners. The assessment will look at regeneration issues, development of new skills and staff, at management capacity, and review the focus of the organisation, asking whether they still 'need' HuMa.

Strategic partners benefit from access to funding, the opportunity to participate in joint events where they can share ideas and experiences, HuMa's role as a link between their work with communities and national policy making processes²⁹, and the information and publications they receive from HuMa.

HuMa gains from the collaboration with partners in several ways. Much of the data on conflict in HuMaWin is from partners. HuMa and the wider NGO network have been able to use communities facilitated by partners as case studies for the judicial review of Law 18/2013 (the Malalo community in West Sumatra) and the judicial review of the Forestry Law that led to MK35 (Kasepuhan Cisitu community, West Java, and Kontu, South-east Sulawesi). Information collected from partner activities has contributed to many of the HuMa publications listed in Annex 4, and to publications by RFN and partners³⁰. Most recently, HuMa field research in preparation for *adat* forest programs at

²⁹ One recent example was the high level meeting on *adat* forest, which enabled partners to meet with the Minister of Agraria and Spatial Planning, and the Minister of Environment and Forestry

³⁰ E.g. National REDD+ Processes: a compilation of case studies to inform negotiations at COP 18. http://www.regnskog.no/languages/english/_attachment/35590?_ts=13b4b72d09e

13 sites was done in collaboration with existing strategic partners and some new partners. The relationship with strategic partners connects HuMa with local CSOs and the local chapters of national networks through the partners' local networks. Qbar, for example, has become the regional node for JKPP, works with local branches of Walhi, KPA and AMAN, and has an MOU for collaboration with the Faculty of Law at the University of Andalas, Padang.

4.1.1 Findings on working with Strategic Partners

Positive but poorly defined relationships with partners

HuMa distinguishes 'partners' and 'strategic partners', but what makes a partner 'strategic', and what exactly their relationship with HuMa entails in terms of obligations and entitlement, is an issue which has long been discussed at HuMa and is not clear. One informant in HuMa called strategic partner status an 'accident of history that has no meaning any more', but the historical relationship between HuMa and strategic partners is clearly important to both parties. At present non-strategic partners are those where there is a project relationship, rather than a long-term one, or where the relationship is still new and may graduate to 'strategic partner' status. Non-strategic partners involved in the 13 *adat* forest sites are Akar Foundation from Bengkulu, Padi Indonesia from East Kalimantan, JKMA Aceh, Warsi from Jambi and Yayasan Merah Putih from Central Sulawesi.

The evaluation found mixed views on the quality of the relationships between HuMa and its strategic partners. HuMa informants tended to describe the partners as being part of HuMa, but staff of partners identified themselves as being outside of HuMa, but very close ('different but connected' was one description). All partners strongly identified with their role in HuMa and considering themselves the key contacts of HuMa in their region. One informant went as far as saying that 'HuMa is owned by the strategic partners', and therefore that they should have a major role in setting its strategy and policies. In this partner-centric view, the function of HuMa is advocacy for national policy change, and raising funds internationally to support the work of the strategic partners.

A partner assessment is being carried out by HuMa is part of an effort to revisit the meaning of strategic partnership and to evaluate whether current relationships are appropriate. The evaluators gained the impression (this should be verified) that the assessment is being done *by* HuMa *on* its partners, i.e. that it is one-way and will result in a unilateral decision about whether or not to continue the partnership. This would seem to be out of line with the existing spirit of partnership, and something that should be handled carefully to ensure that it does not damage relationships. An open dialogue with partners on what each sides wants and can offer to the relationship would be valuable, and might lead to clearer definition of 'partners' and 'collaborators' (see recommendations, below).

Short-term funding agreements do not reflect the importance of the partnership

Given that they have limited control over the advocacy and empowerment processes that they are facilitating, flexibility in funding is critical, and partners highly valued the fact that they can propose an idea or urgent need to HuMa for financing (for example, funding legal assistance to community members involved in disputes or conflicts) and quickly get a response, usually a positive one. However they noted that funding relationships between HuMa and partners are generally short-

term, per activity, rather than being based on a longer term workplan³¹. Partners may even have two contracts running with HuMa concurrently, for example if they have an activity funded under the PHR program at the same time an activity under the Commifor program. The partners do not feel that they are just ‘event organisers’ for HuMa (because many of the activities are proposed by them) but they find the arrangement does not give the certainty of funding that would allow them to plan effectively. This arrangement has only become the norm in the last two to three years, and HuMa staff and board said it was a result of changes in the donor project cycle within HuMa. In the past the organisation prepared a single 5-year strategy which was the basis for all contracts with donors. More recently, different donor funding cycles and requirements have meant that HuMa has had to prepare separate proposals, meaning separate planning processes and increasingly compartmentalised management of projects. It is more complicated to engage with partners in this more donor- and proposal-specific context.

HuMa has made some efforts to enable the partners to raise funds directly. The Asia Foundation’s support of Qbar is an example. Most partners lack the capacity to produce proposals themselves. HuMa has not, however, planned and submitted proposals jointly with partners.

Partners and HuMa are facing different strategic dilemmas

While HuMa maintains its focus on a relatively narrow agenda concerned with customary and formal laws and regulations, partners are in contact with communities who require many other types of assistance in addition to legal empowerment. The work on *adat* forests highlights this challenge, as a consequence of securing rights is a need for expertise in forest resource planning and management, institutional strengthening, small business development and other skills. Partners have to decide whether to broaden their work with existing communities, or to help to find other sources of support and advice while partner moves on to other communities. There is no right answer to this question, but HuMa needs to be cognisant of the strategic choice that partners are facing and help them to make good decisions.

4.1.2 Recommendations on working with strategic partners

(except where stated, these recommendations are directed to the executive)

- **Increase support to work in the regions**, especially to partners work on district recognition of indigenous communities, agrarian conflict resolution, and the *adat* forest program. This uses HuMa’s greatest strengths, the link between Jakarta, strategic partner and PHR, and is an urgent need as policy change in the centre feeds down to create changes at local level.
- **Undertake joint planning with partners and commit to a joint program** based on shared analysis of priorities and needs. Work together to raise funds for the program.
- **Assist Partners with strategic choices**, on whether to provide a broader range of assistance to communities that are advancing with *adat* forest, or to provide legal support to more communities.
- **Work with partners on creative ideas to maximise local resources**. Strategic partners’ resources are stretched. Many already make good use of volunteers and interns, drawing on links with Universities and other groups. The possibility of using the Work Experience System

³¹ This is reflected in planning by Partners and HuMa: for example Bantaya’s 2014 – 2017 work plan does not refer to HuMa, and HuMa’s planning mentions only one Bantaya learning area, which is included in the work on *adat* forest sites.

(KKN) to get student to spend time in village teaching about law and policy was discussed by Qbar.

- The members and board should mandate the executive **stop using the term ‘strategic partner’** but distinguish between ‘partners’ and ‘collaborators’. It may be useful to stop using the term ‘strategic partner’ as it implies a two-tiered system of partner relationships, when in fact no such difference exists. However it is important for HuMa to distinguish between *partnerships*, which imply a shared vision and mission, commitment, equality, and a longer term relationship, and *collaboration* where HuMa works with an organisation on a particular issue at a specific time.
- **Develop a written agreement with partners, but leave enough flexibility for the relationship to change with time.** The core of the relationship between HuMa and its strategic partners appears to be trust and a sense of needing each other to be successful. HuMa and partners should discuss how these values can be strengthened. Clear criteria and formal assessments are not necessarily the answer, but something more than short-term activity based contracts would seem to be necessary to reflect the spirit of partnership, which is about more than transfers of funding. An MoU, which establishes a framework for collaboration, sharing of knowledge, communications, and joint projects and financing, would provide an umbrella which would allow flexibility but give both partners and HuMa a basis for their work. It would allow for variation in the intensity of collaboration from year to year, depending on factors such as funding and the emphasis of the partners work. Such an agreement should be reviewed yearly by both sides.
- **Create opportunities for Partners to network with each other.** The partners should be encouraged to meet and share experiences, and to contribute actively to all aspects of HuMa’s planning, not just to planning their own part of the work.
- **Engage with more partners.** There is a clear desire and need to expand the partners network. The work HuMa does with partners is needed through rural Indonesia, and HuMa has to aim to expand the geographic scope of it’s work. Before taking on many new partners there is an opportunity to review which regions are most in need of the kind of assistance HuMa can provide, and which regions have CSOs with the capacity to benefit from and complement HuMa’s input. The concept of a strategic partner being ‘the’ HuMa partner in a specific region is likely to create tension between CSOs locally and will not be conducive to collaboration.

4.2 Working with PHR

Summary of key points on working with PHR

- Promoting the PHR network as legal advisers for communities is widely recognised as one of HuMa’s most important initiatives.
- PHR are described as one of the pillars of HuMa, but definitions of PHR differ, reflecting a degree of confusion about what their role is.
- Participation of community-based PHR in HuMa’s strategic planning and workplanning is minimal.
- The PHR program is managed as a project by HuMa and integration with other programs is weak
- There are opportunities to engage the PHR more in strategic planning and lesson learning

Evaluation of the PHR program not included in the ToR because the PHR program is funded by ICCO, not RFN. However the evaluators and HuMa staff agreed that PHR are such an important part of HuMa's identity that the evaluation could not ignore them. The discussion here focuses on the concept and development of PHR as a network, and their links with the Forest Policy Reform work, and not specifically on PHR as a program of HuMa.

4.2.1 Findings on working with PHR

The idea of PHR, Community Law Facilitators originated in ELSAM's PHR/PIL program in the late 1990's and was developed in discussions within Walhi. However it is HuMa that has developed the PHR idea and network since then, and almost every interviewee identified PHR as an important and innovative idea that needs expanding and optimising. As the national forest policy (and to some extent agrarian policy) shifts to create more opportunities for communities, the PHR role is becoming more and more important.

Defining PHR

Despite their importance, it is difficult to clearly define the role and character of PHR, and different partners have different names for them, and somewhat different ideas about their role³². This makes it challenging to measure the effectiveness or plan the development of the PHR network.

