



Legal Empowerment for Women and Disadvantaged Groups

ADB



The Asia Foundation

Legal Empowerment for Women and Disadvantaged Groups

FINAL REPORT



The Asia Foundation

Contents

Introduction	1
Overview of ADB's Technical Assistance for Legal Empowerment	3
Previous ADB Work on Legal Empowerment	4
Innovative Features of the Project	4
Overview of the Project	5
Defining the Framework of Legal Empowerment Initiatives and Measuring Their Impact	9
The Challenge of Defining Legal Empowerment	9
Measuring the Impact of Legal Empowerment	10
Pilot Projects	13
Bangladesh	13
Indonesia	17
Pakistan	20
Conclusions and Recommendations	27
Reflecting on Objectives and Key Questions	27
Advancement of Knowledge and Practical Experience	27
Lessons Learned from the Pilot Legal Empowerment Projects and Specialized Monitoring and Evaluation Methodology	28
Recommendations	28
Next Steps	31
Appendixes	
Appendix 1 Overview of Legal Empowerment	35
Appendix 2 Summary Country Situation Analysis Reports	54
Appendix 3 Monitoring and Evaluation Report	66
Appendix 4 Standard Survey Instrument	95
Bibliography	111

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Currency Equivalents

(as of 24 September 2008)

Currency Unit	–	Bangladesh taka (Tk)
Tk1.00	=	\$0.0145773
\$1.00	=	Tk68.6

Abbreviations

ADB	–	Asian Development Bank
ADR	–	alternative dispute resolution
APIK	–	Indonesian Women’s Association for Justice
ASK	–	Ain O Shalish Kendra
Aurat Foundation	–	Aurat Publication and Information Service Foundation
BKM	–	local neighborhood improvement committee
BPN	–	City of Makassar Land Agency
CEDAW	–	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CSA	–	country situation analysis
DSSP	–	Sindh Devolved Social Services Program
LBH APIK	–	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia Untuk Keadilan (Legal Aid—Women’s Association for Justice)
M&E	–	monitoring and evaluation
NGO	–	nongovernment organization
NUSSP	–	Neighborhood Upgrading and Shelter Sector Project
SSSWRDSP	–	Second Small-Scale Water Resources Development Sector Project
TA	–	technical assistance
TAF	–	The Asia Foundation
UNDP	–	United Nations Development Programme
WMCA	–	water management cooperative association

NOTE

In this report, “\$” refers to US dollars.

Executive Summary

Legal empowerment is a powerful tool that the Asian Development Bank (ADB) can use in working to reduce poverty. Under its long-term strategic framework 2008–2020 (Strategy 2020), ADB will follow strategic agendas in helping its member countries reduce poverty and improve their people's quality of life, including fostering inclusive growth. Inclusive growth seeks to reduce poverty by building people's capacity to improve their lives. It supports coherent social integration and seeks to promote gender equality and empower women. It is a fundamental component of ADB's mission to reduce poverty and achieve the Millennium Development Goals. Legal empowerment employs a range of initiatives to build people's knowledge, skills, and confidence. It specifically works toward building equality and empowering people and therefore complements ADB's mission of reducing poverty.

In developing nations, women and disadvantaged groups are frequently the most oppressed and poorly educated. ADB has implemented many development sector programs designed to improve the lives of women and the disadvantaged. However, it can be difficult to ensure that project benefits actually reach women and the disadvantaged. They can be too disempowered to claim their entitlements or may lack the education and understanding that they have entitlements under a project. This presents a significant challenge for ADB development specialists.

Legal empowerment initiatives aim to give women and disadvantaged groups confidence, information, training, and assistance. It is intended that women and disadvantaged groups will apply these skills in protecting their legal rights and claiming benefits under development programs. The initiatives can also be used to empower public officials. Throughout the course of this legal empowerment project, the project team found that it was also useful to give public officials information and practical guidance so that they could actively participate in running development programs.

By giving vulnerable groups skills and confidence, legal empowerment initiatives empower people to actively participate in and work with project staff in sector development projects, meaning that development projects have better prospects of delivering on project objectives. This is why legal empowerment is such a powerful tool for ADB development specialists.

Because legal empowerment is such a useful tool for the development community, it is important to explain its concepts and strategies. Therefore, this report seeks to explain

- (i) what is legal empowerment,
- (ii) how legal empowerment is relevant to the development community, and
- (iii) how the development community can incorporate legal empowerment initiatives into their development programs.

Overview of ADB's Technical Assistance for Legal Empowerment

Chapter 2 explores ADB's rationale for funding-TAF to engage in legal empowerment strategies in three developing Asian countries: Bangladesh, Indonesia, and Pakistan. In particular, ADB wanted to (i) identify what legal empowerment strategies give women and disadvantaged groups the greatest access to basic social services, productive resources, and growth opportunities; and (ii) assess the most efficient way of incorporating legal empowerment initiatives into mainstream development projects. Using the benefit of earlier research, ADB and TAF incorporated two new and innovative features into the project: (i) the integration of legal empowerment in existing socioeconomic development projects; and (ii) before and after surveys in areas subjected to legal empowerment

initiatives and those without initiatives to assess whether the initiatives had resulted in any change. Chapter 2 provides an overview of how the project team selected suitable development projects into which they could weave legal empowerment initiatives and considers the lessons learned under the project.

Defining and Measuring the Impact of Legal Empowerment

Before designing the legal empowerment activities, the project team needed to define “legal empowerment” for the purposes of the project. The project team adopted a new definition for legal empowerment that is different to previous definitions: “the ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities.” In adopting this definition, the project team sought to place greater emphasis on the importance of providing project beneficiaries with practical skills and confidence to empower themselves in the future. This technique differed to previous notions of legal empowerment, which tended to focus on providing information on legal rights or legal assistance. By giving women and disadvantaged groups specific knowledge and skills, it is hoped that they will become more confident about voicing their expectations and demand responsible action from public officials and agencies. When large groups of people push for policy change at the grassroots level, they have better prospects of influencing governance and decision making and improving their lives.

Once the definition of legal empowerment was settled, the project team determined the project objectives and designed activities. The project team also considered how they could best monitor and evaluate their progress with achieving the intended outcomes. The solution was to develop a questionnaire that could directly survey the project’s beneficiaries and therefore monitor and evaluate the success of the project’s activities. The survey represents a significant step forward in legal empowerment activities. It is an important tool for assessing whether the legal empowerment activities are working and how they might be improved. Chapter 3 provides an analysis of how the project team developed the survey instrument and the challenges they faced in ensuring that the survey data

collected was an accurate reflection of the project’s progress. The survey instrument is also included in the report at Appendix 4.

Pilot Projects

The project is ADB’s second formal focus on legal empowerment and its broader implications for development programs. To that extent, legal empowerment is still in a growth phase, making it important to demonstrate the potential positive outcomes of legal empowerment. To ensure the project’s success, the project team focused on identifying development projects that would successfully lend themselves to integrating legal empowerment activities. Chapter 4 of the report discusses how the project team identified suitable projects. It also provides an analysis of the (i) objectives of the pilot projects, (ii) local partner organizations involved in the pilot projects, (iii) legal empowerment activities undertaken under the pilot projects, and (iv) achievements and challenges of the different pilot projects.

Conclusions and Recommendations

Chapter 5 highlights the major findings of the project with respect to ensuring the success of legal empowerment activities. These are:

- (i) Project specialists must concentrate on investing in pilot project activities and developing specialized monitoring and evaluation methodologies to assess the impact of legal empowerment programs. This should give development specialists the empirical evidence they need to convince sector project managers and resource managers of the value of legal empowerment to their projects.
- (ii) It is essential to develop strong and cooperative working relationships between the designers and implementers of legal empowerment activities and their ADB and government counterparts. As the different parties may have different backgrounds, it is fundamental to develop a common terminology that describes legal

empowerment concepts and records experience in practical terms that are readily understood by all involved.

- (iii) Legal empowerment work relies upon developing complex and mutually reinforcing working relationships between varying parties. This is essential for encouraging public officials and agencies to assume a sense of ownership in the work.
- (iv) Great care and consideration must be taken in selecting the project location. In some cases, an ideal pilot project location is one in which the ADB host project has been working for a reasonable period and reached certain milestones in the sequence of implementation, while in other cases a legal empowerment activity may

be included from the outset of an ADB host project.

- (v) It is important to appreciate that legal empowerment is a long-term process and that the best results are achieved over time.

As the pilot projects were undertaken over a short time period, it is difficult to assess whether the project led to long-term behavioral modification. Nevertheless, the project generated sufficient data to affirm that legal empowerment measures can advance governance reform and poverty reduction and support the achievement of development project goals. ADB and other international agencies are encouraged to invest in projects that will advance the integration of legal empowerment in development projects.

Introduction

The Asian Development Bank (ADB) conducted a technical assistance (TA) project that promoted legal empowerment in three developing Asian countries: Bangladesh, Indonesia, and Pakistan. The project explored the potential for legal empowerment to reduce poverty, improve governance, and promote more inclusive development—particularly for women. The project included preliminary country situation analysis, pilot legal empowerment projects that were integrated into host ADB loans, and a rigorous evaluation methodology. It aimed to (i) identify and test legal empowerment strategies that increase access to basic social services, productive resources, and opportunities by women and other disadvantaged groups; and (ii) promote increased incorporation of legal empowerment initiatives within mainstream development projects. The project was funded under ADB TA 6248-REG—Legal Empowerment for Women and Disadvantaged Groups. ADB engaged TAF to undertake activities under the project.

This report presents the findings of the project and incorporates feedback provided by participants in the Regional Conference on Legal Empowerment for Women and Disadvantaged Groups held at ADB in Manila on 13–14 December 2007. The conference marked the project’s completion and presented project findings and recommendations.

There are six chapters in this report. Chapter 2 (Overview of ADB’s Technical Assistance for Legal Empowerment) summarizes the evolution of ADB’s perspective on the nexus between legal empowerment and development, describes ADB’s previous support for legal empowerment initiatives, and provides an overview of the project. Chapter 3 (Defining the Framework of Legal Empowerment Initiatives and Measuring Their Impact) discusses the challenges involved in



defining and measuring legal empowerment and presents the definition of legal empowerment and evaluation tools developed under this project. Chapter 4 (Pilot Projects) provides a detailed description of the legal empowerment pilot projects developed and implemented in each of the three project countries. Chapter 5 (Conclusions and Recommendations) presents the overall results of the project and its ensuing recommendations.

Additionally, the report contains a series of supplementary appendixes that provide more detailed information on specific elements of the project. Appendix 1 (Overview of Legal Empowerment) presents the conceptual framework of legal empowerment that influenced the project design and implementation. Appendix 2 (Summary of the Country Situation Analysis [CSA] Reports) provides an overview of the key findings of the CSAs undertaken in Bangladesh, Indonesia, and Pakistan during the first 6 months

of the project, set out in tabular format. The CSAs reviewed the legal empowerment developments that had occurred in the three focal countries in the 6 years since ADB completed a seven-country study on “Legal Empowerment for Advancing Governance and Poverty Reduction” (hereinafter referred to as the 2001 ADB legal empowerment study)—that study included the three project countries.¹ Appendix 3 (Monitoring and

Evaluation Report) provides details on the design, application, analysis, and findings of the specialized monitoring and evaluation framework that was developed for the project. Appendix 4 (Survey Instrument) contains the standard survey instrument used in the three focal countries to monitor and evaluate the framework presented in Appendix 3.

¹ ADB. 2001a. *Legal Empowerment: Advancing Good Governance and Poverty Reduction in Law and Policy Reform at ADB*, pp. 7–164.

Overview of ADB's Technical Assistance for Legal Empowerment

ADB's Poverty Reduction Strategy has shifted away from using income levels as the sole indicator of poverty. ADB now adopts a broader definition that encompasses equality of rights; protection against harmful or illegal practices; and access to existing resources, services, and opportunities. Development assistance is undermined when citizens face systemic obstacles preventing them from enforcing their rights and accessing productive resources, economic opportunities, and public services. The connection among poverty, governance, and empowerment is reflected in ADB's 1999 policy paper, *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy of the Asian Development Bank*. The paper asserts that:

[I]n ADB's view, poverty is a deprivation of essential assets and opportunities to which every human is entitled. Beyond income and basic services, individuals and societies are also poor—and tend to remain so—if they are not empowered to participate in making the decisions that shape their lives.²

In view of poverty's tendency to self-perpetuate, ADB views legal empowerment as a way of enhancing the effectiveness of development assistance in helping improve the lives of disadvantaged groups. Providing legal empowerment in conjunction with ongoing development efforts helps citizens engage with legal and administrative institutions so they may address critical



The 2001 ADB legal empowerment study found that legal empowerment is most effective when used as a tool to improve people's daily lives, such as access to water, sanitation, or health care. It also found that engaging civil society organizations to work with local communities as well as government agencies and officials was an effective tool. In addition, it found that legal empowerment helps strengthen socioeconomic development efforts in a variety of areas, including natural resource management and conservation, rural development, land tenure, decentralization, and women's health. Also, prospects of certain sector development initiatives achieving their intended goals actually increase where a legal empowerment component is incorporated.

² ADB. 1999. *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy of the Asian Development Bank* (R179-99), p. 5.

impediments that prevent them from participating in and benefiting from development assistance.

Previous ADB Work on Legal Empowerment

In 2001, ADB engaged TAF to conduct a seven-country study that examined the present and prospective role of legal empowerment in advancing good governance and poverty reduction.³ The study examined the key constraints preventing disadvantaged groups from accessing legal, administrative, and governance mechanisms and, consequently, limiting the success of poverty reduction efforts. It also analyzed successful legal empowerment projects and identified in those projects common features and effective strategies for overcoming challenging conditions. The study provides concrete guidance and recommendations on how to design, implement, and assess the impact of effective legal empowerment projects.

The Foundation tested the 2001 ADB legal empowerment study's recommendations under a variety of pilot program initiatives. One such initiative was the Indonesia Irrigation Sector Legal Empowerment Study (2001–2003), which the Foundation undertook in conjunction with ADB. The Government of the Netherlands also provided financial support. This project employed a legal empowerment approach to promote greater citizen participation in the context of a national integrated water management project. It featured a series of pilot projects that demonstrated that legal empowerment activities helped advance the goals of the host water sector projects. While previous research has indicated that legal empowerment can contribute to poverty reduction and improved governance standards, it has also questioned the causal nature of these connections, as well as the most effective modalities for achieving these desired outcomes, particularly in the context of large-scale development projects.

Innovative Features of the Project

Building on the recommendations of the 2001 ADB legal empowerment study and its call for further

research, the project aimed to refine understanding of legal empowerment and test its potential to result in more inclusive development. Under the project, pilot legal empowerment initiatives were implemented in Bangladesh, Indonesia, and Pakistan. These pilot projects aimed to enhance the effectiveness of socioeconomic development projects in reaching their target beneficiaries, including women and disadvantaged groups.

