

“Getting out of the Comfort Zone?”

**HuMa - Association for Community and Ecology-Based Law Reform
2013 Review and Evaluation**

**Draft Report
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Nonette Royo, Herlambang P Wiratraman, A. Scott DuPree

This report was prepared based on interviews, participation and review of HuMa's materials and activities in September and October 2013 by an Evaluation Team comprised of Nonette Royo, Herlambang Wiratraman and A. Scott DuPree from the Samdhana Institute.

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1 Executive Summary

HuMa has built an **impressive track record of accomplishments and broadened the constituency for community rights in Indonesia** over its ten plus years of operations. While the context of the last decade of action has significantly changed both the outlook and need for action across the country, the HuMa mission is more relevant than ever.

This evaluation revealed a continuing commitment to HuMa's cause and recognition of its key role in creating stronger community rights action. HuMa has built a foundation of trust, recognition for greater community involvement in justice and a useful knowledge base for pursuing legal rights directions for the future. This has not only responded to a demand to resolve local conflicts over rights it has come at a pivotal point in the development of Indonesia's priorities and openness to legal reform.

The report is entitled **getting out of the comfort zone** to reflect the need for HuMa to recognize that the context in which it operates brings new challenges for it to renew its commitment and focus its energies on effective support for community justice struggles.

The evaluation team found HuMa's work most relevant, if done strategically, where the **contributing roles of HuMa members and partners are maximized and distributed well**: Epistema for research and development, working with government partners to develop and evolve legal options; strategic partners for sub national/provincial/district legal or regulatory response; individual PHR for active negotiations, paralegal work.

Our **key findings** are thus:

- 1) The central challenge looking forward is the **delivery of justice**, perhaps, stressing community rights rather than law
- 2) The need is to show **more tangible results in grassroots communities and movements**
- 3) There is an opportunity to **expand the PHR alumni network and up-scale support to these paralegals**, perhaps going beyond training
- 4) The fundraising focus should shift to **expand sustainable and Indonesian sources of funding** that can enable HuMa to plan for the next ten years and deepen its local accountability
- 5) The enormous human resource and knowledge base HuMa has pulled together can be better mobilized by **improving its presence in the field, communications and partnership management, and the legal database**

HuMa can and should be **proactive in its support of a social movement for community justice, building a strong foundation from the ground up**. Its support will be enhanced, then by selecting the right cases, by representing the practical application of key policy-determining issues, and by investing in the right partners. It, however, cannot do this work well, if it does not engage all partners (not just strategic partners) in self-reflection for the purpose of jointly developing a strategy moving forward.

Should HuMa revisit its vision and mission, and this is a good time to do so, it should engage its broad community (members, PHR, partners and other activists) in the exercise to ensure that it captures the local demand and local expectations for supporting communities under conflict and assisting in resolving this conflict by supporting local lawyers and paralegals to protect and negotiate rights in court and out of court.

Likewise, HuMa's partners need additional attention, both in clarifying the partnerships and helping them to excel. HuMa should consider ways to distribute its resources to local/strategic partners to build legal and organizational capacity such that each of these partners act in tandem with HuMa to resolve legal rights, instead of waiting for HuMa-funded projects. This balance of how much HuMa should invest in advancing its own and its partners' legal rights and policy advocacy capacity at all levels--Global, National, Sub National—needs to be determined by clarifying a vision and strategy for the future that moves beyond its initial challenge to carve out a space for community legal approaches.

In this way, **our overall recommendations** are:

- 1) Clarify the **HuMa vision** (along with its mission and strategic orientation) for the years that come
- 2) Plan for a **gradual and strategic growth** around the vision for the future that optimizes the effective delivery of justice in communities across the country
- 3) Develop sets of **clear principles** in areas important to community justice, with the participation of HuMa's constituency, incorporate them in program activities and act on them
- 4) Focus the program on **deepening support for communities** (for communities through PHR, partners and a supportive network) that can lead to the successful resolution of community struggles

2 About the Evaluation

HuMa commissioned an evaluation of its 12 years of experience, to look critically at its successes and role in the legal rights action community in Indonesia. This report presents the findings for discussion by HuMa staff, board and members.

Taking a mission-based approach, the evaluation sought to explore the roles, successes, weaknesses and opportunities that define HuMa at this stage of its development. **The goal of the evaluation was to assess the work of HuMa with an emphasis on what foundations were built to take advantage of opportunities for advancing its mission in the future.**

Towards this end, in September and October, the evaluation team interviewed more than 30 HuMa staff, board, members, donors and strategic partners (the list is included as an appendix), reviewed documents and participated in several HuMa sponsored events.

Each interview took from an hour to two hours, in some cases more. While individuals are not cited, their observations and quotes are woven into the flow of the evaluation, set off by quotes and italics. This practice is meant not only to make sure that a variety of perspectives (and the HuMa network has many) are given in the voice of the speaker but also to refer back to the activists who continue to contribute to a social mission that is both difficult and ambitious.

The evaluation is broken into eight sections that follow:

Section 3 – Considers HuMa’s social mission in a **changing context** around the advancement of community justice

Section 4 – Provides the analysis of the evaluation team on **key findings**

Section 5 – Identifies areas of **accomplishments** that provide a foundation and track record to build on

Section 6 – Identifies areas of **emerging challenges** that will need to be addressed

Section 7 – Explores **opportunities** for expanding and or sustaining HuMa’s efforts.

Section 8 – Makes some **recommendations** on preparing HuMa to move forward.

3 HuMa's Continuing Relevance in a Changing Context

The report is entitled **getting out of the comfort zone** to reflect the need for HuMa to challenge and push itself forward to renew and do better to support the community justice struggles and provide thoughtful, strategic and immediate assistance.

Over the last ten years, there has been a considerable opening in Indonesia for the participation of Indonesian civil society organizations on relevant policy agendas regarding land tenure, environmental and local resource management and legal rights. The opening was facilitated by the change in government (adapting global trends, like climate change), the entry of new leaders and policy makers, many of whom had connections to rights and resources movements in the country but would certainly not have happened without organizations like HuMa pressing a rights and policy agenda and with the capacity to work together in networks for the common good.

While this progress has resulted in important successes for civil society on the policy front, the **actual delivery on key issues such as land rights and local justice has been thin**. Many cited corruption or lack of political will in the government to implement policy, with important institutions such as the Ministry of Forestry and the Courts continuing to be largely unresponsive to delivering community rights policies.

The quandary is that while civil society—HuMa's—access to government has improved, the government of Indonesia faces a crisis in the area of the delivery of justice. During the time of this evaluation the Head of the Supreme Court was caught in the act of taking bribes, illustrating the depth of the problem in pressing for better governance. Traditional and local justice delivery systems continue to be isolated, unregulated and in need of assistance as well. While they are undeniably closer to the people, adat and non-adat alike, particularly in the rural areas, the rich mixture of traditional customs, laws and understanding of social and resource rights stands outside of the national systems of justice. At the same time, communities are still struggling to resolve local conflicts over rights and resources and seek **solutions that cannot wait for the improved capacity of the government or the implementation of new policies**.

Some of the major challenges on the horizon—the implementation of adat rights over territory, the establishment of a fairer system of giving out land concessions for logging, mining and large-scale plantations, improvement and support for community-managed resources and major policy proposals in development such as REDD+—all require significant and consistent involvement of community rights focused organizations such as HuMa.