In the broadest definition, PHRs include members of the HuMa Association, staff of the strategic partners, as well as community members supporting their own community in understanding and negotiating the legal issues they are facing. It is the community-based PHR that are the most important for the delivery of HuMa's mission, and it is this role which was referred to by most informants when they referred to HuMa's PHR network. For HuMa, the core functions of a community level PHR are (a) documenting and helping to revitalise customary law within the community, (b) assisting the community to understand and engage with legal issues connected with land and resources, and (c) supporting conflict resolution within the community or supporting the community in negotiations with other parties. Beyond this core function, however, there are other roles a PHR may play, for example PHR trained by RMI help with practical community needs such as marketing of new crops as well as rights and conflict.

PHR capacity and a PHR movement

HuMa does not claim to 'own' the PHR idea, and intends that a PHR movement grows which has its own identity separate from HuMa but incorporating the similar roles developed and supported by other organisations³³. A high level PHR meeting in 2013 (also called the Peoples' Law Summit) was a first step towards consolidating the movement, and HuMa and partners plan a similar meeting in 2015 and annual consolidation meetings. At the meeting HuMa was given a mandate to develop and expand the movement by creating a 'PHR school' with a curriculum based around 3 levels of competence for PHR. HuMa has prepared material and modules and is ready to launch the school.

³² several informants referred to the 2011 HuMa publication 'The Main Characteristics of Community Law Facilitators in the Law Reform Movement in Indonesia'³², Emil Kleden's dense, 95 page report.

³³ AMAN trains community members specifically on adat rights, and has established 'legal offices' in three locations, aiming to provide an institutional basis and potentially a source of income for a loose network of community legal advisers, the Association of Customary Community Rights Protectors (*Persekutuan Pembela Hak-hak Masyarakat Adat*, PPHMA). AMAN is active in 21 geographic regions, and aims that each region has access to legal assistance. The function envisaged by AMAN is similar to the 'legal adviser' aspect of the PHR's work, but does not put the same emphasis of documenting and strengthening customary rules.

The partially complete portal PHR (<http://hukumrakyat.org/>) is intended to support the school. Some PHR are also part of the networks of JKPP and AMAN, and so have access to a wider range of skills and experience which generally makes them more effective. There are opportunities to harmonise approaches to PHR capacity building across these networks.

HuMa and other informants agreed that capacity within the PHR network is limited, and not evenly distributed. The estimates of the number of PHR – in the 100's – also varied, with informants noting that some have been trained but are no longer active. There are already signs that the network cannot fulfil demand – for example AMAN reported that they have tried to work with PHR from HuMa partners but have found that they are not available.

PHR and HuMa

The question 'what is a PHR' got different answers from HuMa members, partners, and PHR themselves, and the strategy for PHR development continues to be the subject of discussion within HuMa. HuMa is facing a fundamental question about the role of PHR – are they one of several HuMa projects, or are they, as often stated, the main constituents and one of the 'three pillars' of the organisation? If the latter, then developing the PHR network should be at the heart of everything HuMa does, and HuMa's strategy and workplans should be developed taking this into account.

HuMa and strategic partners have agreed that PHR at village level will be supported by strategic partners, while HuMa will support others (those in Universities and other institutions). ICCO has supported the PHR activities for ten years, but beyond that fund-raising for developing and supporting the PHR network has been difficult. RFN funding was used to support the PHR program in 2008-2010, and again in 2012, but overall less than 10% of RFN funding (933 million IDR out of 9.7 billion IDR) has gone to the PHR/InClav program.

PHR and the community

Community PHR in West Sumatra and Central Sulawesi defined themselves as 'just ordinary community leaders', and said that the term PHR is not widely known or used at community level. Staff of Qbar commented that to identify someone as a HuMa-trained PHR risked causing friction with village leadership or others, and raising questions about whether the loyalty of the PHR lies with HuMa or the community. In conflict prone areas partners are aware that PHR could be exposed to legal or physical threats, and so prefer not to identify them too openly.

At present, therefore, PHR have no formal status, and their legitimacy and effectiveness depends on their character and position in the village. RMI propose that the PHR should become part of the structure of the village, with a system to monitor and support their activities, and a mechanism for passing on skills and knowledge to the next generation of PHR. PHR are unpaid, and all parties agreed that being paid by an NGO would undermine the PHR's loyalty to their community. However there may be a possibility of formally recognising them as 'paralegals' in the context of the Legal Aid Regulation (HuMa staff were involved in the discussions leading to the enactment of the regulation). This might make it possible for PHR to be paid from Government funds, but raises the question of conflicts of interest for PHR. More fundamentally, it places PHR firmly in the role of enabling communities to access formal legal process, and omits the role of PHR in reinvigorating customary law³⁴. The recent Village Law, which includes articles on Customary Justice (*Peradilan Adat*) and

³⁴ HuMa partner LBBT explored this option, but was not able to proceed because they are not a certified legal aid body.

formation of 'legal cadres' may be another vehicle for strengthening and scaling up the PHR network. It also provides for village budgets, which might be a source of funding for PHR but will also, many informants noted, become a source of problems for village heads who are not used to applying Government mechanisms to the management of funds. They predicted that the role of PHR may be more and more relevant as village governments find themselves facing legal problems because of mismanagement. An analysis of the pros and cons of PHR involvement in these issues should be undertaken by HuMa and partners³⁵.

One donor raised the question of whether the PHR, rather than the communities, are the beneficiaries of the development program implemented by HuMa and partners. The evaluators understand this to mean that individual PHR are benefitting from the training and support they receive, and not performing the role expected of them in the community. There was no evidence of this in the partners and sites visited, though the risk of PHR taking advantage of their support for personal gain exists. The reluctance of PHR to use their title within their communities suggests they are not abusing it, however.

4.2.2 Recommendation on working with PHR

- The members and board should **reaffirm the position of PHR at the heart of what HuMa does, and ensure that it is reflected in planning.** To help this, a better articulation of what a PHR is, does and what capacity they already have and need would be helpful. The role of PHR in all HuMa activities should be considered - for example, advocacy on Law 41/99 could be rooted in PHR's experience of working with victims of the injustice created by the law.
- In developing programs, the executive should **recognise that the role of PHR will vary over space and time.** At present many PHR jobs are concerned with helping communities face external conflicts and secure land from Government. However as *adat* forest is released there may be internal conflicts which *adat* institutions may not be ready to handle. The role of PHR as internal mediator may become more important.
- The executive should **evaluate the pros and cons of legal recognition for PHR under Law 16/2011 or the Legal Aid Law.**
- The executive should **improve documentation of the work and impact of PHR** to encourage in-going learning and sharing of experiences
- The executive should **support efforts to create a PHR movement** which is separate from HuMa but which is supported by HuMa as well as other partners. Integrate with efforts by AMAN and other organisations to provide similar services for communities.
- The executive should **develop a realistic strategy for how the PHR function can be scaled up** to cover more communities, including considering how PHR could be supported or facilitated by local Governments in progressive districts, and not just by NGOs.
- The executive should identify **the relationship (if any) between PHR and recognition of adat courts** in areas where there are moves to formalise *adat* courts (*peradilan adat*) – the draft revision of the existing Provincial regulation in Sumatra Barat proposes this, for example.
- The executive should **ensure the development of up to 13 adat forests by HuMa is fully integrated with the PHR development program.** PHR have a critical role to play in the

³⁵ One informant compared the situation in Indonesia with the Philippines, where a mediation/adjudication function is a part of a village structure, meaning that the people appointed to the post have a clear mandate, and that their role is recognised and respected in the event that the police or higher levels of Government become involved in a case.

development of *adat* forest. Identifying and securing the release of *adat* forest from state forests requires a combination of technical (mapping), institutional, and legal advocacy skills. Once it is released, the focus will be on the community's capacity to plan and manage its forest, to protect it from outsiders and to resolve conflicting claims and agendas within the community itself. This implies that each community with an *adat* forest is going to require long-term support, though of a varying intensity and nature at different stages in the process. The PHR role would seem to be central to this – PHR can guide the process, and where they do not have the specific skills required, can assist the community to find the assistance needed.

4.3 Working with the CSO networks

Summary of key points on working with CSO networks

- CSO networking is central to the way HuMa works on policy advocacy. Prominent members of the network value HuMa's role as convener and a source of legal analysis, but expressed some uncertainty about the networks current focus and direction
- Recent policy advances and the change of government have presented CSOs with unprecedented challenges and opportunities which they are struggling to respond to
- Originating in the RFN-funded HuMa policy research program, Epistema was successfully set up as a separate organisation, and took advantage of the availability of highly qualified personnel to run the new organisation.
- HuMa has an effective, flexible working relationship with Epistema, but some in the forest policy reform movement are confused about the division of roles between the two, even though HuMa and Epistema report that it has been explained repeatedly

As noted in section 2, HuMa's mission is to contribute to a wider movement for forest policy reform, and networking is thus the main way that the organisation works. Collaboration within the forestry reform network is flexible and opportunistic, with alliances forming around specific issues and opportunities. As can be seen from Table 1 in section 2.3.1, HuMa often plays a role as host or convener, and network members interviewed recognised this and also HuMa's contribution as a source of information and knowledge which they could use to develop campaigns and interventions. Significant collaborative efforts include the ongoing judicial review of Law 18/2013 on Prevention and Eradication of Forest Destruction³⁶, the Judicial review leading to the MK35 decision, and for reform of Forestry Law 41/1999. A large CSO coalition also formed around the need to influence the development of the National Mid-term Development Plan, which is effectively the President's agenda for action. With the coordination of Kemitraan – Partnership for Governance Reform³⁷, HuMa and other CSOs have taken a road show on the issues to the key Ministries.

The Relationship with Epistema

One of the most important changes in the network of organisations working on forest reform was the creation of Epistema in 2010, when HuMa separated its 'learning centre' program (funded by

³⁶ UU18/2013 Tentang Pencegahan dan Pemberantasan Pengrusakan Hutan

³⁷ Kemitraan is a national NGO which works with Government, international organisations and NGOs to promote Governance reform at local and national levels

RFN in 2008 and 2009³⁸) to become an independent organisation. Epistema was created to ensure a clear division between grassroots empowerment and advocacy (which remained the job of HuMa), and legal research and analysis, often in partnership with academics and policy makers (the purview of Epistema). Epistema went on to play a key role in the 'Road Map for forest tenure reform' after the 2011 Lombok Conference.