The project advanced legal empowerment work to date with two innovative features: (i) integrating legal empowerment in socioeconomic development projects, and (ii) implementing a rigorous evaluation methodology that compared results in geographic areas where pilot legal empowerment activities were undertaken with control areas (or control sites) in which no legal empowerment work was undertaken. These features are summarized below and presented in greater detail later in the report.

Integrating Legal Empowerment and Mainstream Development

One of the project's key questions was: can adding a legal empowerment component enhance the impact of development assistance by helping to ensure that women and disadvantaged groups can use legal and administrative processes and structures to access resources, services, and opportunities?

Often there is a gap between the objectives of socioeconomic development projects and their results. This may be, in part, because of the fact that their success relies on the active engagement of key stakeholders, including both citizens and local-level officials. It is often the case that these individuals lack the knowledge, skills, confidence, or motivation to participate in ways that are envisioned in the project documents. Legal empowerment can help bridge this gap by providing vulnerable groups with the information, training, assistance, and confidence that they need to enforce their legal rights and harness existing and new opportunities presented through mainstream development initiatives, while providing public officials with information and practical guidance that will help them to better fulfill their roles and responsibilities in administering development programs.

The project examined the legal and administrative requirements for citizens to access the benefits provided under ADB loans in the three project countries.

³ Footnote 1.

A common research instrument was developed to capture and track indicators of legal empowerment, including levels of knowledge and confidence, strategies employed by vulnerable groups to enforce their rights, and outcomes achieved. The instrument was indigenized to capture unique features of each of the three pilot projects in terms of country context, ADB host project, and legal empowerment interventions. While previous studies have noted correlations between legal empowerment and indicators of improved governance and reduced poverty, the methodology developed for the project aimed to examine causal relationships. It asked: can changes observed be attributed to legal empowerment interventions?

In this context, legal requirements refer to conditions or requirements that are prescribed by law, while administrative requirements refer to the procedural steps to be followed by prospective or target beneficiaries under the administrative structure of an ADB loan or associated government rules and regulations. Legal empowerment pilot initiatives were then developed to address potential obstacles to participation by strengthening the capacity of women and disadvantaged groups to navigate relevant legal and administrative processes.

Research Methodology

A distinctive feature of the project was the development of a rigorous evaluation methodology, which employed empirical tools to measure the impact of legal empowerment. The research methodology, which was implemented in both project and control locations, sought to establish an empirical basis for understanding if and when legal empowerment would lead to an improved quality of life for women and other disadvantaged groups. A more detailed description of the research methodology and key findings is provided in Chapter 4.

Overview of the Project

The sections below provide a brief summary of the project's various phases.

Country Situation Analysis Reports

The project involved an initial research phase, during which sociolegal consultants in each of the three countries were engaged to undertake CSAs and document their findings in reports. The reports were intended to enhance the knowledge base of the country program environments for legal empowerment and guide the selection, design, and implementation of the three pilot legal empowerment initiatives. The CSA reports identified the range of public and private agencies involved in legal empowerment activities, assessed their relative strengths and weaknesses, and influenced the design of pilot projects implemented through the project. Draft versions of these reports were disseminated to relevant government and civil society stakeholders for comments and feedback, which were then incorporated into the final versions. Appendix 2 provides summaries of the CSA reports.

Country Consultations

In June and August 2007, the project team held workshops in Dhaka, Jakarta, and Islamabad. They presented background on the project and the findings and recommendations of the CSA reports. Participants included legal empowerment practitioners, academic specialists, government officials, and representatives of donor agencies. The CSA reports were revised on the basis of participant inputs, while the design and implementation of the pilot legal empowerment projects—described as follows—also took account of the workshop proceedings.

Identifying Appropriate ADB Host Projects

The second phase of the project involved designing pilot legal empowerment projects. The first step in designing pilot legal empowerment initiatives required reviewing current ADB country project portfolios for the three countries to assess the potential for legal empowerment to enhance project performance. The basic criteria for determining whether to initiate a legal empowerment component included reviewing the laws, regulations, and procedures governing access to resources, basic social services, and opportunities. Some questions that were considered included:

- (i) Does the mainstream development project touch on any administrative or legal process that might pose obstacles to intended beneficiaries?
- (ii) Must beneficiaries apply through formal procedures to gain access to the resources, basic social services, and opportunities provided by the project?
- (iii) If the implementing agency is a government entity, what sort of administrative procedures or legal documentation are required to gain access to resources, basic social services, and opportunities?

Legal empowerment can be especially useful if accessing benefits that a project is intended to confer involves navigating complex legal and procedural requirements. It is not only women and disadvantaged groups that find these processes daunting; in many cases, even the local officials responsible for administering a project are not completely comfortable with charting a course through the maze of laws and procedures, and will benefit from practical guidance. In selecting ADB projects for legal empowerment projects, the following criteria were taken into account:

- (i) the strategic value of specific sector areas of focus in each country,
- (ii) the legal framework and institutions in which activities are undertaken,
- (iii) government agencies involved,
- (iv) intended beneficiaries,
- (v) potential partnerships between government agencies and civil society organizations,
- (vi) anticipated impacts on women and disadvantaged groups,
- (vii) practical operating modalities for the legal empowerment pilot initiatives, and
- (viii) relevant experiences of other development partners.

Pilot Projects

Based on the project team's analysis of these criteria, and extensive consultation with ADB counterparts in Manila, Dhaka, Jakarta, and Islamabad, legal empowerment pilot projects were initiated in the context of the following ADB sector development projects: the Second Small-Scale Water Resources Development Sector Project (SSSWRDSP) in Bangladesh; the Neighborhood Upgrading and Shelter Sector Project (NUSSP) in Indonesia; and the Sindh Devolved Social Services Program (DSSP) in Pakistan. Further information on each of these ADB loans and the complementary pilot legal empowerment initiatives is provided in Chapter 5.

Monitoring and Evaluation

The monitoring and evaluation effort aimed to shed light on the connections (or lack thereof) between legal empowerment and improved governance and poverty alleviation. Standard research instruments and protocols were developed and implemented in conjunction with the three pilot projects. The monitoring and evaluation effort required an initial training phase to ensure that the researchers had the understanding, skills, and sensitivity to implement the research methodology effectively. It also involved conducting baseline and end-of-project research in two project sites and one control site in each of the three project countries, together with supplementary qualitative interviews, where necessary, to expand the finer points of the quantitative data. Chapter 3 and Appendix 3 provide a more detailed description of the research methodology and findings.

Supplementary ADB Portfolio Review

In addition to the individual country portfolio reviews that guided the selection of the pilot project, the regional technical assistance included a supplementary ADB portfolio review that was conducted during the final phase of implementation. The supplementary review in the three focal countries aimed to identify project activities holding the greatest potential for incorporating legal empowerment pilot program components that could serve as demonstration models for future replication and expansion. A portfolio review consultant interacted with members of the project team, ADB's project manager, and program staff of ADB headquarters and resident

missions, and reviewed ADB's portfolio of projects⁴ in the three focal countries to identify opportunities for incorporating legal empowerment components into mainstream and sector-specific development projects.

The review identified criteria that could be used to select those activities with the greatest potential to act as models for future replication. It also developed strategies for integrating legal empowerment components. In recommending ADB activities, the review took account of the intended beneficiaries, with a special focus on those projects with the potential to reach large beneficiary populations of women, especially poor and vulnerable and/or at-risk women; potential partnerships, including women's groups and nongovernment organizations (NGOs) promoting gender equality, women's departments or ministries, or other relevant organizations and agencies; legal framework and institutions in which activities will be undertaken; government agencies involved; anticipated impacts on vulnerable groups (in particular, the impact on gender equality and women's empowerment); strategic value of separate sector areas of focus in each of the three countries versus a single target area of focus; practical operating gender inclusive modalities for the legal empowerment pilot initiatives; and relevant experience of other multilateral and bilateral development agencies, including the United Nations Development Programme (UNDP), World Bank, and other agencies.

Regional Conference

The Regional Conference on Legal Empowerment for Women and Disadvantaged Groups was held at ADB in Manila on 13–14 December 2007. The conference aimed to enhance understanding of legal empowerment, regional and international practices in legal empowerment, and challenges and opportunities in designing and implementing legal empowerment projects. The conference was attended by ADB staff, members of the project team, government officials, partner NGOs, academics, and legal empowerment practitioners from the region and the broader international community. Sessions included presentations;

open discussions; and participatory exercises to facilitate thinking about the design, implementation, and assessment of the impact of effective legal empowerment initiatives. Conference participants' feedback was very useful and has shaped this report and other project deliverables.

Capturing Project Lessons in Practical Terms

To encourage local organizations and development partners in the focal countries to use legal empowerment strategies effectively, it is critical to document and disseminate the project's key findings in clear, nonlegal language. By avoiding the use of legal terminology, ADB aims to make it easier for nonlawyers working for domestic legal service providers, development organizations, ADB, and other development partners to implement and integrate the findings and recommendations in their future work.

The project's keys experiences are documented in this report as well as a practical handbook, *Good Practices Guide for Incorporating Legal Empowerment into Operations*.

This practical handbook aims to provide an enhanced understanding of legal empowerment issues and practical strategies for developing, implementing, and monitoring legal empowerment projects, and to thereby advance the goals and impact of sector development projects. The handbook begins with a background and conceptual framework on legal empowerment that (i) describes the importance of legal empowerment and its potential role in advancing the broader development goals of ADB operations; (ii) summarizes the constraints facing women and other disadvantaged groups that affect the quality of their participation in development initiatives and the benefits that they derive from them; and (iii) describes different levels of legal empowerment interventions and ensuing benefits, and the role of legal empowerment in sector development initiatives. The handbook then discusses the strategic factors for consideration and the approach to follow in designing and implementing a legal empowerment component in a sector development project. It uses tables and flow charts to summarize the steps to be followed, and provides guidance on developing and applying rigorous empirical tools to monitor and assess the impact of legal empowerment

⁴ The portfolio of projects refers to current projects in the early phase of implementation and those in the pipeline with potential interest.

activities. Appendixes targeting the specific needs of NGOs are attached.

NGOs undertaking (or considering undertaking) legal empowerment work can use this handbook to improve their understanding of what legal empowerment is and how to implement legal empowerment strategies. The handbook focuses on providing practical strategies for developing, implementing, and monitoring legal empowerment projects. The strate-

gies will help NGOs to advance the goals and impact of sector development projects. The handbook also aims to make it easier for ADB program staff and their counterparts to work together. It cross-references the factors applied by different organizations in their legal empowerment work, helping to forge effective working partnerships and advancing the goals and outcomes of legal empowerment interventions in sector development work.

Defining the Framework of Legal Empowerment Initiatives and Measuring Their Impact

The Challenge of Defining Legal Empowerment

In the last 5 years, the development community has focused increasing attention on legal empowerment, a concept originating in the specialized field of law. The development community has adopted the concept into the broader development parlance. Despite this increased attention, there is insufficient consistency, precision, and clarity about what it means, even among nongovernment organization providers of legal empowerment services.

While these descriptive features offer a rough sketch for understanding the concept of legal empowerment, they do not amount to a concrete definition. The phrase, “I know it when I see it,” famously penned by Justice Potter Stewart of the Supreme Court of the United States when considering whether something was obscene language,⁵ may aptly describe the process of finding an appropriate definition for legal empowerment. The 2001 ADB legal empowerment study defined legal empowerment as “the use of law to increase the control that disadvantaged populations exercise over their lives.”⁶



There is general agreement that legal empowerment is broader than legal aid; it goes beyond individual disputes to address issues at a community level. Legal empowerment often involves educating vulnerable groups about legal rights and processes for accessing legal and administrative remedies. At the same time, legal empowerment practitioners acknowledge that education alone is not sufficient; legal empowerment should involve opportunities for vulnerable groups to apply the knowledge and skills imparted to advance their interests. Finally, the very term “legal empowerment” implies that it includes the use of the law, but legal empowerment initiatives frequently include activities that are not inherently law-oriented, such as community organizing or livelihood development.

⁵ *Jacobellis v. Ohio*, 378 U.S. 184 (1964). This case, decided in 1964, held that “national” standards for obscenity determined “community” standards. A Cleveland Heights, Ohio theater had shown a foreign film with an explicit sex scene.

⁶ Footnote 1, p. 7.

During the inception meeting for this regional technical assistance, the project team determined that the 2001 definition would not suffice for the purpose of the project, particularly because this project involves a rigorous effort to assess the impact of legal empowerment initiatives. The team considered that a workable definition needed to be sufficiently concrete to provide a solid basis for determining whether the project interventions achieve the desired outcome of legal empowerment. In reviewing the previous definition, the project team found the concept of “increased control” particularly troubling for a variety of reasons. Having a sense of control over one’s life is a very subjective psychological experience that may be attributed to a wide range of factors. For example, some people may experience an increased sense of control even if their external situation has not changed, while others may become materially better off without an accompanying increased sense of control. Given these ambiguities, the project team was compelled to develop a more tangible and precise definition that is more closely linked to the work of ADB and other international agencies and their government counterparts.

The project defined legal empowerment as “the ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities.” This definition reflected an instrumental view of legal empowerment, emphasizing its potential to promote increased access to concrete outcomes. During consultation, some stakeholders expressed concern that this definition was too narrow and might not capture all legal empowerment-related issues. For example, it was argued that the current definition does not include the private sphere and therefore does not extend to domestic violence-related issues. This was a valid concern; however, the definition was developed specifically to monitor and evaluate legal empowerment initiatives under ADB development projects. The definition may not be all-inclusive and generally applicable. But, it serves a particular purpose for this project. Specifically, it provides a basis for measuring outcomes to evaluate whether pilot legal empowerment interventions can effectively improve people’s lives in concrete, measurable ways.

The monitoring and evaluation methodology was designed to measure the impact of the legal empowerment pilot initiatives. There was a particular emphasis on examining whether, in what circumstances, and how legal empowerment projects contribute to the skills, confidence, and strategies that might be expected to improve governance and help alleviate poverty. The evaluation strategy aimed to reach beyond the usual quantifiable measures (such as the number of beneficiaries served or cases filed) to examine what, if anything, these results added up to in terms of sustained, concrete improvements in ways people tried to engage existing governance standards or improve their access to resources, services, and opportunities.

Measuring the Impact of Legal Empowerment

An important feature of the project was the design and implementation of a tailored monitoring and evaluation (M&E) methodology to compare results between sites that received legal empowerment interventions and those that did not.