On the positive side, the last ten years represent both an important foundation on which to build as well as a string of key successes, indicating that HuMa has

been on “**more or less**” the right path. This “more or less” refers mostly to some key areas that can be clarified related to understanding the strategic connection between HuMa’s program and its mission focus. The direction it has taken to play a very important “bridge” between national and local justice policies has gone a long way in both creating a constituency for community rights as well as training and supporting both individuals and partners who are of critical importance in Indonesia’s transition to greater community participation, autonomy and access to justice. Its vision and mission are, thus, of pivotal importance in this need to transform and improve justice delivery in the country:

HuMa’s **Vision** is an enlarged social movement aimed at pushing for law reform to create a legal system and practices that can deliver justice for marginalized communities and that is supportive of ecological preservation while respecting the values of humanity and social-cultural diversity.

HuMa’s **Mission** has four components:

1. Pushing for the consolidation, capacity development and quantity increase of Community Law Facilitators (PHR) through the empowerment of our strategic partners.
2. Conducting policy advocacy, campaigns and various models of legal training to counter the dominant discourse on law reform in the land and natural resources sectors.
3. Making HuMa a centre of data, information and knowledge development based on empirical realities.
4. Strengthening HuMa’s institution to become an influential, competent and independent organisation to support social movement and law reform.

As missions go this reads like a statement of its program areas and could be reformulated to more clearly state its social aim; the underlying “mission” on which these four areas are based conform to an overall idea of a mission that could be stated as

Provide the support for Indonesian communities to realize and access justice, particularly in being able to resolve resource and rights conflicts themselves.

Such a formulation conforms to the understanding of what HuMa is that we heard expressed in interviews. One of the overriding concerns was for HuMa to reinforce its impact on the community level: "*Now is the time for Huma to have a different function. It needs to be more community based.*"

Along these lines, the evaluators have heard the need for HuMa to take stock of the struggles that are raging in communities across the country for justice and to **strongly consider deepening its orientation as a support for grassroots,**

movement and community capacity. Over time, HuMa has become an important voice in the area and now can open more doors in the national policymaking arena.

The danger is this access can divert it from the critical role of strengthening community justice advocates, lawyers and networks on the ground to find solutions to the pressing resource and rights problems that need to be solved now. Of course, this access can also (and should) be put to the service of solving these very problems, but this will suggest a difficult move **out of the comfort zone** of respectability that HuMa has deservedly achieved back to the messy problems of community conflicts over rights and resources.

4 Key Findings and Accomplishments

Overall, HuMa has built an impressive track record of accomplishments over its ten plus years of operations. While the context of the last decade of action has changed significantly both the outlook and need for action across the country, the HuMa mission, we have found, is more relevant than ever.

Interviewees cited numerous HuMa initiatives; some key accomplishments that emerged are:

- Well respected training and intervention that has created a **network of PHR** alumni, many of whom are playing key roles in local and national rights action
- The strengthening and even establishment of **partners** on the local and national level that are now playing key roles in community related rights action.
- Translation of member strengths into **research and publications** that are recognized as important contributions to legal studies in Indonesia.

Accomplishments often bring with them new challenges and this is particularly the case within HuMa. As we see it, HuMa is **at a very important stage** of its development when it will need to narrow its focus and then consider strengthening its internal capacity to meet these deepened and developed strategies. This is particular true in three areas:

- Mission - Honing strategies along the lines of its mission.
- Program - Conceiving of a narrower and deeper program of action
- Internal Capacity - Investing in internal capacity to match strategies for the future and incorporating approaches to sustainability

Along these lines, our findings our key findings follow:

4.1 The central challenge looking forward is the **delivery of justice**, perhaps, stressing community rights rather than law

HuMA's commitment to the 'delivery of justice' was not part of the work at the beginning, as there were law groups like Office of Legal Aid and Environmental Lawyers Network PILNET. But more and more cases and negotiations are occurring. Some of HuMa's partners have indicated that "*legal analyses alone are not dominant any more but rights issues and violations are very high.*" In this way, some have suggested that HuMa should make "community rights" its end, while choosing very carefully legal strategies that can support and foster the greater realization of community rights.

This transition to rights over legal action was by no means a universal theme among respondents, but it paralleled the sense that HuMa needs to upscale its ability to understand and provide support to finding solutions for community problems on the ground. It raises questions for those who see "*critical legal development*" as the central capacity HuMa brings. Although the delivery of justice orientation need not be mutually exclusive with critical legal research, as long as this research is measured against its potential to help find solutions to intractable issues of community rights. There is probably more to be gained from this emphasis on community rights over law, in order to be effective and genuine, must result in increased welfare, security and social stability among all communities.

4.2 The need is to show **more tangible results in grassroots communities and movements**

Respondents, reputation and the participation in HuMa's networks and conferences demonstrate that it has built a significant capacity to act and relate with grassroots rights movements across the country. As an area of its strength, many respondents also stressed the need to re-double its efforts in supporting movements that reach down to the grassroots level across the country. "*HuMa should expand this. HuMa should have a leadership that enables the grassroots.*" Such an expanded role in developing grassroots movements, has implications for HuMa's policy work, suggesting at the very least, that its **pursuit of a policy agenda should be a supportive function that enables local partners, networks and movements** to reach national policy making agenda, perhaps working in close partnership with Epistema:

- "*HuMa's role in policy advocacy and knowledge development changed, particularly with the establishment of Epistema and others who can move forward the policy agenda*"

HuMa has the grounding with local communities that can inform and develop community-rights oriented policies. However, many of the interviewees suggested it should reconsider its role in national policy,

such as the P-2 (critical thought on law program) to act only where it can be most supportive of its grassroots and movement building activities.

- *“HuMa plays a Critical Role in Training Rights Paralegals”*
In speaking with a number of partner organizations and PHR alumni, it was clear that HuMa’s training was key to helping them to play a greater role in their communities to lead in the solving of rights conflicts. HuMa’s high-level partners also emphasized the importance of this role in leading to new capacities and strength especially for isolated communities. There remain, however, many weaknesses they need to address and they are clear in wanting greater on-the-ground involvement, support and follow up. See section 6.1.
- *“HuMa can influence processes for justice and rights. Key to this is what strategic positions, regarding community law/rights should HuMa reinforce or develop?”*
Reviewers found HuMa’s reluctance to take a stand on practical and fairness issues that are current in the contexts in which they work. While this neutrality may be strategic in many cases, HuMa’s silence can also be interpreted as a lack of clarity and support for the development of justice on the ground. Three areas were cited in this respect, as areas in which it would help for HuMa to develop a clear, mission-based position:
 - Gender Rights
Women continue to be excluded in the distribution of resources and in the resolution of justice conflicts. They are largely marginalized in seeking recourse to justice and advancing their roles in Indonesian communities.
 - Bridge between Universal and Traditional/National Rights
Clear positions on how fundamental, universal rights are approached when dealing with universal law were mentioned by several people as important to enable HuMa to be clear about its positions in respect to both traditional and national justice systems
 - Land Tenure and the Environment
HuMa’s positions may already be sufficiently clear here in relation to FPIC and expanding community ownership, however, these are cited as being tremendously important in relation to the challenges ahead

These areas are discussed in greater detail in Section 6.4.

4.3 There is an opportunity to **expand the PHR alumni network and up-scale support to these paralegals**, perhaps going beyond training

The cadres of HuMa’s PHR strongly cited this experience as one of the most important in helping them to defend adat and community rights and access to

natural resources. This support has been supplemented by policy action undertaken by HuMa's members, activists/staff, and its networks; and the materials it has developed.