HuMa retains close ties with Epistema, and division of roles seems to occur automatically and efficiently. The HuMa program manager is on the Epistema board, and HuMa participates in Epistema's strategic planning (Epistema participation in HuMa's planning is at present automatic through the position of the Epistema Director as HuMa member). The two organisations often work together, for example on MK35, and boundaries become blurred according to the situation.

The unproblematic division of roles perceived by HuMa and Epistema is not always understood by outsiders. Some had assumed, for example, that HuMa would take the lead in the follow-up to the 2011 Lombok conference. It is not clear that this causes particular problems for the forest policy reform agenda, but it may create some confusion among CSOs and donors about who the 'go to' organisation is for policy and legal analysis.

4.3.1 Findings on working with the CSO Networks

The evaluation team met with representatives of several of the key organisations working at national level on forestry reform, including AMAN, Walhi, JKPP and Forest Watch. The overall impression was that while coordination and sometimes partnership is operating around specific issues and advocacy targets, there is little coordination or discussion of some of the bigger issues that face the movement. These can be summarised as:

- The **position of CSOs** vis-a-vis Government: the new openness of Government to CSO participation has challenged CSOs to define whether they will remain critical observers providing independent monitoring and a counter-balance to Government, or will take the opportunities being offered to participate directly in the development of policy.
- **Problems or solutions?** With recent policy and legal advances and the change in Government, a view has emerged that CSOs have 'won the battle' to demonstrate the importance of their issues (agrarian conflicts, land reform, tenure), and that documenting the problem through field research, collection of centralised data on conflicts, should be replaced by offering solutions. However it is too soon to be sure what policy directions will emerge and which of the commitments made before the election will be realised. While CSOs should be offering solutions, documenting the problem is still important.
- In both conflict and forest policy work, CSOs are facing a choice between advocating **paradigm change, or incremental adjustment** to specific paragraphs in regulations and laws. As noted in section 2.3.2, this discussion has been a particular challenge for action on the Forestry Law (41/1999). The problem for CSOs is that policy processes are subject to so many unpredictable factors that it is difficult to say with certainty which intervention has the greatest chance of success. The lessons from the last eight years of advocacy in the forestry sector are that it is important to stay engaged with a wide range of policy processes and

³⁸ While not necessarily disagreeing with the split, RFN notes that it was not fully consulted about the split nor offered the option of funding one or both of the organisations

initiatives so that when there is an opportunity, the CSO movement is in the right place at the right time. This requires coordination and division of roles within the movement.

4.3.2 Recommendations on working with CSO forest policy reform networks

- The executive should **encourage closer collaboration with key national CSOs and communication with others**. The forest law reform movement is currently fragmented, uncoordinated and in need of leadership. However consolidation should not take up so much time and energy that it distracts from getting the key agendas into Government, because the opportunity facing CSOs is time-limited. ‘Light touch’ coordination between those CSOs which are in a good position to contribute – such as KPA, SAINS, Walhi, Epistema, HuMa, AMAN – is the priority. However communication – sharing analysis, plans, lessons – with the wider CSO movement and especially with CSOs in the regions is essential to avoid duplication or undermining the efforts of fellow CSOs.
- With a mandate from the board, the executive should **engage with organisations from outside the forest policy reform movement**, for example those NGOs focused on budget transparency and governance reform as TAF, Kemitraan, Bank Information Centre, EITI, IWGFF.
- HuMa and Epistema should continue to **explain the division of roles** between them to other stakeholders (Government and CSO) in the sector including, for example, which organisation will lead on advocacy for revision of Law 41/1999 from now on.

4.4 Fundraising and Donor Relations

Summary of key points on Fundraising and Donor Relations

- HuMa has a small number of dedicated donors. There are opportunities to improve communications and the mutual value of the relationship with each donor, as well as to recruit more donors
- HuMa considers that increased financial independence is very difficult to achieve, and has not identified it as a priority for now
- The relationship between RFN and HuMa is unusually good, with no sign of undue donor influence and modest requirements in terms of reporting. There is good alignment of HuMa and RFN agendas and a high level of respect and trust between the two organisations
- Donors including RFN want to be kept better informed about important developments inside and outside HuMa
- There are considerable opportunities to increase sharing of lessons, experiences and data with RFN which will, in term, assist RFN in securing funding
- HuMa is cautious about accepting private sector, Government and multilateral funding, but these sources are becoming increasingly important in Indonesia, and the organisation needs a written policy which can guide board and management in assessing opportunities

HuMa has benefitted from the support of two committed, long-term donors, RFN and ICCO, and regular support from a number of other sources including Ford Foundation and Samdhana Institute. ICCO has been funding the PHR program for 10 years. Their emphasis is now shifting to land grabbing, but support to PHR is still integrated. HuMa is acting as a south-east Asian regional focal

point for land grabbing issues. That these donors continue their support is partly credit to HuMa's basically sound reporting and financial management systems, which make them a 'low risk' grantee.

Increasing financial independence is something that has been discussed by HuMa but which is considered low priority at present. Informants noted that very few Indonesian NGOs have had any success in developing independent funding sources, whether through membership, charitable giving or through business development. Unlike many of the partners, which work directly with communities and might develop joint venture businesses with them, HuMa has no specific asset other than its knowledge and experience. While not impossible to imagine that HuMa could gain income from its expertise in legal affairs, the management of conflict of interests would be very difficult. There may also be opportunities for collaboration or funding from private sector.

4.4.1 Findings: fundraising and donor relations

RFN and other existing donors

RFN is considered a flexible donor by HuMa, with RFN's approach to partnership particularly recognised and valued. There is a strong feeling that HuMa and RFN have similar objectives and values, and on the basis of this HuMa hopes that RFN will share its view of the unique opportunity offered by the current political constellation in Indonesia. Informants were unanimous that HuMa's RFN-funded forest policy work is sufficiently free of donor influence.

HuMa's forest and climate change program was outside the scope of this evaluation, but illustrates the relationship between the two organisations. The program started in response to a donor opportunity, but was not 'donor driven' in a negative sense. There was a debate within HuMa about the idea, and board and members ensure that the program is implemented in the context of HuMa's mission (i.e. focuses on REDD+ in the context of rights and justice). In addition, partners and communities have welcomed HuMa's role in linking them with this national and international issue and expressed the hope that it would continue. The possible cancellation by RFN of HuMa's role in the next phase of the forest and climate change funding, which was being discussed just before this evaluation team was in Indonesia, was a cause for concern in HuMa. This is reinforced by the impression that the decision to remove HuMa from the funding was taken unilaterally by RFN (this was not an issue the team went into in detail, so these preliminary impressions should be verified).³⁹

One informant mentioned a current debate within HuMa over a joint project with ICCO which involves collaboration with private sector companies and is considered by some members to go beyond HuMa's mandate. However they considered that this is not an example of donor bias, but of a difference of opinion within HuMa.

A common theme that emerged from discussion with donors was the desire for HuMa to be more proactive in communicating important issues and external and internal changes. Without this kind of engagement donors feel that they are simply a source of funding, rather than a strategic partner. Examples of weak communication given by donors include failure to inform them about the change

³⁹ Although beyond the scope of this evaluation, it is useful to note that one of the issues here is that RFN is not clear on HuMa's position on REDD+. The evaluators understanding is that HuMa sees REDD+ as something that has to be monitored because of its potential negative impact on rights, as a potential force for positive change on rights in the forest sector, but not specifically as a mechanism for emissions reductions. RFN sees REDD+ as an important tool for reducing climate change emissions and works to make sure that social and environmental safeguards are included in the international REDD regime as well as in national REDD programs.

of leadership within HuMa, or about recent key changes in Indonesian policies and institutions, or to keep them up-to-date with the work of partners. Donors are also sometimes confused about the role played by HuMa members and board (are they representing HuMa? Are they supported in their role with donor funds?), and this is an issue that HuMa should clarify.

HuMa and donors including RFN have a shared interest in communicating their learning and impacts to back donors and other supporters in the donors' home countries. RFN, and presumably other donors, have staff and resources to do this but need stories, images and data from HuMa to communicate. HuMa's has large amounts of data (such as HuMaWin) and stories (from publications) which could be more effectively used for this purpose.

New Donors

HuMa is rightly cautious about the reputational risks of receiving funding from private sector, individuals and some multi-lateral funders. Nevertheless in the medium term these sectors may become a better source of funding than conventional donors, and HuMa should consider how it responds to these opportunities, and also how it will respond if partner organisations decide to accept funds from these sources.

4.4.2 Recommendation on fundraising and donor relations

(These recommendations are all for implementation by staff in the executive team, with support from the board where appropriate)

RFN and other existing Donors:

- **Improve communication with donor desk officers**, including finding opportunities for efficiency in communicating to members and donors simultaneously
- **Ensure that donors are informed of significant workplan and financial changes**, and that where necessary these changes are discussed with donors in advance
- **Discuss how to match the information needs of policy and communications staff in RFN with HuMa's data and analysis**, and put in place mechanisms to facilitate communication
- **Use the 2015 strategic planning process** as an opportunity to engage donors in deeper discussion of how the relationship with HuMa can be enhanced and extended

Potential new donors, including private sector:

- Members and the board should **ensure that the organisational strategy provides adequate guidance on donors and sources of funding that are acceptable and not acceptable for HuMa**, covering conventional donor sources as well as possible new sources such as individual donors, private sector funds, multilateral funds
- **Identify how the private sector influences HuMa's vision and mission**. Based on this analysis identify risks, opportunities from private sector funding, and strategic options for HuMa, from opposition to collaboration. Recognise that the private sector is not monolithic, disaggregate it and identify priority types for influencing or other engagement as agreed.
- **Put in place clear guidance and safeguards** which will guard against the risk of HuMa's credibility and mission being undermined by association with private sector. The guidance should include an obligation for staff and members to report any opportunities or engagement with private sector, and a clear mechanism for making decisions. Consider if/how these guidance should be applied to partners and PHR.