The project’s definition of legal empowerment guided the design of the pilot interventions and provided the basis for the M&E methodology. This methodology examined the links between four mutually-reinforcing components of legal empowerment: confidence, knowledge, strategies, and outcomes. A detailed M&E protocol was developed to measure the effectiveness of the legal empowerment interventions in these four areas. The research protocol was designed to function in all three countries, while providing enough flexibility to allow for country-specific variations. The challenge was to allow for a certain amount of comparability without sacrificing the sort of precise analysis that would illuminate something about the causal connections between legal empowerment and poverty reduction in a particular place. To strike a more effective balance between comparability, on the one hand, and causality, on the other, a standard survey instrument was developed that

could be indigenized to capture the unique features of the particular host projects and country contexts. The survey instrument was also supplemented by in-depth interviews to give a more nuanced picture of how and why change does or does not occur.

The M&E protocol allowed for baseline and end-of-project data collections.⁷ This enabled project staff to measure the impact of the legal empowerment interventions over the life of the pilot interventions. It aimed to understand how respondents change over time, by asking:

- (i) Are respondents aware of the resources, basic social services, and opportunities available under the ADB loan?
- (ii) Are respondents able to navigate the system envisioned in the ADB loan?
- (iii) Did the pilot project lead respondents to try new strategies?
- (iv) Did the respondents' efforts succeed?

In each of the three countries, the monitoring and evaluation research was conducted in two project sites and one comparable control site. The intervention and control sites were eligible to receive benefits under the larger ADB development initiative. But, only the intervention sites received the complementary legal empowerment activities. By comparing the survey results between project and control locations, the project team could assess the impact of various legal empowerment strategies.

Developing the Research Instrument

After specifying the basic demographic indicators related to gender, education, and household expenditure,

the project team developed the research instrument in three basic steps.

Step One

A series of core questions were drafted to measure: (i) respondent confidence (and the possibility of a change in existing levels of confidence over time); (ii) respondent strategies (and, again, the possibility of change over time); and (iii) local outcomes—defined in terms of a respondent's access to local services (and the possibility of a change in his/her level of access to services over time). Initially, these core questions were framed in general terms to allow for a great deal of "applicability" across all three countries. However, after constructing these general questions, the phraseology within each questionnaire was made more specific to enhance the validity of these core questions in each country context.

Step Two

Each country team was asked to supply four to six questions focused on specific issues addressed in the ADB loan documents pertaining to the loan selected in their country. These loan-specific questions were designed to assess whether local respondents had certain types of knowledge about the rights, responsibilities, obligations, and opportunities outlined in the loan document itself. In particular, the project team wanted to assess whether the legal empowerment interventions under each pilot project succeeded in increasing the loan-specific knowledge of the target community over time.

Step Three

An effort was made to pair the quantitative survey instrument with some supplementary qualitative interviews. The project team was particularly keen to show that, even when the survey instrument was used effectively, the bare statistics would not necessarily report on some of the more illuminating information that was collected. For instance, the project team wanted to show that when a particular respondent selected response code 3 in response to question 14, certain types of explanations and/or justifications may have been offered to explain why response code 3 seemed

⁷ Initially, a midpoint survey was also scheduled. However, in light of various delays associated with engaging relevant ADB project-specific staff in each country, the midpoint survey was skipped (given the overall time frame for the project) in favor of a two-stage (beginning and end) design.

like the best response. These explanations and/or justifications helped the project team understand exactly what response code 3 meant to the respondent. Supplementary qualitative interviews sought to capture some of this missing qualitative data in some instances.

Validating the Research Instrument and Training the Interviewers

Rigorous evaluations are not ordinarily conducted in conjunction with legal empowerment initiatives. Capacity to design and implement sophisticated M&E protocols is usually limited. Prior to conducting the baseline surveys, training workshops were held in all three countries.

Sessions focused on (i) surveyors' understanding of the questionnaires; (ii) appropriate behavior when conducting a survey (for example, explaining that there is no right answer and/or ensuring that interviewers simply ask about local views, opinions, and experiences

without any preconceived notions about what those views, opinions, or experiences should be); (iii) the importance of demonstrating respect toward interviewees (especially interviewees who might otherwise be inclined to see themselves as subordinates); and (iv) the need to be sensitive during interviews.

Research consultants conducted interview simulations and tested questionnaires for possible misunderstandings, unclear questions, validity gaps (owing to cross-national context), and ambiguous terms.

Implementing the Monitoring and Evaluation Methodology

Appendix 3 presents the findings of the M&E methodology in an M&E report. The report documents the data collection process, challenges encountered and how they were addressed, findings and results, and recommendations for the design and implementation of future M&E methodologies.

Pilot Projects

In each of the three project countries, the project team developed and implemented a pilot legal empowerment initiative under an existing ADB sector development project. The legal empowerment interventions were specifically designed to enhance the effectiveness of the larger development projects, particularly in terms of their positive impact on the lives of women and disadvantaged groups. Each one of the pilot projects was implemented in partnership with a local nongovernment organization (NGO), which coordinated with relevant stakeholders, including local-level officials, community members, and ADB project staff.

The sections below provide detailed descriptions of the legal empowerment initiatives implemented in Bangladesh, Indonesia, and Pakistan. The descriptions provide an overview of the ADB host projects, objectives of the legal empowerment interventions, implementing partner organizations, range of legal empowerment activities, achievements, and challenges encountered.

Bangladesh

ADB Host Project Overview

The Second Small-Scale Water Resources Development Sector Project (SSSWRDSP)⁸ was selected as the host project for the legal empowerment pilot initiative in Bangladesh. The SSSWRDSP's overall goal is to support the Government of Bangladesh's poverty reduction efforts by increasing sustainable agriculture and fishery production. The SSSWRDSP aims to develop sustainable, stakeholder-driven, small-scale



management systems for water resources, with special attention paid to vulnerable communities. To further this objective, the SSSWRDSP undertakes the following activities: (i) mobilizing beneficiary participation; (ii) developing community-based infrastructure (flood management, drainage improvement, water conservation, and command area development); (iii) developing support programs for water resources; (iv) implementing monitoring and quality control systems and procedures; and (v) institutional strengthening of the small-scale water resources sector. The SSSWRDSP operates in 61 out of Bangladesh's 64 districts.

Objectives of the Legal Empowerment Interventions

The Asia Foundation's project team and ADB counterparts identified the SSSWRDSP as a suitable host project in which a legal empowerment pilot component could be integrated because of its special focus on vulnerable communities, including women and disadvantaged groups. These groups are expected to participate in establishing sustainable, stakeholder-driven water resource management systems. However, this has presented a challenge, given that these groups have limited

⁸ ADB. 2001b. *Report and Recommendation of the President to the Board of Directors on a Proposed Loans to the People's Republic of Bangladesh for the Second Small-Scale Water Resources Development Sector Project.*

capacity to understand their rights and to access institutional mechanisms. The limitations are attributed mainly to violence against women and disadvantaged groups, as well as their lack of participation in organizations focused on sustainable infrastructure management. Legal empowerment could potentially enhance SSSWRDSP's effectiveness in reaching targeted beneficiaries by addressing relevant constraints, including limitations on women's rights, low stakeholder participation, and weak governance mechanisms.

Local Partnerships

Ain O Shalish Kendra (ASK) was the principal implementing partner for the legal empowerment pilot project. Since 1986, ASK has been a key service provider and human rights activist in Bangladesh. It provides free legal aid to the disenfranchised and takes on class-action cases in defense of human rights. ASK advocates a nonpartisan approach to human rights. Its programs seek to promote community activism, access to justice, accountability, and good governance. Although a number of development partners provide financial support for ASK's programs, ASK is working toward independent program sustainability through a variety of strategies, including training programs, publication sales, and the provision of expert services. The thematic program priorities of ASK are to (i) promote community activism for gender, social justice, and human rights; (ii) increase access to justice; (iii) ensure accountability and good governance; (iv) monitor the human rights situation; and (v) ensure effective program management.

The stakeholder organization selected as the main beneficiary of the legal empowerment pilot interventions was the Water Management Cooperative Association (WMCA). The WMCA is responsible for managing the water infrastructure constructed by the host project. Members are appointed when the SSSWRDSP establishes a presence in a community and receive some degree of training from the host project. After some time, formal elections are held, and an elected committee is established for a fixed term of service. The WMCA serves as a link between the SSSWRDSP and the broader community of beneficiaries, and is intended to serve as a focal point for community inputs in project implementation.

Legal Empowerment Activities

The pilot project was implemented in the Mymensingh District, with a particular focus on three SSSWRDSP sites. Baseline data collection and project activities were conducted in two local project sites that take their name from the local water system: Veki Beel, Sadar and Govia Beel, Iswargonj. A third project site served as a control area in which baseline and follow-up data collections were taken, but no program activities were implemented. A baseline survey undertaken at the beginning of the project found that there was insufficient knowledge among the WMCA members regarding their general rights as citizens and their rights and responsibilities as WMCA members. This was a key constraint to the pilot project. To address this, the pilot project ran training, legal awareness forums, and issue-based drama presentations. The pilot project also conducted follow-up visits and coordinated meetings.

Training

The training programs focused on human rights, gender, family law, combating violence against women, mediation, and the operation of village courts. The village court is a legal dispute resolution forum run by a chairperson and members of the *union parishad*, the lowest tier of elected local government in Bangladesh. The main objectives of the training sessions were to (i) provide basic information, (ii) enhance the participants' capacity to disseminate information to other members of the WMCA, (iii) promote a gender-sensitive approach to implementing the WMCA's activities, and (iv) integrate the training materials into the WMCA's core activities. The training ran for 4 days, and 25 participants attended each session, with equal numbers of men and women attending. The training program primarily targeted managing committee members and other senior members of the WMCA. It was expected that participants would share their experience with the broader membership of the WMCA and the community at large with follow-up interaction. Training was also provided on WMCA rules, regulations, leadership, and management. Refresher training sessions provided more in-depth information on all topics and were held for those managing committee members who exhibited leadership qualities. At the end of the pilot project, a train-the-trainers program was organized to

sustain the project activities in the project intervention areas. Twenty-five participants (12 from Govia and 13 from Veki Beel) were handpicked for the 4-day train-the-trainers session.

Legal Awareness Forum

Mere training is insufficient to ensure that people fully appreciate and accept their legal rights and therefore enforce them. For this reason, the project team created legal awareness forums to generate more in-depth skills development. The forums focused on increasing participants' awareness about the procedures and available resources for accessing justice. Twelve legal awareness forums were conducted in the project intervention areas—each WMCA area had six forums. A member from the relevant district court bar association was invited to attend each forum and act as a resource person. In a typical session, members of the WMCA and broader community discussed their respective problems. The lawyer provided free advice and explained the procedure for accessing justice. Information was also provided on local NGOs offering legal aid clinics as well as the Government of Bangladesh-supported Legal Aid Fund, which has been underutilized—probably because people do not properly understand its function.

Issue-Based Drama Presentation

Issue-based drama presentations were conducted in the project implementation areas to increase the general population's rights' awareness. Popular theater is a useful tool for making issues accessible and engaging the audience in a participatory dialogue on the direction of the story line. The presentations were intended to increase awareness by providing an open forum for community members to discuss and debate important issues. The presentations addressed a diverse range of issues, including rights violations, unlawful *shalish*⁹ (mediation), wife beating, oral divorce, illegal water management, and early marriage.

They also integrated concepts such as the rights and obligations of the WMCA members, participatory decision making, and democratic governance. Six presentations were held in each of the two project intervention areas. Thousands of people attended the presentations, and while the majority of participants were men, women constituted 30–40% of attendees. It was significant that so many women attended the presentations because the project implementation areas were mostly located in rural areas, where traditional values tend to limit women's participation in public events. The high female participation rate also reflects the goodwill that ASK program staff have established in the community and shows that they have been successful in their efforts to encourage women to participate in the community. It also indicates that male household heads are prepared to allow women to participate in the presentations and other program activities.

Follow-Up Visits

One month after the training sessions were completed, project staff conducted follow-up visits in both of the WMCA locations targeted. The project organizer or trainer met with and interviewed workshop participants to gauge how much information they had retained and what initiatives they had undertaken. These sessions also provided ongoing support to training participants.

Coordination Meetings

Two coordination meetings were held in the working areas. The meetings were attended by local elites, local government representatives, general members of the WMCAs, managing committee members, local NGO representatives, and representatives from the Local Government Engineering Department. The meetings were designed to educate participants about the WMCA and its activities, and develop cooperative relationships between the WMCA and other participants.

Achievements and Challenges

Initial Observations

Although it is difficult to assess the long-term impact of this short pilot project, there are indications that some progress was made in meeting the intended objectives. In the pilot project sites, there was a noticeable increase in the number of people attending the

⁹ The term "shalish" refers to a community-based, largely informal Bangladeshi process through which small panels of influential local figures help resolve community members' disputes and/or impose of sanctions on them: Golub, S. 2003. *Non-State Justice Systems in Bangladesh and the Philippines*. Paper prepared for the United Kingdom Department for International Development. Available: <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/GolubNonStateJusticeSystems.pdf>

WMCAs' meetings and forums, particularly women. In project intervention areas, the project increased people's confidence to approach the WMCA management committees independently, especially among women. There was also a large reduction in the percentage of women who had previously found it impossible to approach the WMCAs—exactly the opposite is observed in control areas.

The program interventions improved people's understanding about their legal rights. For example, people in the program intervention villages demonstrated a far better understanding of their eligibility to join the local WMCA compared with those villagers in the control districts. People in the program intervention villages also had an improved understanding of the maintenance costs related to specific types of water infrastructure. Although people in the control villages had a reasonable knowledge about water infrastructure maintenance costs, the project surveys revealed gaps in that knowledge—the villagers answered “don't know” more frequently in the project surveys. This suggests that program intervention villages significantly benefited from the pilot-project training sessions.

There were better rates of loan recovery (micro-credit) because more members repaid their loans. In the past, its general members overwhelmingly viewed the WMCA as mere vehicles of credit delivery, but the members now have a deeper understanding of the WMCA's multiple functions. As they developed an understanding of the WMCA's multiple functions, general members started asking questions about its operations. By the end of the pilot project, even issues like financial management, which the managing committees rarely discussed with general members, were discussed in the meetings. These discussions helped to allay the general members' doubts and suspicions about the WMCA. In addition, the general members and the managing committee of the local WMCAs collaborated to develop a work plan for future activities.

The pilot project also contributed to improved knowledge and protection of women's rights. In the program intervention areas, the WMCAs' general members commenced documenting the number of complaints made about rights violations. This suggests that the female general members had a growing understanding of their rights and how to deal with rights violations. In program intervention areas, there was also a

large increase in the percentage of people who thought that the WMCAs were the first court of appeal regarding water-related problems. In control areas, there was a significantly smaller increase in people's understanding of the importance of the WMCAs and their rights in relation to them. In particular, the survey instrument indicated that women in control areas demonstrated a lower understanding of their rights or the potential for them to use their WMCA to vent grievances.

At their own initiative, the members created human rights violation prevention committees to deal with rights violations. These committees also took the initiative to use mediation to deal with conflict. ASK received regular feedback on the activities of the human rights violation prevention committees, together with appeals for assistance.