The consolidation of these supportive mechanisms into a single "School of PHR" format in the near future, is expected to be a logical next step in the development of HuMa, increasing the strength of its reach for social change and beginning to address the establishment of an improved relationship between the state and people's law. Most partners and networks believe that HuMa has laid good foundations to transmit these ideas into new fora and to deepen the development of strong approaches on community rights and law. With ongoing training and development of community approaches there is the possibility and reasonable expectation that political decisions on natural resources can be influenced increasingly by the grassroots in the future.

Training, however, may not be enough strategy to make a difference in the actual cases on the ground. The question emerges of **how HuMa can provide real time support and advice, linkages to resources and, in some cases, HuMa members, staff and others to assist in moving forward cases with the strategic support they need.** With a relevant set of knowledge and a strong knowledge base, can the school think beyond training? How can HuMa resources be mobilized to improve the success of its alumni and others who are on the ground? The strategic partners are one of HuMa's strengths but it needs to clarify its approach – How can partnerships be strengthened, clarified and expanded?

4.4 One of the most important outcomes of HuMa's work over the last decade has been the emergence of its strategic partners as strong forces for community rights in the places where it works.

As HuMa's five strategic partners provide a consistent and accessible resource in the different areas in which they work, **they may represent one of the most important strategies in advancing effect support to the community level.** Looking forward, how HuMa assists these partners to advance will be a very important question. Concerns were raised both about their capacity and about the strength and clarity of the partnerships with HuMa. For HuMa to make this more effective it needs to clarify its strategic communications and work with the existing partners and have a clear vision about the end and outcomes it intends with its entire strategic partner program.

Partners, also, are not always right and some felt that HuMa should check in with members' perspectives or strengthen its evaluation systems relating to its partnerships. For example, in the case of TAT (Central Kalimantan), we heard the expectation expressed that HuMa should *"clarify its own position and should be able and willing to end its relationship if it is not in line with the HuMa*

mission and vision. “ This ongoing feedback loop should clarify how HuMa relates with strategic partners or members and provide for clear steps to be taken when and if there are disagreements.

HuMa has also expanded beyond the strategic partners to work in collaborative networks with a number of organizations. HuMa plays a leading role as respected legal thinkers and advocacy on natural resources and the protection of indigenous peoples and community legal traditions among Indonesian NGOs.

4.5 The fundraising focus should shift to **expand sustainable and Indonesian sources of funding** that can enable HuMa to plan for the next ten years and deepen its local accountability

Our findings strongly suggest that HuMa should seek to expand its grassroots services. As many donors are focused on these *on the ground* results, this could prove to be a fruitful discussion with many of HuMa’s current donors. In addition, the perception is that HuMa has been successful at raising the resources it needs from international funding sources. These donors expressed satisfaction with the directions of HuMa, although most suggested that their funding priorities may or will change and they are less certain about how HuMa will fit into new guidelines. Several respondents said they would like to see HuMa become stronger in this area, particularly in asking for and raising money within Indonesia, perhaps from individuals.

4.6 The enormous human resource and knowledge base HuMa has pulled together can be better mobilized by **improving its presence in the field, communications and partnership management, and the legal database**

HuMa’s strongest asset is the active academics and community activists in its network along with the knowledge they have generated over the last decade. Maintaining and building from this strong foundation is seen as the challenge as it looks forward. Some people expressed a worry that HuMa has lost some of the important thinkers and leaders in the movement over time.

Several people expressed their concern that HuMa needs to build up its staff’s capacity to improve the quality and consistency of its programs. Consistent and accessible presence in the field, communications and partnership management and the legal database were three areas that respondents cited as needing specific attention.

5 The HuMa Track Record: Accomplishments and Strengths

This section discusses the strengths and successes of HuMa over the last ten years. It is not a comprehensive list nor an evaluation of project level results, rather it explores the perceived social, economic and environmental impacts of HuMa interventions over time. That is, how have HuMa's actions begun to add up to social change? What is different because of HuMa's interventions and how do these changes result in new social capacities or in addressing the particular challenges and issues of communities in the different regions of the country?

Overall we find that **HuMa is a consistent and leading organization in promoting legal pluralism, ecological preservation and indigenous peoples' rights**, and it plays an important role in Indonesian legal and rights-based networks. On one of the biggest issues for some, the achievement of land tenure rights by indigenous peoples, HuMa is seen as being a central organization *"HuMa's connection is good because people coming from those network are part of HuMa"*

Its programs have influenced local and national policy, a role that is understood to be strategic and valued among HuMa's networks. Some specific accomplishments that emerge as important are:

- HuMa has created an active constituency—PHR alumni and others—for community rights in Indonesia
- Working with members and allies, HuMa has achieved some significant policy milestones

5.1 PHR Alumni – HuMa has created an active constituency for community rights in Indonesia

Over the last decade, HuMa has created an active constituency of a community law facilitators or Pendamping Hukum Rakyat (PHR) that is active on a variety of rights issues on the ground in areas where it has done trainings. One of the most significant results of this training is to increase the accessibility in local areas to some recourse in situations of conflict, given the reluctance or impossibility for communities to take cases to the formal legal system.

"HUMA's role is very important when Indonesia's local people don't trust the legal system. It has potential to help villages/communities develop 'law that people trusts.'" The PHR alumni, partner organizations and others are developing the use of local and adat courts to resolve some of these conflicts while also bridging to formal courts where it is useful. "HuMa has one idea of PHR. Some people think they are stuck in this, but we need the consistency of HuMa. As donor agencies have come and gone, they tend to change their objectives and we are suddenly left with no support. I think it is important to keep the idea of PHR and expand it." PHR Alumni.

Specifically, HuMa has developed the idea that state law is not the same as “Peoples Law”; where the legal system is insufficient to address the needs to resolve conflicts, local PHR and others can use Critical Legal Theory that will lead to reliance on ‘state law’ using the values of truth, justice and due process.

The existence of a constituency for community rights that is capable to use and is connected to local courts is a major step towards both strengthening these courts and working to resolve actual conflicts on the ground. How then does HuMa support these local courts? What role can it play to encourage and support their use? These issues are picked up again in section 6.1.

5.2 Working with members and allies, HuMa has achieved some significant policy milestones

Many accomplishments were cited in the area of policy and advocacy over the last 10 years. Some of the policy milestones cited were:

- The Moratorium and extension of the Moratorium on concessions with the Coalition for Forest Protection
- “People's Version of Safeguards” (with Walhi, Bank Information Center (BIC), Greenpeace and the Indonesian Center for Environmental Law (ICEL))
- Establishment of Epistema

More currently, through the Legal Reform Summit (KTT) for Community Rights/Law Defenders, HUMA has begun to generate a ‘social momentum’ in PHR. The results from the latest Summits have:

- Generated political strength
- Focused the PHR
- Resulted in the initiative to create a school for human rights

One of the strongest accomplishments that is worth mentioning because it would be easy to gloss over in lieu of more “concrete, programmatic” results is the **supportive role that HuMa has played in policy networks**. Its approach, which is at the same time responsive, is also largely informal, promoting a “friendly style.” This was cited as a significant strength of the Coalition for Forest Protection, which meets with HuMa members and includes AMAN, BIC, Debt Watch, Greenpeace, Walhi, and ICEL. HuMa has shared the challenges of this policy-oriented network to support lead organizations and take the lead when the community law approach is the most strategic. The loose but effective operations of this network have, perhaps, contributed to the effectiveness of policy action.

5.3 Publications

HuMa's publications are continually mentioned as a strong and important resource: *"HuMa does this well," "The problem is only that they are in Bahasa, they can be translated for use in the region," They are regularly used in legal education programs now."*

5.4 Reputation with Government, Civil Society and Funders

Government, companies and donor agencies are largely seen as being more open to community justice struggles than in the past. The shift in culture to one in which *"Somehow we have to work together now to solve problems"* has been the result of HuMa and other social actors.