5. Conclusions

5.1 Effectiveness

Effectiveness is defined as the extent to which the project purpose has been achieved in a way that is attributable to the project. As noted in section 2.1, the project purpose in the proposals funded by RFN were very broadly defined, and centred on changes in forest policy (2008-2010) and then on institutionalised and effective conflict resolution mechanisms (2011-2013 and 2013-2017) which promote and support the rights of indigenous and local communities. It is clear that there have been dramatic changes in policy towards recognition of rights (section 1.3), and it is also clear that HuMa has been a part of a large proportion of the key events and processes which have shaped these changes (section 2.3.1). Any policy change process is inevitably the result of the convergence of many factors to create a critical mass that supports change, but HuMa, with its partners and allies in the CSO policy reform network, can legitimately claim to have helped make the change happen. The specific contribution of HuMa and the network includes documenting conflicts and advocating the fundamental importance of rights and tenure as a cause; linking specific cases to larger realities to provide the evidence required for judicial reviews; producing prodigious amounts of electronic and printed material to promote the issue and the results; preparing the legal analyses and arguments needed.

5.2 Impact

Impact is measured in terms of the change experienced by the beneficiaries of the project. The two most recent proposals and workplans (2011-2015 and 2013 – 2017) identify the target ‘beneficiaries’ of HuMa’s work as:

- Peoples chamber of the National Forestry Council (DKN)
- *Adat* and local communities in project areas
- Partners in project areas
- Forestry Ministry officials responsible for conflict resolution

The impact of HuMa on these groups has been significant:

- the DKN adopted conflict as a theme, creating a ‘desk’ and later one of its two commissions dedicated to the issue. It demonstrated a mechanism for hearing and documenting cases of conflict and multi-stakeholder approaches to resolving them (section 2.3.3.1)
- supported by strategic partners and HuMa, local communities in project areas have demonstrated themselves able to understand and assert their rights under formal law, and to document and strategically use their traditional rules, and to successfully negotiate with outside parties (section 2.4).
- strategic partners in project areas have perhaps experienced less impact from the project than the DKN or communities. However HuMa funding, data, capacity building opportunities have assisted them in their work, and in some cases assisted them to secure further funding and expand their impact. HuMa has provided links to policy making processes in Jakarta, and sometimes internationally. Some staff from partners have had the chance to work at HuMa in Jakarta (section 4.1).

- Forestry officials responsible for conflict resolution are working within the context of a large and conservative bureaucracy. They have perhaps experienced least change from the project, but may be about to experience more as the new Government delivers on its commitment to address agrarian issues. HuMa's data on conflicts, training for officials, and efforts to raise the profile of conflict has equipped these official with knowledge and tools that has the potential to assist them (sections 2.3.3, 2.3.4 and parts of 2.4.1).

5.3 Relevance

Relevance is the usefulness of the project, or the degree to which the purpose has contributed to the overall goal. It takes into account what was not done or could have been done differently. The fact that HuMa was present in some 75% of issues and events during the period of the evaluation (section 2.3.1) suggests that the project activities were relevant – i.e. they were addressing the important issues. Some elements of HuMa's work are perhaps not full relevant: the publication of detailed case studies, legal analyses and books on legal principles seems to have contributed little to the impacts describe above.

5.4 Efficiency

The assessment of value for money is highly subjective. There is no organisation carrying out similar work to HuMa, and so no like-for-like comparison of costs is available. Overall, HuMa appears to use limited funds to employ a small staff team and mobilise a number of highly qualified members to do a large amount of work. Much of the work at community level is done by community members and unpaid PHR.

5.6 Sustainability

Assessment of sustainability requires identifying what needs to be sustained. Policy advocacy, if it is successful, creates a permanent change which is thus automatically sustained. Similarly, release of *adat* forest for community management is a permanent legal change which does not need additional resources to sustain. Far more ephemeral, however, is the building of capacity in community institutions, strategic partners and CSO networks. This will be sustained to the extent that the institution is able to continue to raise funds, plan and implement without the further involvement of HuMa. Many of the strategic partners have the capacity to do this, but have not yet succeeded in getting enough independent funding. The sustainability of community activities is far from secure, therefore. The other impact which needs to be sustained is the change in attitude of Government officials and other towards community rights and forest management. These change needs to be reinforced through continuing effective communication of success stories and lessons, and above all by convincing officials that it is in their benefit for rights to be recognised and communities empowered to manage forest. Sustaining these changes requires an ongoing effort and is something that could be based on HuMaWin or other conflict tracking systems.

Annex 1: People Interviewed

Name	Organisation	Position
Sainal Abidin	Wallacea	Staff
Ajisman	Malalo Nagari Government	
Mas Rial Akmal	Malalo Nagari Government	Member of team of 11
Can Amalo	Malalo Nagari Government	Member of team of 11
Dahniar Andriani	HuMa	Member, current Director
Ibu Asma	Powelua village	Woman leader
Asman	Powelua village	Secretary
A. H. Miza Azis	Tanah Datar District	Nagari Government section
B Datuk Bandaro	Guguak Malalo village	Member, village council
Tandiono Bawor	HuMa	Program Coordinator of PHR
Brambel	Ngata Toro community	Village secretary
Muliyanto D Lagimpu	Ngata Toro community	Village head
Hadi Daryanto	MoEF	General Secretary of MoEF
Dr Zainal Dauley, SH, MH	University of Andalas, Padang	Dean, Law Faculty
Deni	Bantaya	Staff member
Lorelou Desjardins	RFN	SE Asia Program Coordinator
Mora Dingin	Qbar	Director
Erwin Dwi	HuMa	Coord., legal and data analysis
Ema	Bantaya	Staff member
Fadlin	Donggala District	PHR
M. Rezha Fahlevie	Tanah Datar District	Law and Human Rights section
Fathur	Bantaya	Staff member
Susi Fauziah	HuMa	Staff, institutional development
Chip Fay	CLUA	Advisor
Agita Fernanda (Anga)	Qbar	
Ferry	East Lore, Poso district	PHR
Nurul Firmansyah	HuMA	Member, Program Coordinator
Asep Yunan Firdaus	HuMa	Member, former Director
Wempriit Giso	Oo village	Village head
Gugun	Mamuju district	PHR
Imam Hanafi	JKPP	
Andik Hardiyanto	HuMa	HuMa Board, Secretary
Hasnah	Kulawi, Sigi District	PHR
Leo Imbiri	DKN Community Chamber	HuMa Member
Jimmy	Bantaya	Staff member
Andreas Lagimpu	church leader, DKN	PHR
Djambliis Lahando	Tadulako University	Lecturer at forestry department
Anja Lillegraven	RFN	SE Asia Program Coordinator
Dae Malino	Powelua village	Head of LPM
M Datuk Maliputi	Kerapatan Adat Nagari	
Andiko Sutan Mancayo	HuMa	Member, former Director
Martje	Bantaya	Coordinator
Mato	Bantaya	Staff member
Sandra Moniaga	HuMa	Member, former Director
Muhajir	Powelua village	General affairs officer
Chalid Muhammad	HuMa	Board, Chairperson
Mulyadi	Walinagari (Head of the Nagari)	

Abdon Nababan	AMAN	Secretary General
Lola Nasution	Tanah Datar District	Kasubag Dokumentasi
Nora	Qbar	
Naftali Porentjo	Ngata Toro Community	Adat board
Bob Purba	Forest Watch Indonesia	Director
Nia Ramdhaniaty	Director, RMI	
Vorry Rahmad	Tanah Datar District	Regulations section, Legal Office
Andi Rahman	Tanah Datar District	Law and Human Rights Section
Rahman	Ngata Toro Community	Advisory board
Noer Fauzi Rahman	HuMa	Member
Ferry rangi	Tadulako University	Lecturer, Soc. Sci. & humanities
Steve Rhee	Ford Foundation	Program Officer
First San Hendra Rivai	Qbar	
Nonette Royo	Samdhana Institute	
Imam Santoso	Conservation International	Senior Terrestrial Policy Advisor
Saefudin	District Parliament	Representative, Donggala Dist.
Myrna Safitri	Epistema, HuMa member	Executive Director of Epistema
Franky Samperante	Pusaka	Director
Kiswara Santi	ICCO	Country Coordinator Indonesia
Andri Santosa	HuMa	Board, Treasurer
Charles Simanbura, SH, MH	Andalas University, Padang	Law Faculty
Martua Sirait	DKN NGO Chamber	HuMa Member
Rukka Sombolinggi	AMAN	Intl advocacy coordinator
Bernadinus Steny	HuMa	Member, former staff member
Syafruddin	Salungkaenu village	Village head
Syahrun	Bantaya	Staff member
Mahir Takaka	AMAN Jakarta	
Yon Tameri	Guguak Malalo Village	Member of team of 11
Hatta Tampubolon	Tadulako University	Lecturer of legal anthropology
Abetnego Tarigan	Walhi National Executive	Director
Tondoboya	Marena village	Adat board
Dr Kurnia Warman, SH, MH	Andalas University, Padang	Law Faculty, HuMa member
Zaky Wibowo	HuMa	Finance staff
Agung Wibowo	HuMa	Staff, legal and data analysis
Widiyanto	HuMa	Staff, PHR program
Yenni	Marena village	Tina ngata (woman leader)
Zackie	Limboro, Donggala district	PHR
Bahsin Zulhijah	Bohotokong, Banggai district	PHR

Annex 2: Evaluation timetable

Timing	Activity	Location
November - December 2014	Interviews with 10 key informants by skype	Home base and Jakarta
November – December 2014	Document review and planning	Home base and Jakarta
Jan 19	Briefing meeting with HuMa	Jakarta
Jan 20	Key informant interviews	
Jan 21	Key informant interviews	
Jan 22	Key informant interviews	
Jan 23	Key informant interviews	Bogor/Jakarta
Jan 24	Key informant interviews	Bogor/Jakarta
Jan 25	Travel	Jakarta – Padang/Palu
Jan 26	Interviews with strategic partners, community members, PHR, local Government	Padang (Qbar) and Palu (Bantaya)
Jan 27		
Jan 28		
Jan 29		
Jan 30		
Jan 31	Key informant interviews	Jakarta
Feb 1	Key informant interviews	Jakarta
Feb 2	Report preparation	Jakarta
Feb 3	Wrap-up meeting with HuMa	Jakarta
	Travel	Jakarta – UK (PW only)
Feb 5 - 12	Debriefing with RFN, report preparation	

Annex 3: Evaluation Terms of Reference



Terms of Reference for the Evaluation of Perkumpulan HuMa

This document is the first appendix to the contracts signed between RFN and each evaluator conducting this evaluation. The appendices to the contracts are the following:

- Appendix 1: Terms of Reference for the evaluation
- Appendix 2: Schedule for the evaluation team
- Appendix 3: Budget (the budget is an RFN internal document)

The executive summary of this evaluation is to be published in Norwegian's Agency for Development Cooperation's (NORAD) database. The contact person in Rainforest Foundation Norway (hereafter RFN) regarding this evaluation is Lorelou Desjardins: Lorelou@rainforest.no

1. BACKGROUND

1.1. Background of the partner organisation and the scope of its work

The Association for Community and Ecologically-based Law Reform (Perkumpulan untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis) also known as HuMa was founded in Gadog, West Java in February 2001. HuMa was established with the aim of developing and promoting a movement for an environmental legal reform in Indonesia, in the respect of human and cultural diversity. HuMa works at all different levels of policy-making processes in Indonesia to ensure that indigenous peoples' and local communities' rights are always represented in laws or policies relating to natural resource management.