Challenges

Staffing presented a significant challenge to the legal empowerment pilot project. There were limited numbers of staff members allocated for project implementation. Staffing was also logistically difficult because of the project's short duration and the geographically remote location of the WMCAs participating in the pilot initiative.

There were some gaps in understanding levels between the stakeholders involved, probably caused by difficulties experienced in coordinating activities between the host project and pilot legal empowerment initiative. The coordination difficulties may be attributed to the different operating styles of the host project (implemented by a government agency) and the legal empowerment pilot initiative (implemented by the partner NGO, ASK). This difficulty highlights the need for regular consultation between the legal empowerment implementing agency and host project principals at headquarters and in the field. Regular communication between the NGO legal service partner and its government counterparts facilitates better understanding and trust between representatives of two sectors that have historically tended to operate independently of one another—an essential first step in forging effective public–private partnerships. ADB host project personnel played an important role in facilitating dialogue between ASK and its government counterparts.

Conflict arises during most projects, particularly between community members and government

agencies. In the pilot project, the WMCAs' general members gained a clearer understanding of the relevant administrative procedures and expectations concerning their rights as members and/or broader beneficiaries. Consequently, by the end of the pilot project, the general members began asking questions about the WMCAs' operations. However, the managing committees tended to see these questions as an interference with their right to manage the affairs of the WMCAs. This conflict represents tension between ordinary citizens and local elites, who typically occupy seats on local management or community decision-making bodies by virtue of their status and influence in the community. It is important to manage this power dynamic in legal empowerment projects. Future legal empowerment activities must carefully consider these local power dynamics when reviewing the project environment, defining challenges, and assessing the impact of program interventions. Otherwise, legal empowerment projects risk being hindered by sour relationships between local elites, in their representative or local decision-making capacity, and the broader community of project beneficiaries. This might be the case even if the activities strengthen relations between local committees and other representative bodies and government counterparts.

Indonesia

ADB Host Project Overview

The Neighborhood Upgrading and Shelter Sector Project (NUSSP)¹⁰ was selected as the host project for the legal empowerment pilot initiative in Indonesia. The NUSSP loan stresses the importance of ensuring that neighborhood committees are formed and participate in documenting and channeling local demand for household and neighborhood improvements. The NUSSP works toward providing affordable housing and serviced land to the poor. To accomplish this objective, NUSSP focuses on (i) improving low-income urban families' access to tenure and serviced plots;

(ii) improving low-income urban families' opportunities to upgrade existing housing and acquire new housing; (iii) providing appropriate financing for shelter and other services; and (iv) arranging for low-income communities, local governments, the National Land Agency, financing institutions, and the Executing Agency to participate in a pro-poor shelter provision and financing system.

The NUSSP is extensive in scope. It has project sites located in a total of 32 local governments in Sulawesi (15), Java (9), Kalimantan (1), and Sumatra (7). Its ultimate goal is to promote the development of a favorable policy, institutional, and regulatory environment that meets the pressing housing needs of vulnerable citizens. Thus, the NUSSP works to alleviate poverty, promote good governance, and improve health through better living conditions for targeted beneficiaries.

Objectives of the Legal Empowerment Intervention

The project team and ADB counterparts jointly identified NUSSP as a suitable project for a supplemental legal empowerment component because to access the project's benefits,¹¹ beneficiaries must navigate—i.e. a range of administrative institutions and procedures. The project's success depends on local committees, governmental officials, and ordinary citizens having the knowledge, skills, capacity, and confidence to participate effectively in the project's overarching structures and regulations.

The legal empowerment pilot project focused on strengthening the capacity of low-income communities to understand the procedures and requirements for accessing benefits available under the NUSSP. Legal empowerment interventions concentrated on training. Some training sessions aimed at enhancing the effectiveness of community-driven planning. Other courses examined the rights, responsibilities, and opportunities frequently contained in loan documents, with a special emphasis placed on land entitlements and reallocation requirements.

¹⁰ ADB. 2003b. *Report and Recommendation of the President to the Board of Directors on Proposed Loans to the Republic of Indonesia for the Neighborhood Upgrading and Shelter Sector Project*.

¹¹ The NUSSP's benefits include, for example, funds to upgrade housing and neighborhood infrastructure, such as access roads.

The legal empowerment pilot project was implemented in two poor urban neighborhoods in the city of Makassar in South Sulawesi: Pattingaloan and Rappokaling. A third control area was designated for the baseline and post pilot project research, but no project interventions.

Local Partnerships

The main partner for the NUSSP legal empowerment initiative was the Indonesian Women's Association for Justice (APIK). Established in August 1995, APIK has played a prominent role in the fight for gender justice in Indonesia. Arguably, APIK pioneered the concept of gender and transformative legal aid in Indonesia. APIK provides legal aid to women who are victimized by violence and discrimination, and it actively engages in legal advocacy, training, and research projects. APIK has established a robust network with other women's organizations and has created its own legal self-help groups for female survivors of violence.

The success of the current legal empowerment initiative was largely because of APIK's efforts to establish a supportive, mutually beneficial relationship with NUSSP staff, especially oversight committee members. For example, training materials were developed through a close collaboration between APIK and NUSSP, and NUSSP staff attended all training sessions.

Legal Empowerment Activities

The overarching objective of the legal empowerment initiative was to empower community-based organizations to use legal and administrative procedures to advance their rights, both under the NUSSP and the broader community. The legal empowerment pilot project sought to increase disadvantaged communities' knowledge of their rights relating to the NUSSP's benefits, such as land entitlement. More importantly, however, the legal empowerment activities aimed to give beneficiaries the skills, confidence, and knowledge necessary to protect their rights.

APIK implemented the legal empowerment pilot project via its local chapter in Makassar, APIK Makassar. For the pilot initiative, APIK focused on two key issues: land certificates, an important element of the NUSSP host project; and domestic violence, which

was an issue experienced by women in the neighborhoods served by NUSSP that could affect the quality of women's participation in the project and other community development initiatives. Members of local neighborhood improvement committees (BKMs)¹² in Rappokaling and Pattingaloan identified domestic violence as a gender issue of particular concern to their neighborhoods. In fact, BKM officers played a combination of community support roles beyond their official scope of work as specified by NUSSP, by virtue of the stature and respect that they enjoyed in their communities. In this capacity, they were periodically requested to resolve domestic violence problems and other community issues, but they lacked a thorough understanding of legal protections and support mechanism to which they could refer women victims from their communities. In addition, while the intended pilot project beneficiaries were women and disadvantaged groups, it became apparent to the APIK team that BKM members did not fully understand how to navigate the project's administrative requirements. Accordingly, project activities were modified to target both BKM members and the community at large, meaning that the pilot project's public campaigns component reached almost all community members in the two neighborhoods. The considerable range and scope of ADB's and APIK's legal empowerment activities are highlighted below.

Briefings and Trainings

As part of legal empowerment pilot project, APIK conducted a series of initial meetings with various stakeholders. It coordinated with the NUSSP local implementation office of Makassar and informed the local government of Makassar about their work. APIK met with the sub-district and neighborhood heads to secure permission to conduct the pilot project. As a result of these meetings, APIK secured the necessary permits to conduct legal empowerment trainings for BKM officers, social mapping, and baseline and post-project assessment surveys in both neighborhoods. The meetings provided the APIK team with detailed information on the implementation of NUSSP and an understanding of the legal and gender related problems that could have an impact on NUSSP, including land disputes, incidents

¹² BKMs were established to serve as a link between the NUSSP and the local communities.

of land seizure, domestic violence, lack of community knowledge of support mechanisms for dispute resolution and domestic violence prevention, and inadequate knowledge of the steps to be followed in arranging land ownership certificates.

Training for Community Committee Members. APIK developed training materials and organized three training sessions on major legal empowerment issues for BKM members. The BKM training sessions addressed a variety of issues, including (i) the role of gender sensitivity and gender issues in community development projects, conducted on 26–27 May 2007; (ii) an overview and explanation of BKM and NUSSP regulations, conducted on 12–13 June 2007; and (iii) the value of critical legal thinking, conducted on 22–23 September 2007. The third theme encouraged participants to reflect on their understanding of relevant laws and their relationship with the legal system. It also encouraged participants to consider whether they were able to enforce their legal rights or gain access to benefits in a manner that was consistent with the law's intended purpose. BKM training on gender issues and critical legal thinking covered gender-based violence, including domestic violence. The training aimed to raise understanding that domestic violence is a human rights violation, that the laws of Indonesia prohibit domestic violence, and that APIK and other civil society organizations can be called on to assist victims of domestic violence.

Community Meetings for Members of Community Committees. After the training sessions for BKM members, APIK organized bimonthly meetings at the community's BKM office to ensure that training materials were clear and applicable to their daily activities.

Media Campaigns

The pilot project undertook a knowledge campaign that encompassed both print and broadcast media components. APIK hosted six radio programs between July and September 2007, which provided crucial information to disadvantaged groups, people living in remote areas, and illiterate individuals. APIK also printed leaflets for distribution after Friday prayers and in women's group meetings. These materials addressed a range of issues, including property rights, gender equality, child protection laws, anti-domestic

violence law, participation and active citizenship, and the environment.

Visit to City of Makassar National Land Agency Office

The pilot project arranged for a group to visit the City of Makassar Land Agency Office (BPN). The delegation included members from the subdistrict administrations and BKM officers. The exercise aimed to provide participants with (i) greater confidence when dealing with BPN in the future; (ii) a better understanding of BPN's procedures, which are generally regarded as intimidating for the uninitiated; and (iii) new strategies for dealing with problems. During the visit, participants raised concerns about (i) the length of time needed to arrange certificates; (ii) problems with various BPN staff, who are irresponsible when handling certificate applications; (iii) BPN's highly bureaucratic procedure; (iv) residents' poor understanding about obtaining land certificates; and (v) the lack of clarity regarding fees. BPN acknowledged these concerns and discussed the process for obtaining a certificate.

BPN showed the delegation the various stages involved in the certificate handling process and what windows to approach for collecting forms. Delegates were warned to check that the person who was providing services at each window was the designated officer. BPN lists the name of the designated officer on a nameplate above each window. By checking these details, residents can prevent files from being taken by someone who is not the designated officer. This is important because if the person providing the services is not the designated officer, the resident is responsible for the possible loss of the files or other mishaps.

BPN will follow up on complaints made by the delegation regarding certain BPN personnel who had mishandled certificates.

Social Mapping Exercise

The pilot project team undertook a social mapping exercise to collect data to help with designing solutions aimed at giving poor residents access to resources available under the NUSSP and other social programs, such as obtaining low-cost land certificates.

Two community meetings were held in each of the two project neighborhoods to discuss the formation of social mapping teams and clarify roles and responsibilities in carrying out the mapping exercise.

The mapping exercise collected the following data about households:

- (i) name of the head of household;
- (ii) household address;
- (iii) neighborhood/citizen association;
- (iv) gender of household members;
- (v) number of family members;
- (vi) legal source of land occupation, that is, whether the household occupies the land by way of grant, purchase, inheritance, etc.;
- (vii) land ownership status (deed of sale, ownership title certificate, right to use certificate, etc.);
- (viii) land area; and
- (ix) household income.

The mapping teams also held several meetings with subdistrict administrators and representatives from the land agency, who undertook to ensure that the data would be used to promote the interests of poor residents. In particular, the administrative head of Tallo District guaranteed to use the mapping data to prepare a proposal for a free or low-cost certification program designed to cover poor residents who are not currently being covered for home repairs through the NUSSP.

Achievements and Challenges

While it is too early to tell whether local stakeholders will continue their work beyond the term of the pilot project, the initial results are positive. Following each training session, APIK collated comments and post-training survey data to assess participants' understanding of the publicity campaigns. The signs were encouraging, suggesting that legal empowerment assistance generated significant outputs. Participants frequently praised the legal empowerment pilot for providing relevant information that could be immediately used.

Given time and resource constraints, the pilot legal empowerment project placed primary emphasis on BKM officers as key interlocutors, complemented by broader outreach to NUSSP communities through media campaigns. BKM officers clearly benefitted from the knowledge acquired through the training programs, and can be counted on to draw on this knowledge in supporting community members that face domestic violence and other forms of gender-based violence and in resolving legal problems that can affect the benefits that citizens draw from NUSSP and other development initiatives. Future legal empowerment projects should ideally combine similar training of key interlocutors and direct community engagement on a greater scale through information campaigns, community meetings, and other outreach activities.

Finally, the project significantly enhanced APIK's capacity to undertake future legal empowerment programs of this kind to complement work specific development sectors. As a result of the legal empowerment pilot project, APIK Makassar now has the capacity to conduct surveys for accurate data collection. APIK has also increased its access to poor urban communities and strengthened its communication and outreach network, which has been expanded to include local government officials.

The pilot project's main challenges were logistical. The project involved a wide range of parties across a number of geographic locations. Thus, the team needed to coordinate the various parties involved in the project. The Foundation's Indonesia Office served a facilitative role by liaising with local NUSSP staff. However, future projects could be strengthened by increased collaboration with national-level NUSSP staff.

The ongoing design of the NUSSP could be improved by providing more employment opportunities for urban poor communities, particularly for the development of neighborhood infrastructure. Urban poor communities generally provided voluntary labor, while official contractors were paid by the project. The NUSSP would have a greater impact on the lives of vulnerable groups if it could provide partial payment to local communities for their labor contributions.

ADB's core objective for the NUSSP pilot project was to ensure that its planning and execution was as participatory as possible. Nevertheless, the project could be strengthened by developing materials specifi-

cally tailored to helping urban poor communities, taking account of their particular needs and constraints. For example, poor education standards are a pervasive problem that requires special strategies for sharing information in ways that are easily understood and applied. Women's participation in the project was extremely low. To combat this, the project could set a minimum participation level for minority groups and women (toward an optimal target of 50%, with initial targets in the range of 25–35%). The minimum participation level could be determined in consultation with leaders of these two critical target groups. This would ensure genuine participation by all groups and avoid the token participation that has occurred in the past.

Pakistan

ADB Host Project Overview

The Sindh Devolved Social Services Program (DSSP)¹³ was selected as Pakistan's host project. The DSSP aims to increase access to basic social services, particularly for women and other disadvantaged groups. It helps local governments improve their delivery of social services in the areas of education, health, water, and sanitation. The overarching goal of the DSSP is to reduce poverty and gender inequality.

Objectives of the Legal Empowerment Intervention

While the DSSP project covers a broad range of issues and geographic locations, the legal empowerment initiative focused on the issue of basic health care. The pilot project was conducted in Union Council 6 and Mirwah in the Mirpurkhas District, Sindh, using Union Council Kherao as a control site.