HuMa's direct and strong reach into state agencies, indicates that its reputation and programs are well known and valued. It is able to convene appropriate officials in the justice system as it recently demonstrated in bringing together judges for a one-day dialogue on Formulating the Status of Indigenous Justice in the National Justice System. It also has *"access to the state"* through Epistema and other partners, indicating that it can continue to play an advocacy role for community justice policy changes with agencies such as the Ministry of Forestry.

How it conceives its policy strategy moving forward is important given its reputational assets. The challenge is to align its national advocacy interests with the needs of its community networks. *"Working with a government that is 'not intent' or 'not genuine' in recognizing rights [can be a challenge]. We need to define what is the sphere of 'collaboration' and when to stop [working on particular policy goals]."*

How the policy advocacy and formulation capacity of HuMa is harnessed to promote these community level resolutions is thus a strategic question to be asked. *"What 'space' is provided for locally defined advocacy versus globally or internationally defined advocacy (by HuMa's partners: FPP, RRI, ILC, etc?)."*

6 What Still Needs to be Done: Challenges and Weaknesses

This section identifies challenges based on areas that are identified as weaknesses in HuMa's impact over the last decade or that represent a change in the fundamental context of community conflicts, resources and legal challenges to which it will need to respond in the future.

HuMa's ability to **support actual cases on the grassroots level and to reinforce its presence in communities** emerged as one of the biggest challenges and expectations that lie ahead. *"HuMa needs to position as a more*

grassroots actor. HuMa's structure is not fit to support this new role. Many agrarian programs need support before and after the cases. But HuMa is going to everywhere in the world instead of the grassroots organizations. "

Another major challenge is to **clarify HuMa's systematic approach to partnerships and collaboration**. The concern that some of HuMa's relationships—with strategic partners, allies, members and networks—lack clarity—was brought up consistently. HuMa needs to consider how to formulate its role more effectively both as collaborator and a stakeholder that can step up where it is needed.

"Without strategic positioning, HuMa will be a regular organization. But HuMa's exemplary experience is its group (with special members on agrarian and national resources, they can contribute for general reform.) It's a hard task but HuMa must develop strategic collaboration at the national and local Level. We need to change the way we organize."

The **role and approach to membership** was also brought up with two dimensions. The first is that members need to be mobilized to help resolve some of the outstanding issues in legal cases, research and policy engagement. *"Could HuMa actually grow its network more? Perhaps it could utilize its members more in different ways such as mobilizing resources."*

The second dimension was a question of whether HuMa should expand its membership, perhaps by offering an open or paid membership who would share HuMa's values and commit to services for community rights and conflict resolution. *"What is also important is that they have romantic values of IDEOLOGY and COMMITMENT."*

6.1 Providing strong, appropriate support for local cases to resolve community rights conflicts

Many questions emerged about whether HuMa is effectively supporting and growing the paralegals (PHR) network to prepare and bring cases to the courts. *"HuMa's community paralegals are still needed but we need to scale this effort up by two to three times in order to begin to have systemic impacts."*

The idea that HuMa needs to adopt strategies that *"go beyond training"* and that give needed support to resolve conflicts permeated many of the comments. *"If we compare HuMa's mission to support paralegals with where the money goes we will find that too little money is going towards grassroots support."* The world of support beyond training and networking, one way or the other may need to be explored. Some directions mentioned were:

- A local policy agenda: One element of deepening the strategic support to communities can be to expand a focused policy agenda for researching and strengthening local courts and legal systems. This was seen as supportive to the cases under way and could focus on a number of areas of weakness or in need for further development (see 5.5 below). *“HuMa needs to do more studies in the field to help it to take on positions [political/justice] and see the reality now, especially after the constitutional court ruling for AMAN. It also needs to review the forestry law, a process started in 2000.”*
- Invest in on-the ground presence: While the PHR training is cited as very significant, there is a feeling that HuMa disappears for years at a time after its trainings and that this *“traditional educational model”* is not well suited to advancing the application of PHR tools and techniques on the ground. *“What would be good is for HuMa to keep the idea of education for the community but to also engage in broadening issues with links on the ground.”*
- Advice and on-the job assistance: Having developed the PHR identity, HuMa can further improve the success rate of community justice cases by making advice and assistance available to practioners when they confront hurdles and challenges. HuMa could do this through supporting an advice desk or by pairing members and PHR alumni as outside specialists to respond to local PHR cases. It can also help after the fact, to encourage ongoing evaluation and the production of lessons learned articles, research and documentation that can further strengthen PHR approaches. *“HuMa can give us the critical legal feedback. It can review us after 8 years. HuMa has produced alumni, now what have they done, what changes have come about through their action? HuMa has been good about enabling “scientific research,” it needs to focus more on critical legal studies.”*

Of course these program augments can also be incorporated in the proposed HuMa school (see Section 7.1) but they represent both a clear alignment to strengthening the action on the ground and meeting the rights challenge.

“The right connection in the future should enable interaction and connection among PHR and HuMa, link alumni to help each other in local struggles, support critical legal research and bring PHR alumni together in same program.”

6.2 Addressing gaps with partners

The capacity challenges and positions taken by partners reflect on HuMa. With its five “strategic partners,” there is a need for **greater clarity over what a strategic partnership is, how the organizations work together and what the mutual response to conflicts and key issues can and should entail.**

For example, the issue of HuMa’s Papua initiative was raised by a number of people, *“What about Papua? How are we going to work in Papua? PtPPMA, the strategic partner in Papua is not operating as a PHR, not as a legal organization, and has not been ‘led’ after the death of Edison Giay.”*

The issue raises several questions. How permanent is the HuMa partnership? How does HuMa respond effectively to crises in leadership and capacity? What role does it play in the long-term development of its partners? How does it learn from and add value to their approaches? How do partners evaluate each other on the level of values and principles as well as program effectiveness?

The strategic partnerships that HuMa has built are not ineffective. Numerous respondents emphasized the very existence of these partnerships as an important accomplishment because they provide the on-the-ground capacity, understanding of local conditions and connections to local actors. But, at the same time, the idea of expanding this approach seemed premature because HuMa’s role was unclear.

Technical recommendations:

Overall HuMa needs to clarify its own partnership approach. We heard support for deepening its **long-term approach with and commitment to these strategic partners**, if HuMa can be more responsive to their needs and clearer about shared values. The very personal nature of HuMa is a strength, we believe, that can continue to be a basis for a more rigorous approach that would clarify expectations, incorporating more overtly something like the following recommendations:

- Produce a clear **set of partnership values and principles**
- Draft or strengthen these agreements into **MOUs** (a written agreement on shared objectives, values and process)
- Design or clarify **program goals and responsibilities** for working with partners each year
- **Publicize** the values and principles and partnership goals broadly

Over time, HuMa has also developed a number of **loose alliances** with groups. The question emerged of whether these are different levels of partnerships and whether HuMa also needs to clarify how it allies with groups in general,

that is, what is the difference between a partnership and the strategic partnership with HuMa? There is some indication that the difference of strategic partnerships is that HuMa has an inherent interest in addressing the on-the-ground capacity for resolving community capacities and is building the structures and human assets to tackle this. It can be useful to clarify this with partners and members.

The nature of HuMa's partnerships and alliances is not merely a structural issue. It is also about how to be responsive to and expand "*synergies with other organizations.*" For example with AMAN, "*HUMA is not linking with AMAN which is building its own indigenous peoples lawyers.*" Within alliances, then, it is also important for HuMa to have the capacity to take advantage and be responsive to partners and initiatives that can make an impact on the delivery of justice.