HuMa's work is based on 5 pillars (see website huma.or.id):

1. The **School for Community Law Facilitators** aims at increasing the number of community law facilitators and at developing strategies and models for their recruitment. It also focuses on enhancing their capacity to facilitate legal training, legal drafting, conflict resolution, and on forest-related advocacy and policy issues.
2. The **Conflict Resolution Initiative** (a.k. COMMIFOR) aims at creating a conflict resolution model for conflicts linked to natural resource management. The objective is that this model is efficient, institutionalised and supported by indigenous peoples and local communities.
3. The **Data and Information Center** aims at developing the data center, the information and knowledge based on empiric situations through HuMa Win. HuMa hopes HuMa Win will become a creative media encouraging cooperation between different actors.
4. **Forestry and Climate Change**. This programme aims at producing a range of in-depth legal studies on the rights aspect in the REDD + scheme. It also aims at doing advocacy interventions at the local and national levels to encourage the formulation of REDD + policies and regulations that accommodate and reflect the rights of the communities.
5. **Organisational Development**, which aims at developing HuMa as a professional, competent, independent and influential organisation in order to support social movements and legal reform. This programme is funded by all donors.

HuMa implements its projects through a close collaboration with its six partners in Indonesia:

- Perkumpulan Qbar (Padang, West Sumatra),
- Lembaga Bena Balua Talino – LBBT (Pontianak, West Kalimantan),
- Rimbawan Muda Indonesia-RMI (Bogor, West Java),

- Perkumpulan Wallacea (Palopo, South Sulawesi),
- Perkumpulan Bantaya (Palu, Central Sulawesi),
- Lembaga Bantuan Hukum-LBH Semarang (Semarang, Central Java)

HuMa also works closely with community law facilitators and a wider network of local and national civil society organisations.

1.2. Description of the project that will be evaluated

RFN started its partnership with HuMa in 2005 with funding from NORAD's regular funding agreement with RFN. This funding has not stopped since 2005 and is still ongoing now. In 2009, HuMa received a new source of funding from RFN, through NORAD's climate and forest funding. This present evaluation will be conducted on the first source of funding (regular funding) and for the period from **1st January 2008 to 31st December 2014** (seven years). To draft the recommendations the evaluators will need to relate to the whole period as one project although there has technically been several contracts and projects. The last 4 years (2011-2014) are probably the most representative of HuMa's new line of work and can be more important as a base to draft recommendations.

The period which will be evaluated in this report therefore relates to three multi-year contracts signed between RFN and HuMa:

- 1) From 2008 to 2010, the contract between RFN and HuMa was based on a project entitled *Forestry policy and Advocacy for Legal reform in Indonesia*.
- 2) From 2011 to 2013 RFN continued funding HuMa's forestry advocacy work with the project entitled *Community Initiative on Forest conflict Resolution (COMMIFOR)*. 3)
- 3) From 2013 to 2017 a new multi-year contract was signed because of an internal decision in RFN. This contract is still valid and follows the lines of the 2011-2013 contract.

The main focus of this evaluation all the activities and work done by HuMa with RFN and NORAD regular funding. The present evaluation does not focus on the activities or programmes implemented by HuMa under the Climate funding.

Relating to the 5 pillars of HuMa's work, this evaluation will focus mainly on pillar 2 (COMMIFOR), secondly on pillar 3 (HuMaWin) and pillar 5 (Organisation development) which are those funded by RFN's regular funding. Pillars 1 and 4 can be taken into account by the evaluators if they find it relevant to the work done by HuMa in the activities or work which are the focus of this report.

1.3. Reasons for the evaluation to be initiated

HUMA has been growing as one of the central non-governmental organisation in Indonesia relating to indigenous peoples' rights, forest justice and lobbying for legal changes in the environmental sector. Many developments are also visible in Indonesia's legal system relating to forestry and indigenous peoples' rights (UU Desa, MK35 etc.), and Indonesia's new president is about just started his mandate and named a new Minister of Environment and Forestry. It is a good time to evaluate how relevant HuMa's forest strategy is and it can evolve in order for HuMa to enhance their results and play a greater role in this field in the future.

The mandate of HuMa's director, Andiko Sutan Mancayo, came to an end in October 2014 and a new director was chosen to lead HuMa for the next 3 years: Dahniar Andriani. It is a good time to look back on the previous mandates and give food for thought for the new direction.

NORAD, RFN's back donor for this partner, asks for regular external evaluations of RFN partners in order to be informed on the developments of RFN's work in Indonesia. This report will be a tool for capacity building of HuMa as well as for informing RFN and NORAD of HuMa's current and potential future role in influencing Indonesia's environmental legal system.

1.4. Evaluation team composition

Huma and RFN have come to an agreement that the following two persons will be conducting this evaluation:

Pete Wood lived in Indonesia from 2001 to 2014 where he specialised in forest governance and natural resource conservation, especially in the context of local rights and management. He worked with NGO's in this field, supporting strategy development, capacity building and project design and evaluation. He speaks and

writes Indonesian fluently and is familiar with many of the organisations and individuals who will be key to this evaluation. He is the leader of this evaluation team.

Adriana Sri Adhiati has been involved for more than 2 decades in international campaign for ecological justice in Indonesia with focus of work on land rights, natural resource policy reform and ecological justice. She has extensive experience in research and data-gathering and has also been active supporting local partners to build their capacity in advocacy planning. A native Indonesian, she divides her life between Indonesia and Europe since 1996.

2. SCOPE OF THE EVALUATION

HuMa and RFN use the Logical Framework Approach (LFA) to design the project, its results and its objectives. The evaluation team should examine the results and objectives as defined by HUMA, and look to the following concepts only as a guideline:

- 1 **Efficiency** - how the results stand in relation to the effort expended. How economically inputs are converted to outputs. Whether the same results could have been achieved in another way. This is important in order for us to find out to what degree the outputs achieved derive from efficient use of financial, human and material resources. It means comparing inputs with outputs.
- 2 **Effectiveness** - the extent to which the purpose has been achieved, and whether this can be expected to happen on the basis of the results defined by the project.
- 3 **Impact** - the changes, positive and negative, planned and unforeseen of the project, seen in relation to target groups and others who are affected.
- 4 **Relevance** – the usefulness of the project. The extent to which the overall goal, purpose and results have been achieved.
- 5 **Sustainability** - an assessment of the extent to which the positive effects of the project will still continue after external assistance has been concluded.

Expected results from the evaluation:

- To give a brief history of HuMa, its role, aims and recent developments (internal and external)
- To map the current structure of Huma (staff, responsibilities, board, members, wider network).
- To map HuMa’s activities in Jakarta, in its 6 partner organizations and in the field locations of the 6 partners.
- To assess the relevance, effectiveness, efficiency, impact and sustainability of 1- HuMa’s strategy in general and on forest issues in particular and 2- the implementation of the project in the field (based on the workplans provided and the data-collection done by the evaluators).
- To provide with recommendations on how HuMa’s forestry programme, its strategy and the project implementation can me more relevant, more effective, have more impact and be more sustainable at every level.
- To provide with recommendations on the strategic decisions and results HuMa should aim for in order to achieve their goals in reforming environmental law in Indonesia
- To provide with concrete recommendations on HuMa’s future role in Indonesia’s forestry and community participation field (taking into account other NGOs’ work and role in this sector)
- To provide an overview of the strengths and weaknesses of organizational structure and internal management, and recommendations for how challenges can be addressed.

The areas that will be evaluated:

1. Planning and implementation of the forest project

The “forest project” refers to all the projects planned and implemented by HuMa under RFN’s regular funding since 2008. The planning and implementation of the forest project are based on the workplans formulated by HuMa as well as the report and the actual implementation in the field. The forest project mainly includes HuMa’s work under pillar 2: conflict resolution model, as well as their work on *hutan adat*, UU Kehutanan, and all other forest-related work in terms of campaigning, advocacy and activities in the field. The forest project has evolved since 2008, as it has been shaped by different external (change in discourse, laws etc. in Indonesia) and internal factors (change in leadership, funding etc.).

Evaluators will:

- map HuMa's activities and work under the forest project in Jakarta as well as in the partner locations and in the field with a focus on the past 4 years (2011-2014)
- assess the efficiency, effectiveness, impact, relevance and sustainability of HuMa's planning and implementation of the project since 2008.
- give recommendations on how its weaknesses can be tackled in the future and which strengths to keep.
-

Note: This part of the evaluation is the most important and will certainly take more work and more space in the report than the other parts.

2. Strategy and Advocacy

2.1. Forest strategy

HuMa has a general strategy which is valid for the whole organisation, and then parts of it apply to their forest work.

There are two strategies formulated by HuMa since 2008, and several logical frameworks for the whole organisation's strategy. Note: The legal and political changes in Indonesia relating to indigenous peoples' rights, and natural resource management and forestry in general will be used as part of the baseline for this assessment in addition to HuMa's strategy.

The evaluators will evaluate the strengths and weaknesses of HuMa's strategy with a special focus on their strategy relating to forest issues. They will:

- give an introduction explaining the main elements of HuMa's forest strategy over the years and how it relates to their overall strategy.
- evaluate its efficiency, effectiveness, impact, relevance and sustainability since 2008;
- give recommendations on how HuMa can improve its forest strategy given internal and external challenges.