The DSSP loan documents outline a process under which local health monitoring committees play a key role in monitoring the work of local health care providers and ensuring the availability of medical professionals and supplies. These and other social sector

monitoring committees were formed in accordance with the Sindh Local Government Ordinance, with membership from the Zila Council in the case of districts. The functions of the committees combine, *inter alia*, reporting on district target achievements, responsiveness to difficulties faced by citizens, efficiency in service delivery, and transparent functioning. Although health monitoring committees have been formally established in the Mirpurkhas District at the district and union level, they have not proactively improved the poor state of health care in the region. In fact, many respondents interviewed were completely unaware of the health monitoring committees' existence.

In conjunction with the Aurat Publication and Information Service Foundation (Aurat Foundation), ADB sought to strengthen the health monitoring committees' capacity to monitor state-provided health services. The Aurat Foundation developed strategies by which the health monitoring committees could improve their interaction with local government officials at the union council level, and provide better quality basic health services to women and disadvantaged groups. The aim was to ensure that women and disadvantaged groups realized the full benefits intended for them under the project. By supporting the health monitoring committees and educating them on their role, obligations, and opportunities, it was anticipated that target populations would enjoy increased access to local decision makers and effective avenues by which to assert their rights under the project.

Accountability for service delivery was a major theme of the pilot project because the baseline survey that was conducted in Pakistan revealed that basic health units—the only units available to women and disadvantaged groups—would benefit from improvements, the success of which would rely on the commitment of responsible local officials. For example, by informing community members about their rights to social services and serving as mechanisms to advocate for women and disadvantaged groups at the union council level, the health monitoring committees could serve as a bridge between community needs and local government obligations.

Local Partnerships

The project team selected the Aurat Foundation as the NGO legal service partner to implement the legal

¹³ ADB. 2003a. *Report and Recommendation of the President to the Board of Directors on Proposed Program and Technical Assistance Loans to the Islamic Republic of Pakistan for the Sindh Devolved Social Services Program*.

empowerment pilot project. For the last 21 years, the Aurat Foundation has emerged as a leading institution for enhancing women's economic and political status and promoting social change in Pakistan. Over the years, the Aurat Foundation has developed constructive and collaborative relationships with various government departments as well as women within local communities.

The Aurat Foundation is based in all of Pakistan's 110 districts, making it one of the country's largest district-level networks of voluntary citizens' groups and organizations. This network enables the Aurat Foundation to advocate effectively for its causes nationwide and to help women solve their immediate problems at the district level.

The Aurat Foundation was the ideal NGO for implementing the legal empowerment pilot project activities because of its extensive experience and nationwide reach, and excellent working relationships with TAF and ADB. It has a network of information focal points for women in rural and urban communities across Pakistan. Prior to the legal empowerment pilot, the Aurat Foundation in Karachi already had good relationships with local government and civil society in the legal empowerment project district (Mirpurkhas). Its staff members were also well-trained in community outreach and mobilization.

Legal Empowerment Activities

Together with TAF and ADB, the Aurat Foundation implemented a range of legal empowerment activities.

Public Meetings and Seminars

According to the UNDP human development index,¹⁴ Rural Sindh has the lowest development indicators in Pakistan.¹⁵ A large portion of the community is illiterate; lacks confidence; and has a poor understanding of the role of local government, the health monitoring committees, and the concept of legal empowerment.

Education, health, and other key indicators for women and religious minorities are particularly weak.

To properly inform stakeholders about the pilot project's aims and maximize citizen outreach, 10 seminars were held in different neighborhoods of the two pilot union councils. Each seminar had 100–120 participants. The seminars distributed vital information about legal empowerment, health monitoring committees, and the ADB loan.

Consultations

Two consultations were held (one in each of the pilot union councils) to get to know different stakeholders, develop a consensus on health sector social reforms issues, and build a platform on which citizens and government officials could work together for an improved local government system, particularly in the health sector. The consultation process helped bridge the gap between officials and citizens by educating citizens and other civil society actors about local health-related projects in the context of the ADB loan. The process created a platform for all stakeholders to help make the local health department more transparent, accountable, and effective.

Orientation Sessions

Securing the cooperation of the two important local government functionaries was crucial for achieving the project's objectives. Thus, orientation sessions were held to familiarize the district *nazim* (chairperson of the local government) and the executive district officer for health about the pilot project, DSSP, and the ADB loan. The *nazim* and executive district officer received information and information materials that increased their understanding of the pilot project and enhanced their capacity to assist targeted beneficiaries—as reported by the *nazim*, executive district officer, and community members.¹⁶

Awareness-Raising Sessions

Four awareness-raising sessions were held in each of the project union councils. The sessions' participants represented a broad cross section of society, including union councils, citizens, media persons, community-based organization representatives, and government functionaries, particularly employees of the health

¹⁴ The UNDP publishes a human development index, which provides a composite measure of three dimensions of human development: (i) living a long and healthy life (measured by life expectancy); (ii) being educated (measured by adult literacy and enrollment at the primary, secondary, and tertiary levels); and (iii) having a decent standard of living (measured by purchasing power parity income).

¹⁵ UNDP. 2006. *Human Development Report 2006*.

¹⁶ The *nazim* and executive district officer for health provided this feedback directly to the pilot project team members.

department. These sessions aimed to promote greater awareness of health service delivery mechanisms, procedures, and eligibility for services within local communities. They also helped build a network of citizens to work with and monitor the activities of various health departments, including basic health units, rural health centers, the National Health Workers' Program, hospitals, and dispensaries.

Exposure Visits

Learning from the experiences of other organizations and sharing best practices can have a notably positive effect on project results and the prospect of creating sustainable change. For this reason, health monitoring committee members in Mirpurkhas District visited a neighboring district in which a health monitoring committee had achieved some impressive results. The 1-day exposure visit included meetings between the health monitoring committee, executive district officer for health, and other district officials. It is anticipated that as a result of this visit, the health monitoring committees' will maintain contact so that they can share successful approaches.

Flyer Publication

The Aurat Foundation published 20,000 flyers containing information about the health monitoring committees, their roles and responsibilities, and how citizens can access them. Flyers were disseminated via seminars, newspaper hawkers, health workers, and staff working on campaigns to raise awareness about health issues, such as the polio vaccination. The flyer was published both in Sindhi and Urdu.

Key Achievements

Beneficiaries of the pilot legal empowerment project included health monitoring committee members, elected representatives, health department officials, NGOs, media persons, and citizens (including religious minorities and women). Project activities focused on end-users of health services and those responsible for service delivery. The project's activities significantly increased interaction among various stakeholders, including doctors, elected representatives, health monitoring committees, and citizens. The pilot project formed a network of nazims, councilors, female health workers, doctors, media persons, and so-

cial activists. This network has remained active on local health issues even after formal programming ended.

The media, government officials, and communities reported that, before the project, there had been no precedent for disseminating critical information directly to communities about local government, the right to basic health, or an ADB (or any development) project. It is expected that participants will continue to play a proactive role in promoting better service delivery.

Anecdotal evidence suggests that the pilot project has proven to be a valuable addition to the DSSP. Staff at the basic health units and members of the community report enhanced service delivery because of increased health monitoring committees activity. Given that this was a pilot project of short duration, the achievements were significant. The delivery systems have been initiated, and the foundation has been established for a successful long-term intervention.

Highlights of key project achievements include

- (i) an informed group of 60 influential community leaders was formed, mobilized, and trained, including elected representatives, government officials, NGOs representatives, media persons, and citizens;
- (ii) health facilities in the two union councils were improved, as demonstrated by the increased number of patients treated in the basic health units; regular presence and punctuality of doctors and other paramedics in the hospitals increased significantly; and the availability of medical supplies also improved;
- (iii) hundreds, perhaps thousands, of community members learned about the health monitoring committees roles and responsibilities, and community members now have a better understanding of local government's role in delivering social services;
- (iv) 20,000 flyers on the role of health monitoring committees were printed and disseminated;
- (v) local media became an active advocate for improving service delivery, as a local cable television channel broadcast a short film that advertised

the health monitoring committees' roles and responsibilities (The Asia Foundation and the Aurat Foundation did not cover any of the film's costs and a local media person appeared in the film for free) and project activities were covered by a local newspaper, *Jurat*, and a national private news television channel, ARY One World; and

- (vi) most importantly, marginalized populations, women, religious minorities, and the poor learned about their legal right to basic health care and how to make that right a reality. Elected representatives learned about critical issues, such as the Government of Pakistan's health policy, gender discrimination, and problems faced by religious minorities.

Shortcomings and Challenges

The pilot project focused on building the capacity of health monitoring committee members, media persons, NGOs, and elected representatives to deliver better services. In contrast, in the three-phased survey, the targeted interviewees were ordinary citizens and community members. As the interventions that targeted the community at large were quite modest, the survey data do not necessarily reflect the impact of pilot activities.

The pilot project's strategy involved a multipronged intervention for improved service delivery, including (i) building the capacity of the health monitoring committees; (ii) disseminating information to community members, elected representatives, media and government officials; and (iii) undertaking advocacy and lobbying local government officials and the health department. The pilot was an ambitious initiative for an 11-month project, and achieving sustainability is an even more difficult prospect. While initial signs are positive, it remains to be seen if the catalysts continue to work in advocating and monitoring the health department over the long term.

At the outset of the pilot project, the union councils' chairpersons and the executive district officer for health were reluctant to cooperate with the Aurat Foundation. They seemed to be uncertain about the Aurat Foundation's motivations and were concerned that its program staff might be openly critical of their role or work. Fortunately, these issues of concern were resolved through consistent engagement and community mobilization.

Another project obstacle was the lack of trust between stakeholders. The community placed little confidence in elected representatives and government departments, while the elected representatives did not trust government departments. Likewise, government officials were generally noncooperative with the elected representatives. Bringing all of the stakeholders into discussions was a major challenge. Although the situation improved over the course of the project, relations could still be improved.

Given the pilot project's results, any future legal empowerment programming in the project site should include the district and *tehsil* (subdistrict) administrations. There is also a need for further training sessions targeting health monitoring committees at all three tiers of the local government system: union council, tehsil, and district. An important finding of the pilot project was that local government officials lacked legal empowerment. Legal empowerment initiatives often assume that the state is more legally empowered than local citizens. But this assumption may be incorrect. The pilot project was focused almost exclusively on empowering individual citizens and, in this context, the project team learned a great deal about how this particular level of empowerment actually works on the ground. The project team concluded that the future legal empowerment projects of this kind should aim to ensure that incoming elected and administrative officials at all relevant levels are thoroughly briefed on DSSP, including the role of monitoring committees and committee procedures, so that they can more effectively discharge their monitoring functions.

Table 1: Pilot Legal Empowerment Projects

	Bangladesh	Indonesia	Pakistan
Asian Development Bank Host Project	Second Small-Scale Water Resources Development Sector Project (SSSWRDSP)	Neighborhood Upgrading and Shelter Project (NUSSP)	Sindh Devolved Social Services Program (DSSP)
Objectives of the Legal Empowerment Intervention	Increase the capacity of women and disadvantaged groups to participate in the establishment of sustainable, stakeholder-driven water resource management systems	Increase the capacity of low-income communities to understand the procedures and requirements for accessing benefits available through the project	Increase the capacity of health monitoring committees to improve their effectiveness in interacting with local government officials, basic health unit staff, and women and disadvantaged groups to ensure that the latter can harness the full benefits envisioned for them in the project design
Local Partner	Ain O Shalish Kendra (ASK)	Indonesian Women's Association for Justice (APIK)	Aurat Publication and Information Service Foundation (Aurat Foundation)
Legal Empowerment Activities	<ul style="list-style-type: none"> • Training • Legal awareness forum • Issue-based drama presentations • Follow-up visits • Coordination meetings 	<ul style="list-style-type: none"> • Briefings and trainings • Training for community committee members • Community meetings for members of community committees • Media campaigns • Visit to City of Makassar Land Agency Office • Social mapping exercise 	<ul style="list-style-type: none"> • Public meetings and seminars • Consultations • Orientation sessions • Awareness-raising sessions • Exposure visits • Flyer publication
Achievements	<ul style="list-style-type: none"> • Increase in participation in meetings and forums of the water management cooperative associations (WMCAs), particularly by women • Broader view of the role of the WMCAs among the general public • Creation of human rights violation prevention committees 	<ul style="list-style-type: none"> • Increased knowledge and understanding of the NUSSP mechanism, the role and duties of BKM, relations between BKM and NUSSP/LCO, and how to resolve problems that arise in the NUSSP program. • Improved understanding of gender issues and the impact of gender-based violence in NUSSP communities. • The chief government official of Tallo District committed to use the output of the mapping exercise to justify a free/ low-cost certification program in the District and Makassar City Musrenbang. 	<ul style="list-style-type: none"> • Increased interaction among various stakeholders, including doctors, elected representatives, health management committees, and citizens • Formation of a network of nazims, councilors, female health workers, doctors, media persons, and social activists • Enhanced service delivery in basic health units • Increased understanding of how to access basic health care among women, minorities, and the poor

	Bangladesh	Indonesia	Pakistan
		<ul style="list-style-type: none"> Enhanced understanding of the importance of involving women in program implementation and BKM decision making. 	
Challenges	<ul style="list-style-type: none"> Limited number of staff members allocated for project implementation Short duration of the project and logistical difficulties in reaching WMCAs in remote areas Coordination between the host project and pilot legal empowerment initiative, and different operating styles of government agencies implementing the host project and NGO implementing the legal empowerment initiative Tensions between ordinary citizens and elite members of the community in local decision-making bodies 	<ul style="list-style-type: none"> Given time and resource constraints, the pilot placed primary emphasis on work with BKM officers, with limited scope for broader community outreach. Difficulty in collaborating with national-level NUSSP staff While BKM officers used their legal empowerment training to share information and extend support services to community members, future legal empowerment projects should ideally include more time and resources for direct community engagement. 	<ul style="list-style-type: none"> Initial reluctance among union council chairpersons and the executive district officers for health to cooperate with the Aurat Foundation Lack of community confidence in elected representatives and government departments and lack of cooperation between government officials and elected representatives Lack of legal empowerment among local government officials

Conclusions and Recommendations

Reflecting on Objectives and Key Questions

The objectives of the project were to

- (i) identify and test effective legal empowerment strategies and methodologies to increase women and disadvantaged groups' access to basic social services and productive resources; and
- (ii) promote increased incorporation of legal empowerment components under ADB loans by disseminating practical lessons learned for use by ADB staff, governments, nongovernment organizations (NGOs), and funding agencies.

One of the key questions that guided the project was: can adding a legal empowerment component enhance the impact of development assistance by helping to ensure that women and disadvantaged groups are able to use legal and administrative processes and structures to access resources, services, and opportunities?