6.3 Building the social movement for community rights and justice

HuMa's relationship to and role in a building and growing a national social movement for community rights and justice came up a number of times. As Charles Tilly defines it a social movement is a "a series of contentious performances, displays and campaigns by which ordinary people make collective claims on others." It is clear HuMa is a key player in defining the issue and that it is well embedded in a number of networks, the question is whether it is willing to risk its reputation to empower the kind of broad-based, multifaceted approach in which "ordinary people" will be empowered to move forward their claims in what is, by this definition, necessarily contentious. This strong identification as a *part of a broad based movement* with the role of *empowering people to make their collective claims* can be uncomfortable with high level partners but appears to resonate with those with whom we spoke.

What does identification with a social movement entail? One perspective is:

"HuMa should be supporting movements. For example the movement against the state forest organization in Java. HuMa is very thinly involved in this. I wish HuMa could do more than make meetings and then documents. For example it should be helping to build a movement in West Java for the farmers. Friend of the Court briefs could be a useful strategy. The question is how to create networks and support their movement in the federal courts. HuMa could bring in experts to make a case. HuMa could help to show the illegality... It has to have a strategy for massed based action:

- 1) its trainings should be integrated into grassroots infrastructure (and not just held in hotels like most NGO activities)*
- 2) It needs to produce manuals for everyone*
- 3) Create resources for training trainers"*

HuMa is part of networks and it is strengthening the action of these networks, such as in community-based forest management (CBFM).

“HuMa fills a place in CBFM that is not being filled by others, that is empowering communities to be the managers of their forest resources. There is also ICEL but it is focused on inter-agency planning and plays a different role. The key factor is that HuMa combines policy and on the ground presence.”

But HuMa’s strategy in the justice movements needs to go beyond just playing a productive role in networks, it can be an empowerment approach in which HuMa’s role provides central support for the engagement of ordinary people to meet their needs.

6.4 Analysis of People' Law

The most frustration that we heard is the perception that HuMa avoids or does not take a stand on controversial or contentious issues. There was significant awareness that this may be difficult and may make HuMa enemies, but the benefit in terms of supporting PHR, Partners and the Social Movement (each discussed above) seemed to outweigh the dangers of taking on controversy. *“HuMa is a thinking organization but the problem with this is that it makes it harder to get consensus to take a stand on specific issues”*

It was felt that HuMa must take sides and provide supportive inputs into justice systems that are failing to meet community needs (such as Friends of the Court Briefs that argue for greater community autonomy over resources and constructive criticism to local courts).

“[An] example is the draft law on Indigenous Peoples; HuMa is the original drafter. While it needs to stand back and be cautious on details, sooner or later we have to take a stand. We do not want to run the movement like we are fighting it but networks see HuMa's position as too ambiguous or gray.”

Some suggestions that emerged are:

- *“HuMa must take advantage of national ‘wins’ like MK 35 as soon as possible.”*
- *“It must actively provide legal information/analysis of options, etc.*
- *“HuMa must develop at key levels various legal options”*
 - *Mobilize its PHR network to act on local and national challenges to rights*
 - *At least consider using multi-skilled approaches like community organizing*
 - *Be available to facilitate groups to formulate strategy on winnable issues and improve their own success*

- *Employ creative legal and policy approaches (Friends of the Court Briefs, White Papers, Providing legal representation where appropriate)*

Not every controversy merits HuMa’s attention, of course, but those that relate directly to the current and future capacity of communities to resolve the rights and resources conflicts they have are in the center of HuMa’s mission and approach. As HuMa clarifies its position in these areas, it will have a ripple effect in strengthening partners and moving forward critical legal studies. At the same time, there may be more opportunities for HuMa to help strengthen international solidarity networks that will learn from these discussions.

“International policy, best practices and replicable approaches is potentially opportunistic for HuMa because assisting in this trilateral cooperation could benefit it [in terms of strengthening its relationships with the government and scaling up its programs]”

Technical recommendations:

We have identified two major areas—gender justice in peoples law and natural resources law reform—that seem to be strong candidates for HuMa’s attention and will need some combination of response, such as

- 1) Position clarification that includes identification of the issue, engagement of some of the key HuMa members, partners and PHR in debate and ensuring space for discussion across the network,
- 2) If not resolution, at least, clarification of how the HuMa network will respond, and
- 3) Appropriate and public products (public statement of position or direct engagement of the network)

6.4.1 Gender Justice in Peoples Law

Are women benefiting from traditional law? Are they being excluded from the benefits of realizing local ownership, management and control? If traditional and community courts are an important alternative to the formal courts, how do we ensure that we are not reinforcing customs and rules that marginalize women and other groups?

“The main point is ... to encourage other activists to consider gender justice but this also means always asking who are the vulnerable groups. It’s about the approach. Community organizers in Indonesia often find it easier to talk to men at community level. It is time to no longer talk about broadening rights [hakumbrakiat]. People are not homogenous (i.e. rights cross over at many levels); we need to see rights

not as much about one sex or social group but an integrated and sensitive approach. Indigenous peoples are also not homogenous entities. The challenge is to build a base with UDHR principles under local laws.”

There was a feeling that HuMa has not taken a sufficient leadership role on this issue despite its advocacy and training. “... the discussion in HuMa on gender often focuses on issues of representation on staff and at workshops and not so much on the content of the work.” This is one issue that, perhaps, needs expanded attention.

The demand for clarification of position on the issue of gender justice is not so much an academic exercise entailing research and crafting principles, as it is to **operationalize support for resolving the issues and conflicts in this area within traditional and community-based justice systems.**

“We need tools, not a specific strategy on gender and women. We should implement principles that make it clear that our dialogues reflect what we do and that we only support human rights values. If we are to advance, a stand has to be taken by members...[A gender approach] needs to be incorporated in our practice. When we go to the village we may only hear the men, but we need to make an effort to sit with the women.

6.4.2 Areas to Advance/Mature in Natural Resources Law Reform

There are a significant number of specific issues, some of which are somewhat controversial, to which HuMa is influential but its responses are perceived as inconsistent and even conflicting with each other at times. The controversies behind these issues exist at two levels:

- The absence of a concerted effort to hold maturation discussion on ideas, criticisms and firm up HuMa’s position
- What is often expressed as insensitivity to HuMa activists in laying the ideological foundations for the program?

Five issues identified in interviews are:

1. Clarifying HuMa’s approach to the Adat Court

In the case of the MADN (Masyarakat Adat Dayak Nasional (MADN)) trial against Thamrin Amal Tamagola, where Tamagola—a prominent human rights defender—was being adjudicated in “adat” judicial process for violating of what is supposedly called a conflict with the norms of Dayak peoples, HuMa took no clear position despite the fact that a human rights

defender was at risk and the outcome could have continuing repercussions for the HuMa Network. The difficulty with criticizing customary law is clear, since it is in HuMa's interest to advance local authority, but if Adat courts are to earn respect and a more strategic role in the delivery of justice, their role needs to be open to constructive criticism and reform where it is needed.

Members provided a diversity of views on this issue. On the one hand, some considered the customary proceedings a form of "*adat fascism*," "*not customary justice*," and the over-reach of "*local political authority*," while on the other hand, the proceedings were perceived as part of the maturing of "*customary justice and the workings of customary law*" and "*the dynamics of local identity*." There is a sense that HuMa needs to be open to a "*rainbow*" of approaches.