2.2. HuMa's role in its wider network

After talking to other NGOs, partners in the field, donors, Board members and government officials if available, the evaluators can assess the current nature of HuMa's role in this wide network and whether it fits the role they want to have in the future and the objectives they want to achieve.

- What are the weaknesses and strengths of HuMa's cooperation work on advocacy issues with local and national civil society organisations? What could be improved?
- Which changes, new partnerships or views should be integrated by HuMa to achieve the aims they have for the future?
- How do HuMa's staff and management evaluate their cooperation with RFN? Is there anything RFN could do to improve this cooperation and help HuMa reach its objective?

2.3. Media work

Is HuMa's media strategy and the way it has been implemented in line with its forest strategy and advocacy work? Is it relevant and sustainable? What is its impact?

What are your recommendations to have a more efficient and relevant media campaign/work for HuMa to increase its influence and impact of its work?

3. Organisation and structure

Main question: What are the strengths and weaknesses of the organisational structure, decision-making structures and routine in following-up decisions?

- What is the role of the Board? Is it fulfilling its role?

- What are the strengths and weaknesses of human resource management in HUMA?
- What is the status of the S.O.P and how does the evaluation team assess its quality in terms of human resources structure, time management for staff, salaries etc.? Are employees generally satisfied of HuMa's leadership and human resource management? Is the leadership generally satisfied of their employees?
- How are decisions made in HuMa and how are they followed up?
- What is the structure of HUMA as an organisation and all its programmes including all their funding sources?

4. IMPLEMENTATION OF THE EVALUATION

4.1. Sources of information and baseline

- HUMA's main strategy and policy documents formulated since 2008.
- HUMA's yearly and multi-year contracts with RFN from 2008 to 2014 (7 years).
- Yearly reports to RFN for the evaluated period
- All evaluations conducted by HUMA and its other donors
- Interviews with HUMA's management team, board, staff, partner organisations, communities in the field, other CSOs, government officials, academics and donors
- A sample of media made by HUMA (magazines, books, films or documentaries made by HUMA) should be listened to, watched or read by the evaluators
- Any other documents or sources the evaluators find relevant to this evaluation

4.2. Division of responsibility and description of the tasks

Lorelou Desjardins, Program coordinator at Rainforest Foundation Norway, is responsible for the overall coordination of the evaluation as a process and the follow-up with NORAD, RFN's main back-donor for HUMA's project. She will also be responsible for giving support to HUMA to draft the Terms of Reference and the schedule for the evaluation team. She will also be responsible for sending their salary and any other fees to the evaluators, and for communicating important information and documents to the evaluators.

HUMA, the partner organisation, is responsible for drafting the Terms of Reference, as well as a schedule for the evaluators. They will be facilitating all necessary meetings with external or internal actors for the evaluators to get the information they need to conduct this evaluation. As this is an external evaluation, none of HuMa's staff, management or board members will be present during interviews, except for the person being interviewed. HuMa will be involved

Both evaluators are responsible for collecting data in Jakarta and in the field and for drafting the report. They may divide these tasks among themselves as they wish, as long as it is in line with the terms of their contracts. Pete Wood will be responsible for handing in the last version of the report while Adriana Sri Adhiati will be responsible for finding a translator for the report and proof-reading the Bahasa Indonesia translation of the report.

4.3. Timing and Reporting

The final report should be submitted electronically to both RFN and HUMA in both English and Indonesian. The language to be used in the field is Indonesian.

The assignment in the field will start 19.01.2015. After the field trip ending on 08.02.2015 at the latest, the consultants will have time to analyse data and write the report from their respective home bases

A draft report should be presented to HUMA and RFN for comments no later than 27.02.2015. HuMa and RFN should come back with their comments by 10.03.2015. The final report should be submitted by 14.03.2015.

The report, including the first draft submitted to RFN and HUMA should clearly have an executive summary with main findings and lessons learned.

(Signatures)

Annex 4: List of HuMa Publications, 2008 – 2014

Title	year	type	program	Sponsor	Notes
Karakter Peraturan Daerah Sumber Daya Alam	2008	book	commifor	FF, ICCO, RFN	
Kebijakan Daerah dan Tenure MA atas hutan	2008	book	commifor	FF and RFN	
Hutanku Penjaraku, Kasus Sungkup	2008	film	commifor		with LBBT
Pemanasan Global, Respon Pemerintah dan Dampaknya terhadap Hak Masyarakat Adat	2009	book	Climate chg	FF, ICCO, RFN	
Pemulihan Tanah Ulayat, Perspektif Pemangku Kepentingan di Sumatera Barat	2009	book	commifor	FF, ICCO, RFN	with Qbar
Hutan Kita, Hidup Kita	2009	comic	Climate chg	FF, ICCO, RFN	#1 of Community and Law series
Beyond Carbon	2010	book	Climate chg	RFN	English version of Melampaui Karbon
Hukum Agraria dalam Masyarakat Majemuk	2010	book	other		with KITLV, Leiden University, van Vollenhoven
Hukum Agraria dan Masyarakat di Indonesia	2010	book	other		with KITLV and van Vollenhoven
Karakter-karakter Utama Pendamping Hukum Rakyat	2010	book	commifor		The book tries to explain the raison d'etre of PHR and from there deduce the characters of PHR should have. It underlines the determining factors of what make someone a PHR or not.
Melampaui Karbon	2010	book	Climate chg	RFN	multiple orgs
Peradilan Tata Usaha Negara di Indonesia	2010	book	other		with KITLV and van Vollenhoven
Setelah Kami Dilarang Masuk Hutan	2010	book	commifor	FF, ICCO, RFN	
Bersiap Tanpa Rencana	2010	paper	Climate chg		Epistema
Kesiapan dan Kerentanan dalam Skema Kebijakan Perubahan Iklim	2010	paper	Climate chg		Epistema
Konsep Hak-hak atas Karbon	2010	paper	Climate chg		Epistema
Kuasa dan Hukum	2010	paper	commifor		Epistema
Negara Hukum Bernurani	2010	paper	other		Epistema
Perubahan Iklim, REDD dan Perdebatan Hak	2010	paper	Climate chg		Epistema
Satu Dekade Legislasi Masyarakat Adat	2010	paper	commifor		Epistema
Alone Facing the Changing Climate	2010	paper	Climate chg		English version of DKN paper
Sendirian Menghadapi Iklim yang Berubah	2010	paper	Climate chg		DKN paper
Perubahan Iklim dan Perdebatan Hak	2010	paper	Climate chg		
Animasi Perubahan Iklim Kenapa Harus REDD?	2010	film	Climate chg	RFN, ICCO, FF	
Sertifikat Tanah dan Orang Miskin	2010	book	other	FF	with KITLV, Leiden University, van Vollenhoven
Akses terhadap Keadilan	2011	book	commifor	FF	with KITLV, van Vollenhoven, Epistema
Analisis Wacana Media	2011	book	Climate chg		booklet

Title	year	type	program	Sponsor	Notes
Aturan Daerah dan Tenure Masyarakat Adat	2011	book	commifor		
Ekonomi Uma	2011	book	commifor	FF	with KITLV, van Vollenhoven
Mereka yang Belum Setara	2011	book	Climate chg	FF, RFN, ICCO	with Pontianak Institute
Tak Ada Alasan Ditunda, Potret FPIC di Proyek Demonstration Activities REDD di Kalteng dan Sulteng	2011	book	Climate chg	FF, RFN, ICCO	multi-orgs
Edisi April 2011	2011	bulletin	other		
Sepuluh Tahun Perkumpulan Huma	2011	film	other		
Foto Ketika Badai Perubahan Menerpa, Teluk Meranti	2012	book	other	RFN	Photo essay
Foto Meniti Perubahan, Sajingan	2012	book	other	RFN	Photo essay
Keputusan Bebas, Didahulukan dan Diinformasikan dan RSPO	2012	book	Commifor/Climate chg		Huma as contributor to FPP & SW publication
Prosiding Diskusi Publik, Refleksi Kembalinya Tap MPR IX Tahun 2001	2012	book	commifor	RRI	
Studi Kebijakan Penguatan Tenurial Masyarakat dalam Penguasaan Hutan	2012	book	commifor		with ICRAF & Packard F
Studi Pendahuluan Atas Kebijakan Pengaman (Safeguards) Donor-donor Bilateral untuk Program REDD di Indonesia	2012	book	Climate chg	RFN, Samdhana, Danida	
Oktober 2012	2012	bulletin	other		
Hukum Kami Hukum Adat	2012	comic	commifor	RFN	#7 of Hukum Adat series
Outlook Konflik Agraria dan SDA 2012	2012	paper	commifor		
Forest Tenure Reform di Indonesia	2012	film	commifor	multiple orgs	
Buletin Juli - September 2012	2012	bulletin	other		
Mitigasi Perubahan Iklim	2013	book	Climate chg	ICCO & RFN	
Berhukum dari Desa	2013	book	commifor	RFN	
Hak Masyarakat atas Tanah dan SDA dalam Proyek REDD+, Tinjauan atas Teks SRAP+	2013	book	Climate chg		
Kalimantan Tengah dalam Pusaran Proyek Perubahan Iklim	2013	book	Climate chg	RFN	with Walhi Kalteng
Konflik atau Mufakat: Sektor Kelapa Sawit di Persimpangan Jalan	2013	book	Commifor/Climate chg	FF & CLUA	
Menuju Penyelesaian Konflik Tenurial Kehutanan	2013	book	commifor	RFN	with Qbar & RMI
Perlindungan HAM dalam Proyek REDD 2011	2013	book	Climate chg		
RaTA Desa Sedoa dan Oo	2013	book	commifor		
UU No 41 1999 Tentang Kehutanan Paska Keputusan-Keputusan MK	2013	book	commifor	TAF	
Edisi April - Juni 2013	2013	bulletin	other		
Edisi Januari - April 2013	2013	bulletin	other		
Edisi Juli - September 2013	2013	bulletin	other		