Within the reasonable limitations of a 2-year project period, the project has met its first objective of identifying and testing legal empowerment strategies that will help women and disadvantaged groups access basic social services and productive resources. The project team designed the project activities after national and regional best practices and the experience of the NGO legal service partners, government counterparts, and ADB host project personnel. It is hoped that the lessons learned and experience gained under the project will encourage the incorporation of legal empowerment components within ADB loans and the activities of other development partner organizations. In particular, the design and testing of specialized monitoring and evaluation (M&E) tools may prove useful in future ADB loans.



Advancement of Knowledge and Practical Experience

The project has contributed to ADB, other bilateral and multilateral development agencies, and other development professionals in Bangladesh, Indonesia, and Pakistan by advancing their knowledge and practical experience in this field. The project is ADB's second formal focus on legal empowerment and builds on its 2001 legal empowerment study. It is significant that since 2001, legal empowerment as a concept has achieved a higher profile in the development sector, accompanied by the substantial expansion of practical experience reflected in the three country situation analysis (CSA) reports.

Keen Domestic, Regional, and International Interest in the Project

The project team was especially struck by the interest taken in the project by legal scholars, practitioners, and

donor agencies in the three countries. The project team received numerous inquiries from around the world by individuals and agencies seeking more information on the project. Additionally, the December 2007 regional conference was attended by representatives from numerous countries other than the three focal countries, showing broader regional and international interest and participation in the legal empowerment concept. The project experience affirms the increasing significance of legal empowerment and the more sophisticated conceptual framework and depth of practical experience on which it rests in 2008 compared to 2001.

More Sophisticated Analysis and Understanding of Legal Empowerment

One of the most encouraging aspects of the growing interest in legal empowerment is the movement of analysis along the same vertical band or ascending scale described in the conceptual framework included as Appendix 1. Increasing emphasis is placed and attention devoted to understanding the higher order elements of legal empowerment that move beyond basic awareness raising and individual legal problems to focus on community capacity and confidence building.

There was variation in the three focal countries regarding issues encountered and insights drawn in conducting research, implementing pilot projects, and applying a rigorous M&E methodology. However, some common threads of experience and lessons learned emerged.

Lessons Learned from the Pilot Legal Empowerment Projects and Specialized Monitoring and Evaluation Methodology

Milestone Investment in Pilot Legal Empowerment Projects and a Specially Designed Monitoring and Evaluation Methodology

There are two distinguishing features of the project: (i) the allocation of resources and technical support for pilot projects that integrated legal empowerment components in three ADB loans; and (ii) the development of

a specialized M&E methodology that compared impact in pilot project intervention areas and nonintervention control areas. These features were recognized and appreciated in each country. The post-CSA consultative workshops were well-attended, and many of those who joined the consultative dialogue from government, civil society, and academia stayed in touch with the country technical assistance teams over the course of the project. While the three pilot projects shine relatively modest light in a broader universe of development activities, they marked the first time that legal empowerment activities (guided by unified design and M&E protocols) were implemented concurrently in three countries in the context of ADB loan facilities. The project team believes that the most significant contributions to this project are the M&E protocols, and the lessons that can be drawn from the challenges faced in applying the methodology in three countries. These are reported in detail in Appendix 3, as well as in the Good Practices Guide for Incorporating Legal Empowerment into Operations.

Monitoring and Evaluation Methodologies Have Not Kept Pace with Program Developments in Legal Empowerment

The CSA exercise gathered valuable information on legal empowerment developments in the three countries. The CSAs noted that aspects of the country context and program environment had changed relatively little in the 5 years since the 2001 ADB legal empowerment study. In particular, it was found that M&E strategies had evolved relatively little. Most methodologies continued to count basic outputs rather than seeking to understand the impact of legal empowerment activities on governance reform and poverty reduction—that is, how legal empowerment affects quality of life beyond the individuals served. Appendix 3 contains information on further lessons learned and recommendations.

Recommendations

Need for Ongoing Investment in Monitoring and Evaluation

The M&E methodology was specifically designed to measure the impact of legal empowerment projects

This report's overarching recommendation for legal empowerment work is that ADB and other international agencies place less emphasis on general situation analysis and greater emphasis on pilot program activities and specialized monitoring and evaluation systems. In particular, it encourages concentrated investment in pilot program activities and developing specialized monitoring and evaluation methodologies that are specifically designed to assess the higher-order impact of legal empowerment programs. This is especially important in the context of legal empowerment interventions that are integrated in the sector program work of ADB and other international agencies. This is because in sector-program work, managers and resource managers frequently insist on convincing empirical evidence of the value of legal empowerment in advancing sector development goals that are constrained by rights and access to justice issues that prevent program beneficiaries from accessing resources, services, and opportunities.

in advancing the goals of the host ADB loans. The project team believes this was the first methodology of its kind developed to measure the impact of legal empowerment activities that are integrated in sector development programs. As such, while the methodology is a significant first step, further effort is needed to develop and test M&E methodologies in the future, learning from project experience described in Appendix 3. This recommendation is naturally premised on the broader recommendation that ADB and other development partners continue to support the integration of legal empowerment activities in their sector program work.

One of the key features of the project's M&E strategy was to move away from the conventional practice of counting basic outputs. Instead, the project team focused on understanding the higher-order impact of legal empowerment in advancing the governance reform and poverty reduction goals of ADB loans. It is also important that practitioners treat this kind of work as a learning experience and report candidly on the positive results achieved and challenges faced in implementing legal empowerment activities. A key question posed regarding applying the specialized M&E meth-

odology under the three pilot legal empowerment projects was: can changes observed be attributed to legal empowerment interventions? Care must be taken to modestly draw conclusions from the work undertaken given the narrow confines of the pilot projects of 1 year or less in duration. However, it seems clear that certain positive changes observed in the experience of women and disadvantaged groups in the pilot project intervention areas are linked to the legal empowerment interventions. The connection was particularly significant in the case of changes in the strategies followed by women and disadvantaged groups in advancing their rights and interests.

It is essential that those involved in legal empowerment activities share information and learning, particularly those pioneering the integration of legal empowerment in sector development programs. Committing to exchanging information in good faith will ensure that others can benefit from individual efforts. It will also help legal empowerment practitioners, government counterparts, legal and development scholars, and international agencies collectively develop a common base of knowledge that can be shared, discussed, and enhanced as legal empowerment activities expand in Asia and internationally.

Importance of Cooperative Working Relations among All Stakeholders

The pilot-project experience yields important lessons for future work of this kind. It is essential to develop strong and cooperative working relationships between the designers and implementers of legal empowerment activities and their ADB and government counterparts. The legal service NGO partners that implemented the pilot projects generally received strong and timely support from ADB counterparts, particularly in taking account of how busy ADB sector-program managers are and their lack of experience in the specialized field of law and development. It is also fundamental to develop a common terminology that describes legal empowerment concepts and documents experience in practical terms that are readily understood by all involved. To encourage the continued incorporation of legal empowerment in sector development work, teams must share their experiences in ways that underline the value of legal empowerment in contributing to such projects.

The quality of working relationships with government counterparts varied from country to country and context to context. The project team noted that certain challenges were frequently encountered when working with government counterparts on legal empowerment projects.¹⁷ In particular, the very term “legal empowerment” tends to cause concerns among government counterparts, who worry that legal empowerment interventions may affect the traditional power advantages that government officials and elites have over marginalized populations.

Government counterparts may be wary of the notion of empowerment, concerned that it will require that they surrender traditional power advantages, be subject to legal pressures from legal empowerment practitioners, face criticism, or otherwise be compelled to relinquish benefits or privileges that they have enjoyed as a result of their traditional role and relationship with disadvantaged populations. In some instances, their concerns are actually well-founded. The challenge lies in convincing hesitant government officials that, while their traditional power advantages may indeed need to change or be reevaluated in certain ways, there are other incentives from which their reputations stand to benefit if they are supportive of legal empowerment initiatives.

Value of Information Sharing

Legal empowerment work relies upon developing complex and mutually reinforcing working relationships between varying parties. If the work is to evolve, it is essential that legal empowerment practitioners work in a transparent manner, meeting regularly with government counterparts to share information, and encourage public officials and agencies to develop a sense of ownership in the work. A positive working relationship of this kind is critical to the success of legal empowerment initiatives, with program implementation shaped by a combination of goals and considerations

of importance to all stakeholders. A positive attitude on the part of government counterparts will also encourage women and other disadvantaged groups that are intended to benefit from a legal empowerment activity to participate in project activities. For legal empowerment to be effective, effective and functioning government institutions are required. Even the most confident and knowledgeable person is unlikely to enforce their rights if they have no confidence in the institutions charged with protecting those rights.

Selection of Pilot Project Sites

The pilot-project experience further affirms that great care and consideration must be taken in selecting the project location. In Bangladesh, the pilot-project site was selected because of a combination of factors, including the choice of a geographic area in which the legal service NGO partner had an operating base. In retrospect, an ideal pilot-project location would have been one in which the ADB host project had been working for a longer period and reached certain milestones in the sequence of implementation.

Legal Empowerment is a Long-Term Process That Warrants Extended Investment

It is important to appreciate that legal empowerment is a long-term process and that the best results are achieved over time. It was understood by ADB counterparts and the team from the outset of the project that the time and resources available for the pilot projects were quite modest and that expectations for measurable impact in the short term should be kept similarly modest. ADB counterparts were extremely generous in extending additional time for the pilot projects when the selection and preparatory start up process required more time than originally anticipated. Moreover, as described in Appendix 3, some striking results were, in fact, achieved in a relatively short period of time. But these results mostly hint at, rather than conclusively affirm, the impact of legal empowerment in the context of sector development programs. Future resource allocations by ADB and other international agencies should provide ample time to design, implement, monitor, and assess the impact of pilot legal empowerment projects, and ideally afford opportunities to implement pilot activi-

¹⁷ The Asia Foundation. 2002. *Indonesia Irrigation Sector Legal Empowerment Study—Program Strategy and Implementation Plan for the Integration of a Legal Empowerment Component In the Participatory Irrigation Sector Project*. San Francisco. The team made these observations based on its experience working on the pilot projects under the project and also from the Foundation’s earlier experience with the Indonesia Irrigation Sector Legal Empowerment Study (2001–2003).

ties in a variety of contexts so that comparisons can be drawn among activities implemented in a variety of circumstances.

Legal Empowerment Advances Sector Development Goals

Together with the 2001 ADB legal empowerment study, the project affirms the value of legal empowerment in advancing governance reform and poverty reduction, and in supporting the achievement of sector program goals. This latter area holds the greatest potential as the new frontier of legal empowerment, and ADB and other international agencies are encouraged to invest in projects that will advance the integration of legal empowerment in sector development programs.

Next Steps

The project provided ADB with a unique opportunity to select NGO legal service partners and core stakeholders to pilot test legal empowerment projects and assess their impact using a specially designed M&E methodology. While the pilot projects are a modest step implemented within a narrow time period, their results support the further integration of legal empowerment in the program operations of ADB and other development partner agencies. The *Good Practices Guide for Incorporating Legal Empowerment Components into ADB Operations* provides further background and practical guidance for future legal empowerment work. It is hoped that this handbook will serve as a resource that is regularly updated through inputs by ADB program specialists, NGO practitioners, and other users to take account of the experience and lessons learned of those who use them.

ADB also conducted an internal portfolio review as part of the background to this report. The review applied a series of criteria in identifying potential ADB host projects in Bangladesh, Indonesia, and Pakistan, including existing projects and those in pipeline development. While the review was concerned primarily with the three focal countries under the project, the basic criteria extended to ADB operations throughout Asia. The portfolio review also considered the key findings and recommendations of working groups formed during the December 2007 regional conference. The

groups recommended applying the project findings, draft guide, and handbook in designing legal empowerment activities based on the context of two pending ADB loans in Bangladesh and the Philippines.

Set out below are the key findings and recommendations of the portfolio review.

Key Findings of the Portfolio Review

While some good practices have been established in the design and implementation of gender and legal empowerment activities in particular projects, there is no coherent approach to legal empowerment in ADB country portfolios. While country gender assessments provide an analysis of gender and legal empowerment issues and strategies, they are not systematically integrated into the country partnership strategies. This first finding is in no way a criticism of ADB, but simply identifies an area of opportunity for future planning as ADB places increasing emphasis on the importance of legal empowerment.

Program loans can and do play an important role in creating an enabling environment for gender and legal empowerment interventions. Although legal empowerment activities may be specified in the gender action plan, main body of the report and recommendation to the President, or in the project design for certain ADB activities, these activities tend not to be consistently incorporated into the design and monitoring framework or the project performance management system. The implication is that legal empowerment opportunities that could have a significant impact on loan performance and outreach to women and disadvantaged groups may go unfulfilled or fall short of potential.

The quality of knowledge of legal empowerment—including concepts, framework, and the type of activities that constitute legal empowerment—tends to vary among ADB project specialists and staff. This is natural given that ADB officers are busy with other project responsibilities and in most cases have no formal legal background or exposure to legal empowerment work. But, there is an urgent need for project officers and team leaders to understand and be aware of the relevance of legal empowerment activities to their projects so that they can design and implement gender and legal empowerment activities effectively. Where the project officer and/or team leader agree that

legal empowerment is an important consideration for effective project implementation, the next challenge is finding the expertise and resources to implement it.

The following sectors and subsectors provide a significant number of opportunities and entry points to incorporate gender and legal empowerment activities: health, education, water and sanitation, agriculture and natural resource development, and small-scale urban infrastructure development. These particular sectors and subsectors tend to be especially important to women and other marginalized groups, and tend to feature administrative and other decision-making mechanisms in which women and disadvantaged groups have traditionally been unable to assume a significant role. At the same time, all sectors potentially hold opportunities for the incorporation of gender and legal empowerment activities.

Projects with mainstream gender considerations provide more effective strategies for women's and community empowerment and are, therefore, more conducive to incorporating legal empowerment elements. Conversely, incorporating legal empowerment activities as an element of broader gender strategies enhances women's empowerment.

Where gender and legal empowerment components and activities are incorporated into existing projects, there is a tendency to focus on those activities that raise men's and women's awareness about their rights, and access to services and other benefits. This is an important first step in a long-term process. However, legal empowerment is concerned with raising awareness and increasing the capacity and confidence of the entire community—women and men—to better advance their rights and entitlements to resources, services, and opportunities.

The ways in which these activities impact on women and men in the community can only be established over time. For example, training government agencies on gender and development policy does not automatically lead to women's legal empowerment; neither does fostering women's representation in water user associations, school committees, and other local structures. But, if these activities are sustained over time, and combined with other activities that challenge traditional views on the role and capacity of women and disadvantaged groups to participate in community development, they are more likely to achieve a positive impact on increasing

women's empowerment. While ADB projects are evaluated after completion, impact assessment of emerging legal empowerment activities is not systematically and comprehensively undertaken.

Projects that have a strong focus on good governance provide greater opportunities for incorporating legal empowerment activities. Strengthening governance to ensure that it is gender-sensitive, transparent, and participatory is a key component of an effective legal empowerment strategy. Integrating good governance as a strong crosscutting theme into all sector investments contributes to enhancing the legal empowerment of women and men in the community.