In another example, for example: Greenpeace and Abdias Yas, HuMa member from LBBT, himself were sentenced by customary law: "*customary law can be manipulated as well -- even though customary law was targeting us, it means that customary law (considered) is still working, and this is a hope.*" While HuMa's role is delicate in terms of having a long term view of the development of local justice systems as opposed to reacting to what might appear to missteps or misuse of these systems, there are a range of positions that it can take without reducing the capacity and respect of these courts. Its position can be nuanced, perhaps to insist on review processes and adherence to basic respect for human rights. But it should be clear that no response to such difficult cases would be perceived as a lack of commitment to the rights of those who are affected.

Strategically, there are a number of questions that HuMa members can productively answer here:

- What are appropriate review mechanisms for Adat courts?
- How can Adat courts be strengthened and developed?
- Is there a set of justice principles underlying and common to Adat courts?

2 . REDD+ and Climate Change Initiatives

REDD+, as one of the largest environmental policy development issues potentially impacting community autonomy and the future of their resources needs to be recognized as a significant ongoing issue for HuMa involvement. Similarly large REDD-related projects and proposals of NGOs have flooded the community landscape. The mandate holders for REDD programs, however they are determined, can undercut the defense of indigenous and community rights and this dynamic seems to escape criticism as the focus has been on balancing the role of the government in environmental management for large-scale economic development. REDD, borrowing the

language of Ton Dienst can be *“just read as a compromise of eco-fascism with the eco-developmentalism product, and not as a reinforcement of an eco-populism paradigm.”*

“It is not because HuMa is concerned with REDD in particular, but REDD+ has opened up the opportunity to reform tenure, forestry and the use of community resources, all things that are clear to HuMa's mission. “

In this way, the role of the HuMa network to promote and advance basic principles, such as, the just distribution of REDD-generated income, the prioritization of communities in deciding what land and resources can come under REDD and other macro environmental policies that will be imposed on communities may be even more critical in the future.

3. Sustainable Palm Oil (SPO)

A few respondents were concerned that HuMa may have the same position on palm oil as LBBT Sawit Watch (given HuMa's executive director's participation on its Board of Supervisors). Sawit Watch has called for improvements to the management of both the existing palm oil plantations as well as to those that will expand production in the future. Some respondents felt it is important for HuMa to stand for the termination of palm oil production altogether, a position different than LBBT's, in order to stop the expansion of land for oil palm plantations, because they destroy the forest and the social systems of indigenous peoples.

How does HuMa clarify independent positions, or even the need to keep open debate on an issue, with partners that take another stand? How does it enjoy a degree of independence from their positions, particularly if it becomes involved in their management and governance?

4. The Master Plan for Acceleration and Expansion of Indonesia's Economic Development (MP3EI)

Critics of Indonesia's ambitious plan for economic expansion have been less vocal in these interviews, which have tended to focus on immediate issues impacting community justice. On the other hand, MP3EI is such a massive undertaking that has will promote more large-scale development possibly to the detriment of the rights of indigenous peoples and local communities. In fact, the reality is perceived as a continuation of the historical policies of violence and expulsion of people in villages from their homes and livelihood lands to clear the path for agricultural and urban development projects. How can HuMa prepare communities to address the power gap that exists them and large-scale industries or government agencies?

5. 'Village Act' versus the 'Protection and the Indigenous Peoples Rights Recognition Act' (PPHMA)

This is related to the formation of the community managed or village forests and traditional forests in the adat areas or customary forests. Some strategic partners are denying there is any form of village forest, while on the other hand, HuMa attempts to analyze the diversity and suitability/effectiveness of zoning based on the local community, especially to protect human rights and social justice. The same question here holds about how and if HuMa can make it clear that it supports the conceptualization and transfer of resources to village forests in terms of a productive discussion with its partners and a consistent organizational position.

6.5 Internal Capacity

Some internal capacity challenges came up in the course of this evaluation. In general, there were some questions about whether HuMa has lost important resources in recent staff transitions: *"Who will then work on the 'legal issues' or 'delivery of justice'? HuMa's 'leavers' are not replaced."*

Another question was whether HuMa had sufficient staff who had lived and worked in the field and would rise to the need to make an impact in these areas. There was a worry that HuMa, like other NGOs might find it easier to *"stay in the comfort zone"* of the capital where it can interact and work with other organizations that speak its language. Given the recent nature of staff transitions these worries may indicate nothing more than an important transition period but they also point to important areas in which HuMa might place a priority in developing its staff as well as the demand to redouble HuMa's commitment to community level solutions.

This concern was not so much oriented towards hiring or expanding the staff but improving staff skills on very specific projects and challenges – management of the database, community facilitation and training, grassroots support and fundraising. We found the desire for HuMa to put its focus on three areas of perceived gaps in program capacity:

- 1) Experience "living in the field"
- 2) Communications and management of partners
- 3) Maintaining and improving the legal database

The strengthening of the staff in these areas runs parallel to the needs expressed to strengthen and focus its programs strategies.

Additional areas of internal capacity that were mentioned are:

- **Focus on Communicating HuMa success on the ground** – Several people expressed a need to hear more about the impact of HuMa’s networks at the community level. How many cases are PHR involved in? What success have they had? What are the challenges and changes in context that are important to understand? Many appreciated the HuMa website and publications but felt, *“Communications is the largest challenge for HuMa. They need more stories of their success and lessons from the work.”*
- **Improve management of the HuMaWin database** – the maintenance of the HuMaWin database is one area that was identified. *“It does not seem to be being maintained or advanced. Is this a staffing issue or what is going on?”*
- **Consider giving up some policy efforts to Epistema** -- A significant concern is to clarify the extent to which HuMa and Epistema can support each other in realizing their main programs. *“Doesn’t this mean that HuMa should be reducing some of its national policy work and giving it to Epistema. Is there a funding issue here?”*
- **Invest in Partnership Management** -- Another issue is if HuMa is plans to expand or deepen its relationship with strategic partners, especially in places where HuMa has been working with them very closely that it ensures it has sufficient staff to manage and support these partnerships.
- **Reliance on External Funding** – HuMA has built significant relationships with donors. There were some misgivings expressed about how *“donor directed”* its program might be, but we think this may be mostly related to the need to address some of the gaps above. The more cogent question was about if it should begin to ask the question about if the reliance on external funding can be reduced or addressed by broadening its funding base. One person pointed out that an effort to raise funding from Indonesian sources can simultaneously build understanding and buy-in to the HuMa movement. *“We can learn from social marketers about how to talk about mobilizing resources in Indonesia from Indonesians. What could 1000 mobilizers (the number of PHR alumni that HuMa has) do to become change makers?”* The challenges inherent in such an approach might make it daunting but the benefit of starting to build a supportive Indonesian fundraising and awareness-building program should certainly be on the table. As one person said, *“How can we become more accountable to the people rather than to the funding agencies?”*

7 Identifying opportunities for the future

This section looks at the changing context of the struggle for community rights involving land tenure, changing patterns in governance, macro issues affecting communities and the state of indigenous, rights and other movements that can connect with HuMa. What are the opportunities for HuMa growth and deepening of its programs? How are donor priorities moving? How can it be flexible and yet plan for growth?

Overwhelmingly, this evaluation has identified the need to deepen the work on the community level. But it must be said this is against a changing context in which donors may be more interested in seeing HuMa as a regional and internationally recognized organization.

Its research and PHR approaches can be useful in building capacity in other countries. *“HuMa should play a more important role on the regional level. 1) they should start by publicizing good examples, 2) they need to have a clear explanation of their success.”* Some degree of engagement on the national and international scale can help to bring new resources, learn from other organizations and networks and build *“HuMa’s brand”*, however, the pressing opportunities that lie ahead, perhaps, should be oriented to expanding the success of the community justice movement on the ground in the regions where HuMa works.