Title	year	type	program	Sponsor	Notes
		n			
Edisi Khusus KTT Hukum Rakyat Oktober - Desember	2013	bulletin	commifor		
Platform Bersama CSO Perbaikan Tata Kelola Hutan Melampaui Karbon	2013	paper	Climate chg		
Hutan Kita, Hidup Kita	2013	comic	commifor	RFN	#2 of Community and Law series
Kriminalisasi Pejuang Agraria	2013	paper	commifor		
Pendekatan Sejarah dalam Berpikir Hukum	2013	paper	other		
Penyelesaian Pidana di Luar Pengadilan	2013	paper	commifor		
Peradilan Adat dalam KUHAP	2013	paper	commifor		
Pluralisme Hukum dan Isu-isu yang Menyertainya	2013	book	commifor		
Cermin Retak Pembangunan Kehutanan Studi Kasus Desa Sedoa dan Oo	2013	film	commifor		with DKN
Gerakan SPHR Sulsel	2013	film	commifor		Wallacea
Hutan Adat Paska Putusan MK. 35	2013	film	commifor		
Komunitas Batan di Wilayah To Jambu, Sulsel	2013	film	commifor		Wallacea
Soetandyo Wignjosebroto, Profesornya Hukum Rakyat	2013	film	commifor		
SPHR Huma Bogor	2013	film	commifor		with RMI
Kearifan Hukum Warisan Leluhur Dayak	2014	book	commifor	TAF	
Kembalikan Hutan Adat, Anotasi MK35	2014	book	commifor		with Epistema, AMAN
Kumpulan Aturan Pengelolaan Agraria	2014	book	commifor	TAF	
Prosiding Simposium Masyarakat Adat	2014	book	commifor		with Epistema
Ruang Gerak Masyarakat dalam Mengontrol Perkebunan Sawit	2014	book	other	TAF	
UU Perkebunan dan Keputusan MK	2014	book	other	TAF	
HuMa news Edisi April - Juni 2014	2014	bulletin	other		
HuMa news Edisi Januari - Maret 2014	2014	bulletin	other		
HuMa news Special Edition for the National Dialogue	2014	bulletin	commifor		English version of the same title
Edisi Khusus Dialog Nasional	2014	bulletin	commifor		
Menanti Kesadaran Beretika dari Koperasi	2014	paper			Land grab, HR & Business, Ips
Menuju Hutan Adat	2014	film	commifor		Short film part of the MK35 series
Suara Rakyat untuk Presiden	2014	film	other		

Annex 5: Case Studies of Strategic Partners and Communities Visited During the evaluation

Annex 5.1 West Java and Banten: the work of RMI with Kasepuhan communities around Halimun-Salak National Park

Rimbauan Muda Indonesia (RMI) works with communities around the Halimun-Salak National Park in Banten and West Java. Initially focused on sustainable livelihoods, RMI identified a need to provide basic legal education to enable communities to engage and negotiate with external stakeholders – primarily Government forestry company *Perum Perhutani*, the National Park and in some cases geothermal and gold mining companies. The NGO, which was not a ‘strategic partner’ at the time, turned to HuMa, and a successful collaboration led to documentation of customary and religion-based rules which were prevalent in the community. The documentation reinforced the recognition of these rules within the community, and allowed them to be compared with formal regulations to identify harmonies and conflicts, resulting in a strategy for advocacy and conflict resolution. Inconsistencies – such as unofficial ‘taxing’ of community use of land by *Perum Perhutani* and the changes that occurred when the National park was extended to incorporate *Perhutani* plantations – were identified and set in the wider context of reform of forestry and agrarian law.

Pre- and post- MK35 advocacy for recognition of rights in the National Park

Pre-MK35, the advocacy strategy for customary and non-customary communities was the same, focusing on harmonising local and park land use zonation. However RMI also recognised the opportunity in the Forestry Law to secure local Government recognition of the existence of customary communities, and from 2006 pursued formal recognition of the Kasepuhan communities with the District Government. Initially the response to the idea of a District Regulation (*Perda*) recognising the communities was unenthusiastic, but in 2010 RMI secured a District Heads Decision letter (*SK Bupati*, a less complex, cheaper, but also less authoritative legal document than a District Regulation) recognising the existence of one group, the Kasepuhan community at Csitu. In 2013 this SK was extended to cover all Kasepuhan communities in Lebak District.

As a result of RMI’s work and the good documentation available, Kasepuhan Csitu was one of two communities chosen to be the plaintiffs in AMAN’s request for a judicial review of the Forestry Law, which resulted in the MK35 decision. With the decision the opportunity for all customary communities to claim *adat* forest within the National park was apparent, but the Park and Forestry Ministry have insisted that the presence of the community must be recognised through a District Regulation, not just a District Head’s Decision. RMI has pursued this and expects the regulation to be passed in 2015.

Rights for non-indigenous communities

Significant numbers of communities around Halimun-Salak National Park have no customary claim to land and so are unaffected by MK35. RMI’s approach to conflict resolution in this case has been to facilitate the community to negotiate an agreement with the Park, based on community-level land use planning and using the Forestry Regulation on Collaborative Management. RMI’s approach has been based on empowering the community – as an example, when the Park proposed an MoU that was unacceptable, the community prepared their own competing draft as a basis for discussion. The Park has taken a first step, signing a 5-year MoU with communities which allows some important management changes including the felling of introduced pine tree and continued cultivation of

community lands. Most importantly, it protects the community from the risk of prosecution for illegal occupation and use of the Park. To ensure that the agreement is not cancelled on the whim of the National Park head, RMI is keen to secure higher level approval for the deal. Links with HuMa have been useful in securing access to decision makers in Jakarta. According to RMI, a supporting factor was that NP management could see for itself the impact and sustainability of communities facilitated by RMI compared with those under a joint MoF-JICA program. In the latter villages, project norms were dominant, with community members paid for work and to attend meetings. There was little sustained conflict resolution in the villages, and the culture of payment for participation has made further engagement post-project difficult. In the communities facilitated by RMI, the community voluntarily undertook patrols and tree planting.

Scaling up the community empowerment

RMI's work empowering the communities around the Park is based on the idea of a 'Community Mobilisation School' (*Sekolah Penggerak Masyarakat*⁴⁰), which according to RMI is identical to a local version of HuMa's Community Law Facilitators School (*Sekolah Pendamping Hukum Rakyat*). The concept focuses on the process – sharing knowledge and experience on culture, rights and livelihoods in all directions – and not on as school as a building or regular meeting place.

Annex 5.2 West Sumatra: the work of Qbar with Nagari Guguak Malalo and other communities

Securing rights over forest

Communities in West Sumatra are organised into *nagari*, based on *adat* village boundaries. The vast majority of people in *nagari* in West Sumatra are from the *Minangkabau* ethnic group, and their shared culture, religion and sense of customary rights and land ownership is very strong. Qbar works with nine *nagari*, including the Guguak Malalo community. Initially they planned to help the community secure a '*nagari* forest' (equivalent of village forest) license from the Forestry Ministry. Although the concept of being granted limited rights to forest they considered their own did not satisfy the community's wishes, it was the best option available. With the MK35 decision, the community and Qbar have decided to pursue the option of getting land permanently released from the state forest and recognised as *adat* forest. The Village Law (Law 6/2014) has created the possibility of all villages in West Sumatra being acknowledged as '*adat* village'. This raises a further question, for those with forest, do they need another regulation to recognise them as *adat* communities in the context of Law 41/1999 and MK35? Or is the identification as an *adat* village under the Village Law sufficient? One the issues will be the requirement for a map of the boundary of the *nagari* – in many areas these boundaries are not fixed, and require further negotiation between neighbouring groups. Mediation between communities may be a critical role for NGOs, and is something that PHR embedded in a particular community may find difficult to handle. In Tanah Datar, Qbar has facilitated mapping and internal agreement in one *nagari*, and has helped broker discussions with the neighbouring *nagari* but these have not yet been finalised. The villagers themselves recognise the importance of resolving this issue before they proceed with claiming *adat* forest, and have started to organise meetings with the neighbouring community to discuss the issues.

⁴⁰ In the local language the school is '*riung mungpulung*', which translate as 'come together and take something away'

Capacity to Manage Adat Forests

Both Qbar and the Guguak Malalo community are aware that a critical question is what will happen to *adat* forests after they are released from the state forest zone. In discussion with the evaluation team the community demonstrated clear ideas about what they would do: they recognise zones based on ecology and topography, dividing the landscape into swidden cultivation farmland, permanent crop land (coffee), uncultivated bush suitable for rice paddy development. They intend to ask the Forestry Agency to assist them to survey the proposed paddy rice areas and help determine if they are feasible for such developments. They hope to build a road into the area to make it easier to access the paddy fields, and to extract rattan and swiftlet nests. The division of the forest is, according to the community, already clear at clan (i.e. sub-community) level. Interestingly, they propose that some forest should still be protected by the Forestry Department, asking ‘what forest will the Department have left if all becomes *adat* forest?’. There is discussion of pushing the boundary of the state forest upslope to the *bos weisen*, the boundary established, and generally agreed with local leaders, during Dutch colonial times.

The discussion on forest management, rather than forest rights, is taking Qbar into new areas which are not its main strength, including forest management and small-scale economic issues. Qbar has done some work in these, including training on planting and cultivation of seedlings. There is a strategic choice to be made, however, about how broadly Qbar can support the community, and what other organisations can be involved.

The community recognises that they may have to deal with more cases of infringements and especially conflicts within their own community, when they are managing the *adat* forest. In 2008, after training by Qbar in developing the a regulation, they enacted a *Nagari* regulation (*peraturan nagari, pernag*) on the *nagari* land rights. The District has been unable to accept the regulation because it considers that it contravenes higher statutes, but the *nagari* continues to refer to this document for their on use. There is a plan to produce specific *nagari* regulations on water, land and forest management. Malalo has a customary institution which is concerned with management of water, land and forest. The *ninik mamak* is the traditional authority over forest lands. However the community propose having a Management body which is directly below the Adat Council (*Kerapatan adat*), with the status of the Village Business Entity, where all community members can be shareholders.

One of the features of the Malalo situation has been how the team of 11, originally created to represent all the clans in discussion with a hydro-power project (see below), has taken on a role as a body which discussed village development and forest management issues. When asked about how this team communicates with and engages the rest of the community, they noted that other men, woman and youth are involved in activities (tree planting in abandoned land), and that Friday prayers and sub-village meetings provide opportunities to communicate issues.