Based on the portfolio review and the project's pilot-project experiences, ADB considers that local government structures are not necessarily more conducive to gender and legal empowerment opportunities. They too can be dominated by powerful parties with vested interests that block and undermine community empowerment. However, making these local structures more transparent and accountable is a necessary precondition for community empowerment. National policy reform plays a significant role in fostering an enabling environment that can provide community members with the leverage required to engage and reform local governance structures. Projects with incorporated gender-inclusive, community-based, participatory approaches provide greater scope for legal empowerment activities.

Recommendations

The portfolio review affirmed that the present ADB portfolio and pipeline project plans hold significant potential for integrating legal empowerment activities. While some ADB projects have a more specific focus on women and disadvantaged groups, virtually every ADB project includes women and disadvantaged groups among broader beneficiary populations. ADB has made significant progress toward subjecting every new project to rigorous gender analysis. This analysis may be drawn on to inform the design of integrated or associated legal empowerment projects.

The need and opportunities for legal empowerment can be affirmed by the portfolio review. Then, the legal empowerment's project design and implementation can draw on (i) the findings and recommendations of the project, including the core findings and

recommendations reported in Chapter 5 of the main report; (ii) pilot legal empowerment project experience documented in Chapter 4 and Appendix 3; and (iii) practical suggestions provided in Good Practices Guide for Incorporating Legal Empowerment into Operations.

Many factors can affect the success of a legal empowerment project. But, the prospect of success is enhanced by thoughtful planning, sound empirical research, strong partnerships, good communication, and investment in rigorous monitoring and evaluation methodologies.

Thoughtful Planning

Legal empowerment projects need careful planning and resource allocation regardless of whether they are integrated into an existing or planned ADB project. Although the pilot-project experience affirms that a legal empowerment activity can be added to an ongoing project, it is better to incorporate a legal empowerment strategy as part of the original program design. Ideally, the strategic planning process should take careful account of (i) the host project's goals; (ii) the legal, administrative, and other challenges that women and other disadvantaged groups are likely to face in accessing project benefits; (iii) any resistance that is likely to be encountered from counterparts in government or other sectors; (iv) strategies to address resistance to the project; and (v) the steps to be followed in implementing the legal empowerment component. The last factor needs to address whether legal empowerment activities will be introduced on an incremental basis and extended to different project areas over a period of months or years.

Sound Empirical Research

The project experience affirms the importance of basing legal empowerment project design and strategic considerations on sound empirical research. Qualitative and quantitative research are needed to develop a proper understanding of (i) the issues to be addressed; (ii) the experience and views of different stakeholder groups (including project beneficiaries, government agencies and officials, and local elites and other persons of influence); and (iii) a baseline of conditions, stakeholder status, and experiences as they exist at the start of the project from which to assess changes and results over time.

Strong Partnerships

Successful legal empowerment strategies depend on the joint efforts of different stakeholder groups. Civil society organizations have tended to play a pioneering role in legal empowerment activities. But, the importance of government officials and agencies to the success and sustainability of legal empowerment work is increasingly recognized. An integrated legal empowerment project should aim to engage the planning, implementation, and impact assessment inputs of multiple stakeholders. It also needs strong government involvement and practical representation in planning and decision making.

Good Communication

Good communication lies at the heart of strong partnerships in legal empowerment project design and implementation. Stakeholders typically come to a cooperative working relationship with certain experience, understanding, and expectations, some of which reflect actual circumstances while others reflect simple misunderstanding or lack of exposure. Legal empowerment depends on the cooperative efforts of civil society, government officials, beneficiary or local partner communities, and ADB program staff, and good relationships will strengthen this process. This is one of the key lessons learned in the pilot legal empowerment projects—in several cases, the progress and potential impact of activities was hindered by poor communications between the NGO legal service organizations and their government counterparts.

The need for developing good communication processes also extends to ADB operations. ADB program personnel need to understand the benefits of legal empowerment and its potential to improve sector program outcomes. To do this, legal empowerment strategies must be made more agreeable to ADB sector project managers by distilling the complex concepts into practical terms that can be readily understood. By doing this, ADB sector project managers who have no experience with legal empowerment and limited time to engage outside of their specific professional areas of focus are more likely to incorporate legal empowerment strategies in their projects.

Rigorous Monitoring and Evaluation

Legal empowerment initiatives will probably be held to a high standard of performance and scrutiny. This

is because the initiatives propose that they can lead to (i) women and other marginalized groups having advanced rights and other economic opportunities, (ii) governance reform, and (iii) poverty reduction. These are significant aspirations.

Previously, legal empowerment practitioners have tended to count basic outputs rather than designing M&E strategies aimed at understanding the impact of legal empowerment in the context of higher-order

governance reform or poverty reduction. The pilot legal empowerment projects adopted a new approach. The project team designed M&E strategies specifically aimed at measuring the impact of project activities on the performance of the host ADB loan. Given the success of this approach, it is recommended that this rigorous model be followed in future legal empowerment activities that are integrated in host ADB sector program activities.

Appendix 1

Overview of Legal Empowerment

The Constraints Faced by Women and Other Disadvantaged Groups

To fully grasp the practical application of legal empowerment initiatives, it helps to understand the kinds of legal- and law-related administrative and governance constraints that affect women and other disadvantaged groups in developing nations. In developing nations, it is common for legal and related governance constraints to affect the general circumstances of disadvantaged populations. Such constraints can affect the pace, progress, and outcomes of sector development programs that the Asian Development Bank (ADB), other international agencies, and government counterparts undertake in a variety of development sectors.

Women and disadvantaged groups face a combination of obstacles that affect their social, economic, and political status and circumstances. These obstacles include (i) basic constraints affecting physical and economic security, ownership of property and other economic assets, and one's voice in public affairs; (ii) intermediate constraints affecting access to legal and other public institutions and support mechanisms; and (iii) high-end policy constraints and systemic challenges that continue to pose barriers to the broader advancement of disadvantaged populations notwithstanding the fact that individuals are better served by practical support mechanisms. This information is summarized in the table at page 49.

Basic Constraints

Traditional Religious, Cultural, and Social Norms

Individuals and communities living on the fringe of developing society tend to live according to traditional religious or cultural norms and values. These norms and values define their existence and have little regard to any

formal rights or entitlements that the law may prescribe. In many conservative societies women are confined to a marginal role. For example, a woman might be confined to the family compound at the insistence of her husband or male relatives, denied an equal share of property on the death of a husband or father, barred from a post-elementary education, refused access to clinical health care, denied employment opportunities outside the home, refused participation in public decision making, and deprived of basic security to move freely in the community without threat of violence or intimidation. In many societies, the poor and other marginalized groups are treated as second-class citizens. Persons of political or social rank and economic means justify this suppression on the grounds that they are better positioned to judge what is good for the lower ranks of society than the disadvantaged. Alternatively, in a society dominated by patriarchy, patron–client,¹ and other inequitable power relations, marginalized populations face a barrage of pressure, threats and actual violence, land grabbing, intimidation by police and politically-sponsored thugs, corruption, and acts of impunity by various actors that command significant power advantages over the poor.

Lack of Knowledge among Citizens and Public Officials

In developing countries, citizens' inadequate understanding of the laws and the rights and obligations that those laws confer, poses a fundamental constraint to

¹ This concept may be defined as a mutually obligatory arrangement between an individual who has authority, social status, wealth, or some other personal resource (the patron) and another person who benefits from his or her support or influence (the client).

citizens accessing justice. Low literacy rates and other consequences of weak or exclusive education systems deprive marginalized groups of the information that they need to protect their legal rights. This is the case even where a country's laws provide for fair and equitable protection of all citizens' rights. If citizens do not understand that they have rights that they can protect, or if they do not have enough money to enforce those rights, they will not be able to use the legal system to their advantage. This situation has particular implications for women, given gender inequalities in literacy rates in many countries.

In a multilingual country, legal policy, laws, and legal judgments may be published in only one of the country's official languages. In such countries, court cases will also only be run in the language in which the laws are published. Where the legal system operates in a language used only by a country's wealthy minority, the country's poor majority will not understand that legal system and will have a poor grasp of their legal rights and entitlements.

To ensure that citizens can access justice, the system must be readily accessible and useable. Legal information must be publicly and readily available. It must be published in plain, easily understood language. Steps must also be taken to ensure that illiterate members of society can access information on their rights and how to access justice. Where a government takes no steps to disseminate information on new or amended laws, changes in administrative procedures, or other matters of interest, citizens have little hope of understanding and acting on important information. It is important to recognize that knowledge constraints are not limited to citizens. Public officials and agencies frequently have inadequate knowledge and resources. This is problematic where a public official is responsible for making formal decisions or having to exercise discretion when making a judgment that affects the rights of disadvantaged communities. The public official may not have a proper understanding of the steps to be followed or the legal or administrative principles to apply in making the decision and this will affect the quality of his or her decision making. Steps taken to raise citizen knowledge will only be successful if concurrent efforts are taken to educate and empower public officials.

Even where individuals have a basic understanding of their legal rights and obligations, they still may not

understand what the law requires of them and how they can enforce those rights. For example, a woman may vaguely know that she is entitled to inherit property. But, she may not understand what the legal and administrative processes are for her to enforce that right. Therefore, while she might have the strongest claim to inherit property, someone else might actually inherit it. Without higher-order knowledge of this kind, disadvantaged groups may, for practical purposes, be powerless to access the legal system, seek the advice of a legal professional or support agency, or even think of asserting their rights.

Lack of Economic Independence

Lack of economic independence places broad constraints on citizens' access to justice and critical resources, and participation in administrative and other public decision-making processes.

Although disadvantaged populations face a variety of legal problems, they most frequently encounter family law and property disputes. The family law disputes affect women's rights, security, and

People who depend on husbands, employers, landlords, local elite power brokers, or others with whom they stand in an unequal power relationship are bound to be constrained in exercising their rights or in asking public authorities to make equitable decisions on matters of interest to them. Even where all other factors are supportive, poverty may ultimately determine the way in which disadvantaged populations experience justice, governance, and resource allocation, as well as the leverage that they can exert in pursuing their interests. In this context, no combination of sound laws, competent lawyers and judges, strict and consistent principles of legal enforcement, or support mechanisms will suffice to safeguard the rights of a destitute woman, victim of domestic violence, or an abandoned wife if she is too poor to hire a lawyer or to travel to a district town to seek the support of a legal services nongovernment organization. Gender disparities in economic decision making and wages are especially problematic in Bangladesh, Indonesia, Pakistan, and other developing countries.

legal entitlements, while the property disputes arise between neighbors and family members. Those with sufficient money, stature, and connections may be in positions to access legal support services, which might include the formal court system; administrative mechanisms that facilitate licenses, permits, and other legal requirements or community-based alternative dispute resolution (ADR) mechanisms, such as the traditional *shalish* in Bangladesh. In contrast, those without money and social leverage must depend on a more limited range of options. They are also more susceptible to manipulation or abuse when accessing available support mechanisms. The extreme poor lack the time and resources to travel long distances to resolve legal problems through formal or informal mechanisms. To improve the disadvantaged groups' access to law and governance structures, legal services must reach out to them.

Intermediate Constraints

Those who overcome the basic impediments to accessing justice then face a second, middle-order tier of constraints that are more complex than those encountered at the lowest tier. The middle-order constraints are equally capable of frustrating a person's quest for justice or voice in administrative governance. They include (i) the maze of entrenched patron–client and other power relations encountered on a daily basis, (ii) political interference in public security and decision making, (iii) standards of performance and integrity in judicial and administrative decision making,² (iv) the quality of equitable standards of the informal justice sector, (v) corruption, (vi) the quality of laws and lawmaking, and (vii) inconsistencies between formal law and traditional values.

Complex Power Relationships

Complex power relationships and social dynamics are by no means unique to developing nations. However, in

the focus countries, there are a number of factors that intensify the difficulties that women, the poor, religious and ethnic minorities, and other marginalized groups experience when dealing with legal and administrative authorities and decision-making bodies. Such factors include economic development challenges; hierarchical social structures; patron–client relations that place one party in a position of greater influence or authority over the other, with an ability to make decisions or take actions on a one-off basis that confers no benefit to similarly placed individuals; corruption; and encroachment of political and other powerful actors on independent authorities and decision-making bodies.

Among these factors, patron–client relations are particularly problematic because they may result in disputes being resolved on an ad hoc and consequently inconsistent basis. For example, two individuals that face the identical problem of security of title to property may experience very different results. One may keep her property, while the other woman loses hers. The only difference between the women is their relationship with political actors or other decision-making authorities that are positioned to make arbitrary decisions that favor one contestant or applicant over another.

Quality of Formal Legal and Institutional Decision Making and/or Legal Services

In some cases, problems affecting the efficiency and/or integrity of the courts, administrative tribunals, licensing agencies, or other decision-making bodies affect disadvantaged groups in the same way that they affect the community at large. Their poor standard of performance supersedes any specific biases that affect women, the poor, or others more particularly. Examples include: (i) in many countries, including Bangladesh, there is backlog of cases choking the lower and higher courts; and (ii) when judges lack adequate professional training or the government fails to publish information on appellate cases that set new precedents for the lower courts, it is more likely there will be unjust and inequitable decisions made. Similar problems affect the performance of administrative tribunals or other decision-making bodies. They may fail to follow consistent standards, or accept or demand bribes to secure a particular result or expedite proceedings that could otherwise drag on for months.

Poor financial resources expose disadvantaged people to incompetent or dishonest legal representation

² Administrative law is the body of law governing the administrative functions of government agencies. Administrative decision making refers to a decision made in relation to an administrative power, for example whether to grant a water license. If a person disagrees with an administrative decision, he or she can ask an administrative body to review the administrative decision. Administrative procedures typically involve a person appearing before a decision maker and asking him or her to make a decision on a claim. In this regard, they operate similarly to courts of law.

because they cannot afford good quality legal representation. In other cases, legal professionals' attitudes and perspectives can further constrain access to justice. For example, the majority of lawyers have minimal contact with disadvantaged populations. In some cases, this reflects basic economic reality—lawyers tend to work for clients who can afford to pay standard market rates. In other contexts, personal beliefs may influence what cases a lawyer is prepared to work on. If a lawyer is a traditionalist, they may be motivated to focus on and preserve traditional legal norms. This becomes problematic where the client needs to challenge the traditional legal norms. Some of the difficulties stem from the culture of legal education in developing countries. Formal legal education programs tend to focus on students developing a technical understanding of the laws only.³ Law students are not encouraged to critically review the law or consider whether the laws are just and equitable, particularly in relation to the poor and whether the law advances their interests. Fortunately, with the growing interest in clinical legal education and students' internships with civil society organizations, there is scope for students to develop a broader appreciation of the operation of law and justice.