Two opportunities that lie at this critical juncture are: The HuMa School and strengthening the community rights network.

7.1 The HuMa School

While the proposed structure, objectives and scope of the proposed HuMa School were not clear to informants, it was felt that the school will be an important opportunity to consolidate and strengthen HuMa’s development of the PHR initiative.

“Creating a school is a good direction for HuMa, but it has just started. HuMa started working with PHR more than seven years ago. They have been moving slowly. How many PHR has HuMa created? They need to do more. HuMa should definitely avoid adopting a formalized form for the school (with an overemphasis on grades) and seek out an empirical form that fits the purpose. It should look at the form and methods of the Farmers School for Pest Management, which reaches 100,000 members and has continued even after the WB took over.”

The idea for a non-traditional school without walls was embraced as long as it would see its role as also beyond training to come up with strong ways to accompany its students in the struggles in which they are engaged. How can it grow the justice specialties, experience and assistance to make an impact on

the real struggles? The need is for its approach to go beyond an information or knowledge development approach to a practical and active reach into the communities.

“The school that HuMa is currently working on is a great idea. It can be useful for providing 1) specialized training, 2) involving alumni (as trainers and to improve their skills, 3) more visibility as connected to a school. The school can be easier to organize [than occasional trainings]. It can help HuMA to broaden out to find a new generation, provide alumni support in the field. Alumni can be trainers, assistants, advisors and researchers.”

Particular questions that emerged are:

- How will the school engage the PHR Alumni for further training and development of their craft?
- Can it build on the valuable experience and connections to stimulate profitable horizontal linkages between alumni and students to develop critical law approaches and research on the ground?
- How will the school connect with AMAN’s plans to create an indigenous law network?
- How will the school connect with judges and formal lawyers, as well as HuMa members?

7.2 Movement Role - Opportunities in Community Law Practitioners Formation

HuMa’s staff and members are already part of key networks working on community and legal issues across the country. These networks range from local area networks in which it participates with its partners to national policy networks. This has been a very strategic role in the past and particularly as networks begin to deal with new areas of action, with a greater emphasis on pressing for the implementation of positive policies, direct partnership with government agencies in the provision of services and increasing the participation of community organizations and communities across the country, HuMa’s informal and effective approach to networking can play a major role in making these networks work.

The issue with networks is that, when they become the focus of action, rather than a response that works towards building an effective movement, they fall prey to the adage, “networking is not working.” This can be the case within its own networks,

“There is already so much networking going on. The important thing is not to invest in another network but to connect the networking that is going on to the need. It is important to think about the substance not the networking. “

So where does HuMa's role lie? *"HuMa's training and intervention can create the Rights/Legal actors, forming cadres ('Kaderisasi') at national, village levels"* Some expressed the opinion that are still focused at the national levels and so there is still significant room to focus on the village levels. Is this the role of 'consolidator' capable of transferring power and capacity to the village level? Some respondents felt that this role has not been performed well.

"It shows in weak (or disempowered) local partners. They feel they have no role, there is no KTT [ASEAN summit] in the daerah [districts], no friends to be discussing their issues with, compared to before. [when Sandra Moniaga was in West Kalimantan; Budi Wijarjo was in East Kalimantan; Hedar was in Sulawesi; Zadrak was in Papua]."

The movement building roles, going beyond training to build ongoing capacity through advice, being on the spot, engagement in local struggles and the translation of these struggles into supportive policy stands apart as an opportunity that needs to be further developed.

"Who is now doing this at HUMA apart from the key national figures? How should HUMA improve its own internal cadres? Pay these cadres so they stay? Encourage and inspire these cadres so they remain committed even if pay is 'lower'?"

At the same time it must be reiterated that HuMa has also the ability to reconnect with former PHRs as well as members, former staff and allies that now sit in high positions of government and not in partner organizations, not in NGOs anymore. Many of these are one of its most important resources to the extent that HuMa can effectively bridge them to local level struggles that need their expertise. The challenge, as we have heard it, is to:

- Convene them regularly through members meeting, fora, trainings and task forces
- 'Weave' their existing work/positions with their former orientation as PHR, can they continue to be helpful to PHR?
- Make it clear there continues to be a role for them
- Develop a directory of all PHR alumni and members to facilitate contacts

8 Recommendations

This section discusses some specific recommendations that emerge from this evaluation: 1) Where should HuMa focus its energy in the future, 2) What does it need to do to prepare itself as an organization?

8.1 Clarify the HuMa vision (along with its mission and strategic orientation) for the years that come

After ten years of action, the questions remain about whether HuMa is clear about speaking the same language of law within its networks (rights versus law, positions on fundamental community issues, a strategic vision on HuMa's focus on grassroots and movement capacity). Answering these questions represents a strategic opportunity to reinvigorate the HuMa mission and vision and to narrow its programs. The mission and vision need to be addressed, not just from the point of view of the semantic statements but as a high level clarification of HuMa's commitment.

Attention to a planning process that brings together HuMa's stakeholders will start the process of clarifying the gray areas, guard against staying in the comfort zone, and answer the questions for the future:

- How should HUMA expand and support the movement for community rights in Indonesia?
- How should it better support and strengthen strategic partners to improve their own capacity and impact? What does it need to do to help them raise the 'flag' of HuMa's vision?
- What does HuMa need to do move from a comfort zone of access with the policy elite to push the envelope in areas such as land tenure, local rights recognition and implementation into practice of policies to which government has committed together with its local/strategic partners?

8.2 Plan for a gradual and strategic growth around the vision for the future

Reflecting its origins around lawyers and academics with a common agenda to develop Indonesian law as a better instrument to serve communities and grassroots movements, the *informal* and personal nature of the relationships between members and with its partners should be seen as an effective working style for the organization.

Building from this however HuMa should come up with a solid plan to grow its own capacities to play its supportive role. Assessing the strategic inputs that will be required means a practical plan to:

- Increase staff and program capacities along the line of the vision for the future
- Reinforce current relationships with members, partners and PHR alumni
- Go both deeper and broader within these networks by up-scaling partnerships and recruiting new partners and members

- Address issues of sustainability, most pertinently beginning to develop a broader funding base, exploring options for reducing dependence on external funding

8.3 Develop sets of **clear principles** in areas important to community justice, with the participation of HuMa's constituency, incorporate them in program activities and act on them

HuMa needs to develop its 'principles' and policy positions on the community rights/justice to avoid being 'mainstreamed' or 'stuck' in the bureaucracy, on the one hand, or caught within other 'agenda's' of local/national/international advocates who do not focus on the law/rights social momentum. How this is carried out is important because it can reinforce and found partnerships on better understanding. In this way, these positions should be developed with the significant participation of partners, members and PHR alumni but they will help to guide and make clear what is the common space of action within the HuMa network.

Clear statements of HuMa principles can be published in the areas identified through this evaluation, particularly the role of international human rights, the importance of traditional systems of rights, priorities on traditional marginalized (indigenous and women's) rights and the importance of participation, FPIC and other processes to community justice. White papers can help to clarify these principles within specific areas of action, such as land tenure conflicts, systems of appeal and the relation between traditional and national legal systems.

8.4 Focus the program on **deepening support for communities** (for communities through PHR, partners and a supportive network) that can lead to the successful resolution of community struggles

HuMA has made a start with training PHR and with strategic partnerships designed to address. But this network has grown with its own needs and demands. The fractured nature of these struggles fought with too little resources, too little time and often against the goliath must be altered if there is to be an up scaling of success. This support ideally goes beyond training and research to providing access to the right resources at the right times to make the difference.