Linking *adat* forests to other Issues faced by the community

In addition to the opportunity to release *adat* forest from the state forest reserve, Malalo faces a threat from a PLTA on Lake Singkarak. The underground pipe used to transport water to and from the turbines has caused soil subsidence and disappearance of water from paddy lands. When the issue first emerged, in 2006, Qbar assisted the community to form a ‘team of 11’, representing the 11 clans living in the community, though with the addition of other community representatives

including woman in key meetings. Qbar assisted this team to advance their case, including a legal case against the state electricity company PLN. Before these actions PLN thought the community was irrelevant, but was then forced to make a commitment to undertake an audit of the environmental damage, a process which has just started. It was this case – not *adat* forest – which first raised the issue of mapping the boundary of the nagari territory.

The two immediate aims of work by in Malalo are therefore that the existing peraturan nagari can be acknowledged and noted in the official register of laws and regulations (*lembaran daerah*) and that the community can be recognised through a district decision or regulation. They also recognise that much of their local wisdom is verbal, and hope it can be documented and codified through the nagari regulation.

Influencing and securing the support of District and Provincial Government

The changes in policy related to *adat* forest described in section 2.3.2 have given District Governments a central role in recognising customary communities. According to informants, including those in the legal faculty at the University of Andalas in Padang, District Governments in West Sumatra show willingness to play this role and Government officials show a personal appreciation of the strength and value of *adat*. However they are unwilling to take action without clear instructions from Jakarta. This was confirmed in interviews for this evaluation in Tanah Datar District (West Sumatra) where officials expressed strong support for the changes proposed after MK35, but repeatedly stated that they were waiting for clarity from the Province and Jakarta on how they should be implemented. The tone of the discussion at Provincial level was even more cautious – a strong emphasis on needing guidance from Jakarta, and also a preference for the existing approach to granting licenses giving communities conditional access to forest.

To move forward with *adat* forest designation the District needs to issue a regulation recognising the existence of the *adat* communities. It has assumed that because the issue concerns forest, the regulation should be drafted by the Forests and Agriculture Agency, and officials were frank that they do not know how to formulate such a regulation, and that without Qbar support and continued monitoring of the process, it might not happen at all. Qbar has started discussions with the Forest Agency's legal section, and there is a clear opportunity for them to provide the text of a draft regulation.

One of the reasons for the success of the relationship between Qbar and this District Government is that local officials find Qbar genuinely helpful. They recognise that Qbar keeps them informed and involves them in its work, and they call on Qbar to assist when they have issues with Jakarta (such as delays in the issuing of community forest management permits by the central Government) where NGOs have more freedom to lobby higher up the hierarchy than local officials. Qbar has helped these officials understand MK35, and other key policy changes (including by distributing HuMa publications). As far as Tanah Datar District Government officials are aware, Qbar and HuMa are the only NGOs working on this theme (law and policy at village level), and they emphasised its importance.

Annex 5.3 Central Sulawesi: the work of Bantaya with Marena and Ngata Toro Villages, Sigi District

Working in a heterogeneous environment with a history of conflict

In contrast to Qbar in West Sumatra, in Central Sulawesi HuMa strategic partner Bantaya is working in an area which is highly diverse, in terms of ethnicity, religion, language and culture. Customary communities have co-existed with incomers for decades, and as a result customary norms and boundaries have weakened or are down-played in favour of formal law which is recognised by all. The region has suffered from sporadic conflict which is politically motivated but splits communities along ethnic and religious divides. Communities, and Bantaya, are thus very cautious about the over-zealous promotion of the rights of one group (for example customary communities) over another, and consequently cautious about the implementation of MK35.

The region has also experienced conflict between community land claims and conservation areas. In the early 2000's some NGOs supported a group of marginalized people to reclaim land within Lore Lindu National Park. The move resulted in conflict with local communities and extensive forest clearance, and led to Bantaya leaving the NGO coalition. This reflects Bantaya's preferred approach, establishing the facts through ground research and ensuring there is a clear, agreed vision with the community before taking action. Bantaya also observes that cultural identity and issues are often politicised when local elites need to secure votes, or investor want access to community natural resources, and that this contributes to the fragility of relationships between groups in the villages.

Bantaya's approach

With this background, Bantaya is taking the route of strengthening the capacity of a village community as a whole rather than securing only the *adat* territory. This option focuses on the administrative entity rather than a particular ethnicity or language group, and is a better basis for supporting the community to be more resilient and for negotiation with other parties.

Bantaya, means 'a communal meeting place' (*rumah pertemuan*) in the local Kaili language, and is likened to a big family. Established as a legal aid foundation, Bantaya's first point of contact with communities is often a request for legal support from a community in dispute, most frequently over resources. Once the initial crisis is addressed, Bantaya may continue to work together with the community to strengthen its capacity to deal with the root of the problem, following these stages: village discussion to develop a shared vision for five to ten years in the future; basic training on human rights; training on documentation (carried out inside and outside the classroom, documenting problems with development in the village which infringe human rights); writing skills training (for local leaders); basic critical legal training, legal drafting and legal advocacy training.

Bantaya's approach is strongly inspired by its founder, the late Hedar Laudjeng, who was also a founder member of HuMa. Hedar⁴¹ was active in the agrarian reform movement and deeply rooted in the participatory action research tradition. As a result Bantaya believes there is no 'facilitated community' (*komunitas dampingan*) but rather a 'learning area' (*wilayah belajar*), a perspective that sees activist and community learning together to seek solutions. Finding their own solutions ensures ownership by the community and is empowering. Marena's Tina Ngata (women's village leader) described her own experience of being supported by Bantaya, "It boosted our confidence that we have the evidence to be able to solve our own problems."

⁴¹ HL is profiled on <http://huma.or.id/pendamping-hukum-rakyat/profil-phr/hedar-laudjeng-2.html>, which also has links to three of his publications: Weighing Up Customary Justice; Colonial Law in an Independent Country; and Recognising the Existence of Customary Law Communities and Respecting their Origins

Bantaya's cautious approach, a result of its participatory methods as well as the fragile nature of communities, is its strength according to the academics who volunteer for the organisation. Volunteers help the 6 staff members, providing legal assistance, drafting academic texts for proposed local regulations, and sharing knowledge and skills. Religious leaders and human rights activists are also part of Bantaya's circle of supporters. As with the academics they join Bantaya as volunteers and are "on call" as resource persons in various public events, to help extend Bantaya's capacity.

Working with PHR

Although Bantaya does not use 'PHR' as a title, the informants attending the focus group discussion set up for this evaluation agreed that the broad definition of PHR covers a wide range of people involved in Bantaya's work. However, alumni of Bantaya's community training are not automatically PHR, and may lose the status if they cease to act as one. Conversely, a community member can become a PHR without attending the training if they fulfil the role.

Most of PHR at the FGD were farmers with land. Their priority is to maintain peace in their village. They do not see salary for their work as PHR as an important factor, but take up their role as public educator to prevent conflict rather being forced to tackle it. They are also instrumental in village strategic planning processes including drafting Village Regulations (*Perdes*).

There is a PHR peer support system to promote self-sufficiency and maintaining transparency, although currently communication among PHRs takes place as and when necessary without regular meetings. In the past, Bantaya held a monthly 'full moon gathering (*diskusi bulan purnama*) for information sharing.

In the five villages visited for this evaluation, communities' priorities are settling border disputes with national park authorities and neighbouring villages, securing the right to clean water facilities, regulating excavation of gravel and stone, and natural resource management in general. Bantaya has provided support to the process of drafting village regulations to address these issues (*Perdes*). At district level, Bantaya has also been involved in the process of drafting district regulation on natural resource management (since 2011) and draft regulation on Adat Village (since 2009), both for Donggala District.

Facilitation in **Marena (Sigi District)** started with discussion on community law (*hukum rakyat*), followed by community mapping facilitated by Bantaya and Awam Green with support from Huma. The Marena community was supported to revitalize *adat* institutions (*Tondoboya, Tina Ngata*). The NGOs also facilitated negotiation between the Marena community and the National Park authority, resulting in an agreement on collaborative management of 1,732 ha of forest (from a total 1,970 ha of forest in the village) in 2007. The agreement gives the Marena community the right to manage the forest, using *adat* rules to deal with individual violations, while the National Park authority deals with violations by private sector (companies). The idea to collaborate with the National Park authority was an outcome of village strategic planning meeting in 2004, which Bantaya and Awam Green helped facilitate.

Marena has been picked by Huma to be one of the 13 models of *adat* forest.

Ngata Toro (Sigi District) is one of the oldest villages in the region and has the longest documented uninterrupted presence of adat institutions, since 1889. This has attracted the attention of researchers, including an Indonesia-Germany conservation research collaboration which set up its basecamp at the village. In the 1970s Ngata Toro villagers were banned from accessing their forest in the neighbouring Lore Lindu National Park, and when they persisted the Park authority backed by the military removed them by force. At the same time, the community saw the forest being exploited by outsiders, allegedly paying bribes to corrupt military personnel. In 1998, with the new political openings associated with post-Soeharto *reformasi*, Yayasan Tanah Merdeka (an NGO co-founded by Hedar Laudjeng before he founded Bantaya) facilitated negotiation between Park and community. The community was supported with critical popular education. In 2000 they reached an agreement with the Park giving them the right to utilize forest resources for their own use and to manage it using traditional mechanisms. The agreement to share responsibility to manage the forest, however, did not come with sharing of financial resources. There was an expectation by the community that the Park authority would share its operational funds to be used to build village capacity in resource management. This has yet to happen. The relationship is precarious, depending on the level of interest of the Park's director at any given time. Recently, a perceived new pressure has been put on the community by the introduction of REDD+ and an initiative to convert Sigi to become a Conservation District. It is interpreted as a new move to exclude the community from the management of their own forest.

The relationship between the community and Bantaya developed from the rapport built by Hedar. Bantaya has assisted with revitalising the village's *adat* institution, issuing a regulation on village natural resource management and in participatory mapping. A former village head is now Bantaya's active PHR in the community (and a member of DKN's community chamber, replacing Hedar). In response to the uncertain relationship with the National Park, the community together with Bantaya are going to examine the Village Law (6/2014) for possible grounds for Ngata Toro to become an *Adat* Village supported by a local regulation. Once the status is achieved, it will strengthen the status of the *adat* forest and make it less vulnerable to external changes.