The renewed community support program, most likely to be developed as part of the new HuMa school should incorporate ways to get the advice and assistance and even accompany a greater number of cases than HuMa has in the past. The approach should build on HuMa's existing strengths and consider, peer support (linking PHR to PHR or members) to help on a challenge, increased on-the ground presence of HuMa in the field, supporting local action groups and providing a bridge to national policy and resources.

9 Appendices

9.1 Evaluation Questions

Evaluation of Vision and Mission

1. Apakah visi dan misi HuMA masih relevan? Mengapa?
Is the vision and mission of HuMA still relevant? Why?
(link with Question No 3 below)
2. Apa visi dan misi yg perlu dipertahankan, dan apa yang perlu ditanggalkan?
What is the vision and mission that can be retained? What needs to go?

Evaluation of Program: Sustainability, etc

3. Sejauh mana program HuMA telah mencapai visi misinya? Masihkan relevan?
How far has HuMA attained its vision and mission? Is it still relevant?
4. Program apakah yang paling efektif? Mengapa? Apa program yg perlu dipertahankan dan apa yang ditanggalkan, serta apa usulan program HuMA ke depan?
Which program is most effective? Why? Which program can be retained? Which one should 'go'? What is the recommended program in the future?

Evaluation of Power and Role of HUMA

- strategic partners: learning center for development of critical legal thinking (epistema) pilnet (public interest network); to what extent knowledge is shared; PHR—Community Law Facilitator- paralegal and lawyers, adat leaders, youth, government officials interested in law and legal support;
5. Apa kekuatan dan peran HuMA yg paling signifikan, dan apakah itu kelebihan HuMA dibandingkan ornop lainnya?
What strength and role of HuMA is most significant, what is it that HuMA has more, compared to other ngo's?
 6. Adakah peran HuMA yg lemah, atau diharapkan namun belum bisa terpenuhi?
What is the weakest role of HuMA, or a role that has been 'thought about' but cant yet be realized?
-- membership?
 7. Sejauh mana keanggotaan HuMA efektif mendukung visi misi HuMA?
How far has HuMA's membership effectively supported its vision and mission?
-- what is the strategic role of HUMA in Papua;
 8. Apa peran strategis HuMA di Papua? Perlukah?
What is HuMA's strategic role in papua? Is it needed?
--local contributions

9. Se jauh mana kontribusi lokal terhadap HuMA, efektifkah?
What have been local contributions to HuMA? Up to what extent? Is it effective?

Evaluation of HuMa's Impact (community/ discourse/ policy/ law)

10. Se jauh mana program/ kerja HuMA memiliki dampak terhadap komunitas, diskursus, kebijakan, dan hukum? Apakah sesuai dengan kapasitas HuMA?
To what extent has the program/work of HuMA impacted local communities, discourse, policy, law? Does this measure with HuMA's existing capacity?

Political context and its relation HuMa's operation

11. Konteks politik apa yg sesungguhnya sedang dihadapi HuMA? Dan apakah HuMA memiliki strategi untuk itu?
What political context is HuMA is really facing? Does HuMA have a strategy for it?
12. Se jauh mana kemampuan HuMA menggunakan strategi untuk merespon situasi/ konteks politik tersebut?
To what extent is HuMA capable to use this strategy to respond to the aforesaid political situation/context?

Challenges and Opportunities

13. Apa tantangan HuMA terbesar untuk 10 tahun mendatang? Apakah HuMA memiliki prasyarat untuk perubahan mendatang?
What is HuMA's greatest challenge in the next 10 years? Does HuMA have preconditions or conditions to prepare itself to face this perceived changes/challenges?
14. Apa peluang yg dimiliki HuMA saat ini, dan apakah peluang tersebut masih ada dalam 5-10 tahun mendatang?
What are the opportunities that HuMA has at this time, and will these opportunities still exist in the next 5-10 years?

Potentials, initiatives and dreams for change

15. Apa potensi yg dimiliki HuMA saat ini? Di level apa potensi itu dimiliki? Dan apakah potensi itu trennya berkembang ataukah melemah?
What are HuMA's 'potentials' this time? At which level does this exist? Are these potentials tending to evolve/develop or weaken?
16. Apakah HuMA memiliki inisiasi yg berbeda dgn ornop/ lembaga lainnya? Apakah inisiasi tersebut memperkuat posisi HuMA dalam menjalankan program kerjanya?
Does HuMA have initiatives that are different from other ngos/other organizations? Are these initiatives strengthening HuMA's position in implementing its program of work?

Trends in natural resources and donor's support

17. Apa tren isu sda yang berkembang atau mengemuka di masa mendatang? Apakah tren itu sejalan dengan visi misi / program HuMA?

What natural resource issues trends are there in the future? Are these trends parallel with HuMA's vision/mission and programs?

18. Apa tren dukungan lembaga dana terkait dengan isu yg dikerjakan dalam program HuMA? Menguat ataukah melemah?

What related donor trends are linked with the issues that HuMA's program are addressing? Is HuMA's work aligning with these trends?

19. Secara umum, apa yang menjadi point penting/mendasar untuk evaluasi HuMA? Adakah saran untuk evaluasi tersebut?

In general, what are the most important/basic points in this evaluation? Any suggestions for this evaluation?

20. Lain-lain, adakah hal/pertanyaan yang belum muncul dalam evaluasi dan perlu ditambahkan dalam evaluasi?

Others: are there other matters/questions that haven't yet emerged in this evaluation and need to be added?

Trends in natural resources and donor's support

21. Apa tren isu sda yang berkembang atau mengemuka di masa mendatang? Apakah tren itu sejalan dengan visi misi / program HuMA?

What natural resource issues trends are there in the future? Are these trends parallel with HuMA's vision/mission and programs?

22. Apa tren dukungan lembaga dana terkait dengan isu yg dikerjakan dalam program HuMA? Menguat ataukah melemah?

What related donor trends are linked with the issues that HuMA's program are addressing? Is HuMA's work aligning with these trends?

23. Secara umum, apa yang menjadi point penting/mendasar untuk evaluasi HuMA? Adakah saran untuk evaluasi tersebut?

In general, what are the most important/basic points in this evaluation? Any suggestions for this evaluation?

24. Lain-lain, adakah hal/pertanyaan yang belum muncul dalam evaluasi dan perlu ditambahkan dalam evaluasi?

Others: are there other matters/questions that haven't yet emerged in this evaluation and need to be added?

9.2 Interviews Conducted

Interviews Conducted

[Partial List]

- 1 Abdon Nababan, AMAN
- 2 Andiko
- 3 Anggalia (Anggi) Putri, Program Coordinator for Climate Change & Forestry, HuMA
- 4 Chalid Mohammad, Board HUMA
- 5 Emil Kleden

- 6 Farah Sofah, Governance Program Manager, DFID
- 7 Ganga Ram Dahal, Program Director, Rights and Resources Initiative
- 8 Jomi, Mantan QBAR
- 9 Kanyan, LBBT
- 10 Kiswara Santi, Program Officer, ICCO
- 11 Mia Siscawati, SAINS
- 12 Nadia Hadad, Indonesia representative, Bank Information Center
- 13 Neni, Rainforest Foundation Norway
- 14 Noer (Oji) Fauzi, HuMa Member
- 15 Nurul, QBAR
- 16 Rahmina, PHR Alumna, HuMA
- 17 Rifai, YCM/ QBAR