Quality of Informal Justice Alternatives

In Bangladesh, Indonesia, Pakistan, and other developing Asian countries, the informal justice system has far greater relevance to the economic means and other circumstances of disadvantaged groups. While government agencies have assumed a role in some countries—for example, by promoting court-annexed mediation to encourage parties to a formal case to reach an amicable out-of-court settlement that reduces the administrative burden on the court system—in most developing countries, nongovernment organizations (NGOs) lead the way in facilitating public access to the informal justice sector. ADR is one of the most popular informal mechanisms for resolving legal problems in a time- and cost-efficient manner.

When compared to the formal legal and administrative systems, the most positive features of ADR are time and cost efficiency. ADR mediation sessions can also have broader social sanction benefits, especially if they are open to an audience of onlookers as some

are in the focus countries. In such cases, the sessions reinforce the importance of values of fairness, compromise, and gender equality. Notwithstanding these positive factors, experience across Asia and other parts of the world has demonstrated that the quality and integrity of justice rendered by ADR can be compromised by a combination of factors. The process and facilitators are susceptible to the negative influences that arise where different sets of rules and different types of individuals are involved in conducting different ADR procedures.

Based on recent research by The Asia Foundation in Bangladesh, certain factors emerged as potentially negative influences on the ADR process, which are consistent with similar challenges in Indonesia and Pakistan.⁴ First, there is a tendency for ADR sessions to assume the dynamic of arbitration rather than mediation. In a mediation, the mediator tries to get the parties to settle the matter but does not make a decision or impose terms of settlement. In an arbitration, the arbitrator may impose terms of settlement on either or both parties. This increases the likelihood that the parties will view the settlement terms as unjust or inequitable, or not observe them in the long term. Second, there is a lack of adherence to legal norms or other practical considerations, increasing the risk that traditional or conservative values will take precedence over the law or common sense solutions. Many community legal service NGOs that specialize in ADR advocate for applying legal norms to the ADR process to replace traditional norms that disadvantage women and the poor. In this context, mediations can become constrained. Rather than focusing on negotiating in good faith and reaching a compromise so that the parties can move on from a dispute, some NGOs have rigidly applied legal principles and advised their clients not to settle matters. The Foundation has found that some NGOs tend to compromise on certain issues, such as the amount of dowry to be paid by a husband to his wife. In most cases, the amount is settled by mutual compromise based on ability to pay rather than the amount originally specified in a marriage contract. The Foundation has also observed that political biases and interests and gender bias have tainted the conduct and/or judgment of mediators.

³ This observation is based on the project team's experience in working in the focus countries.

⁴ The Asia Foundation. 2007. *Promoting Improved Access to Justice: Community Legal Service Delivery in Bangladesh*. Commissioned by the United Kingdom Department for International Development (DFID).

If an ADR settlement is not honored, the parties have a variety of options. Broadly speaking, these fall into two major categories: social pressure and legal sanction. Some ADR approaches are more effective at harnessing community opinion and therefore exert a weight of authority sufficient to compel the long-term compliance with settlement terms. ADR approaches that involve local members of the community, and that have earned a reputation as trusted community institutions, hold more weight and there is more social pressure or community sanction to ensure that a settlement is complied with. Other processes are easier to uphold via legal means, including requests for police involvement. ADR mechanisms, such as village courts and certain NGO ADR processes, involve the community to a far lesser degree but have easier access to enforcement measures based in law, including court orders and police action.

Finally, ADR processes can and do have an impact on the culture of the communities in which they operate. Returning to the example of Bangladesh, the potential for various ADR approaches to replace and/or improve upon traditional shalish panels, and thus to be sustainable in the long term, depends in large part on their acceptance by the community. Certain ADR approaches are better positioned to effect social change at the local level, and these same changes in values will make it more likely that community members will continue to conduct ADR on their own, accept ADR settlements, and/or enforce compliance with these settlements after donor-funded NGO assistance has ended. ADR approaches may be assessed according to the likelihood of (i) female participation on mediation panels, (ii) the prospect of wider community participation on the panels, and (iii) their potential for instilling human rights values or to secure gradual changes in traditional societal norms and values more broadly.

In some cases, the challenges associated with informal justice are much simpler than those just discussed. Even if NGOs and other facilitators of access to the informal justice system have developed systems that minimize the risk of gender bias or power imbalances among disputants, the outreach of services may not be sufficient to serve the entire population. Bangladesh, Indonesia, and Pakistan have developed strong systems of informal justice and mechanisms to facilitate access, yet remote corners of each country are inadequately served by community legal service NGOs or other support mechanisms.

Poorly Drafted Laws and Regulations

An additional constraint of a more technical nature is the prevalence of unclear, inconsistent, and outdated laws that may be a century or more old and no longer relevant to the circumstances of women and other disadvantaged groups. A combination of factors fuel this problem, including education standards, professional competency, and international pressure to adopt new laws that are modeled on laws from other legal systems. Each of the focus countries also has a complex legal system that fuses together laws dating from their colonial, common-law pasts with Islamic laws and a civil code. This creates another layer of complexity. Administrative laws that regulate private and governmental relations are especially subject to conflicts and inconsistency, including overlapping responsibilities among different executive agencies. In addition, the national legal systems can be inconsistent with indigenous laws and therefore override them, meaning that indigenous communities may misunderstand their rights and entitlements. For example, there may be a conflict between indigenous notions of common property or community stewardship of land and the national legal system's protection of property ownership following formal land registration, which creates a right to exclusive use and possession by the landowner.

Inconsistency between Formal Law and Traditional Values

Access to justice and citizen participation in public decision making by disadvantaged populations is further impeded by traditional community norms and other deeply ingrained attitudes. For example, a female victim of domestic violence may be discouraged from seeking legal protection from an abusive husband because she is intimidated by fierce public norms that relegate women to a subservient place in society. Similarly, the police may be hesitant to intervene in domestic violence matters, believing instead that domestic tensions or violence are personal matters to which formal legal protections do not extend.

Failure to Implement Sound Laws and Regulations or to Follow Prescribed Procedural Standards

One of the most common constraints to just legal outcomes and sound governance standards in developing countries is the failure on the part of judges, administrative actors, and other decision makers to correctly apply the requirements of sound laws, regu-

lations, or procedural standards. While the laws of Bangladesh, Indonesia, Pakistan, and other countries are, for most part, well-conceived and clear in their direction, they are routinely ignored by those tasked with applying them, or manipulated to yield different results in different cases, with no consistency of practice and outcomes among those whose circumstances are identical.

Highest-Order Constraints

The highest level of constraints transcends individual problems and solutions and affects women and other disadvantaged groups as underclasses of society. These constraints mean that even if a poor woman from rural Pakistan overcomes the low- and middle-order constraints, her quest for justice may ultimately be thwarted by factors lying beyond her personal control and that of her legal representatives. The highest-order constraints lie in traditions of patronage, cronyism, or elite indifference, and policy issues that generate legal problems or administrative barriers that affect disadvantaged populations on a large scale faster than support mechanisms can resolve individual cases.

It is common for public officials that exercise legal or administrative decision-making authority to operate with indifference to the needs of marginalized populations. Unless a poor woman has personal links to the government agency or official overseeing her case or application, she may be unable to obtain the information or result that she seeks. This extreme cronyism plays a powerful role in developing countries, where close personal relations have a pervasive influence on decision making, resource allocation, rights and privileges of access, and the pace and outcomes of legal and administrative procedures. Judges and administrative officials may exercise their decision-making authority on basis of kinship, friendship, associations from student days, or common regional backgrounds. Such relationships can yield positive results for a disadvantaged individual who has a relationship with a person of relative stature and authority in her community, where they grant her special favor. But, that positive result is wholly arbitrary because another disadvantaged person in identical circumstances, but who lacks the personal relationship, is unlikely to achieve the same result. Where judges or other officials owe their positions to political leaders or other persons of influence as a result of a personal favor, they are bound

to exercise their decision-making authority in a manner that protects the interests of the person who granted them their position.

Legal and Administrative Constraints Affecting Sector Development Programs

The preceding section discussed the three-tiered hierarchy of constraints that women and disadvantaged groups face in accessing justice. However, women and disadvantaged groups also face these types of constraints when trying to access national development initiatives and their ensuing benefits. Therefore, attention now turns to the kinds of practical program activities or interventions that are undertaken to facilitate the legal empowerment of the disadvantaged.

Legal Empowerment Interventions

While the activities are discussed as separate interventions, it is important to note that in practice these tools are seldom applied as stand-alone interventions. As such, a well-conceived legal empowerment strategy will typically include a multipronged combination of concurrent interventions.

In light of the ascending hierarchy of constraints to access justice, it is useful to think of legal empowerment program interventions on an ascending scale of sophistication. The scale (i) begins with the most basic interventions, (ii) continues through middle-order interventions that focus on problems faced by individuals and use a combination of formal and informal support mechanisms, and (iii) ends with the highest-order strategies that focus on the policy constraints that persist irrespective of progress in resolving individual cases. The legal empowerment activities may be characterized as basic awareness raising; formal and informal support activities that benefit individuals, but not necessarily classes of similarly placed individuals; and activities that aim to change entire communities' relationship with the law and broader structures of administrative governance.

The third category of activities is the new and most promising frontier of legal empowerment initiatives. These program interventions are not well studied or documented. They aim to equip entire classes or disadvantaged communities with the capacity to use legal and administrative remedies creatively, confidently, and independently. The initiatives also aim to address the

policy or other constraints that spawn new challenges as fast as individual problems are resolved through middle-tier interventions.

First-Order Strategies and Interventions—Basic Awareness Raising

There has been a shift in the approach toward legal empowerment initiatives, and this is reflected in the development of new terminology. The term “legal empowerment” has replaced “legal literacy” as the preferred term. Legal empowerment is used to describe the process of equipping disadvantaged groups with the capacity to use the law and broader structures of administrative governance, resource allocation, and decision making to advance their social, economic, and political circumstances. Legal empowerment is an exciting tool that gives a measure of power to disadvantaged groups to protect their rights. It goes beyond the old concept of legal literacy, which was merely to educate the population about their legal rights. However, legal literacy remains an excellent term to describe the first tier of program interventions, which aim to educate the public about (i) its legal rights and obligations; (ii) the institutional structure and procedures of the legal system; and (iii) the mechanisms that women, the poor, and other marginalized groups can use to advance their rights and interests.

This first category of interventions is discussed below.

Using Print and Broadcast Media

The community legal service and development organizations that pioneered legal literacy work aimed to provide disadvantaged populations with a general understanding of their rights under the law in Bangladesh, Indonesia, Pakistan, and other Asian countries by using print media as their primary tool for disseminating information. Pamphlets, posters, comic books, newspapers, and other publications serve as practical, cost-efficient media for sharing basic legal information targeting general audiences. For example, Bangladeshi NGOs posted anti-domestic violence posters on the walls of community centers, teahouses, and market stalls. Print media can also be easily tailored to the circumstances of different target audiences. For example, cartoon images can replace conventional text in conveying messages to communities with poor literacy. General messages may be developed in the principal

national language and then adapted to the language of indigenous populations. In Bangladesh and other countries, newspapers have started devoting a weekly section or column to legal issues, with feature articles, investigative reports, and frequently asked questions on topical legal issues.

Tapping Television and Radio Outreach

Television (TV) and radio serve as increasingly important media for national information dissemination. For example, for many years Bangladesh only had one, state-operated TV network but now has more than a dozen private TV channels that reach secondary cities and adjacent areas. At one time, the geographic outreach and broadcast hours of radio exceeded those of TV. Today, TV has achieved the largest geographic footprint of media outreach and is recognized as the preferred media for information sharing through public service announcements and dedicated programming on specific legal or governance issues. While the TV and radio market has yet to reach every household in developing countries, TVs and radios are now common fixtures in village community centers, tea shops, bazaars, and other public gathering places. People assemble in these places in their leisure hours to watch TV, listen to radio programs, and discuss the content of public service announcements and talk shows.

A principal advantage of TV and radio is that they appeal to a broad audience and serve a combined entertainment and educational function. Those who might easily tire of formal training programs are more content to receive information through public service announcements, docudramas, and other broadcast media formats. While the sophistication of TV and radio messages must be adjusted for different audiences, they are more effective than print media at delivering messages to rural communities with low literacy levels.

Popular Culture

Musical performances, karaoke combinations of popular melodies and serious messages, stand-up comedy, street theater, poster art competitions, and other forms of popular culture serve as proven media for legal information dissemination across Asia. The combination of entertainment and serious messages captures viewer and listener attention. Experience has demonstrated that some degree of follow-up by NGOs or other facilitators may be necessary to ensure that messages are

clearly understood and that beneficiaries receive the additional details necessary to act successfully on the information provided. For example, in rural Cambodia, a popular traveling musical comedy performance on domestic violence issues supported by The Asia Foundation in 1998 was adjusted to include a facilitated discussion and information booth at the end of each session.⁵ This provided follow-up support to members of the audience needing NGO support to address the problem of domestic violence in local communities.

Internet and Other Electronic Media

In the last few years, legal empowerment practitioners have harnessed the power of the internet, mobile telephone messaging, and other information and communications technology tools to share information. For example, Indonesia's *hukumonline.com*⁶ has created a niche as an online clearing-house providing information on legal reform issues, judicial decisions, and legislation. In Bangladesh, mobile telephone providers are supporting the Bangladesh Election Commission's efforts to establish a new national electoral role. They are using mobile telephone messaging technology to share information on registration centers with mobile subscribers.

Second-Order Strategies and Interventions—Resolving Individual Problems through Formal and Informal Justice Systems

Second-tier legal empowerment interventions are largely focused on resolving the legal problems and administrative challenges faced by women and other disadvantaged groups. Program interventions of this kind are primarily in the domain of community legal service organizations that provide legal information, legal aid services, facilitate ADR, and provide other informal justice services. Some NGOs also provide legal support services as an integrated component of their broader community development work. These organizations range from large, national-level organizations such as Yayasan Lembaga Bantuan Hukum Indonesia, the Bangladesh Legal Aid and Services Trust, and the Aurat Publication and Information Service Foundation

in Pakistan, to smaller community-based organizations. Within the second tier of legal empowerment activities, program activities are concentrated in the informal or formal justice sectors, or combinations of both.

Community-Based Training

Community-based legal training takes information of the kind imparted through mass print and broadcast media and adapts it for targeted delivery and engagement with citizens at the community level. It tends to be more intensive, hands-on, and interactive than media-based interventions. Community-based training targets the specific needs of select communities and allows legal empowerment providers to work closely with particular beneficiary groups. This, in turn, enables providers to understand the problems faced by beneficiaries better and to design and implement strategies to assist them. In some countries, law schools offer students opportunities to participate in community-based training as a component of clinical legal education programs. While some training initiatives promote general legal awareness, they are especially relevant to development projects that focus on the legal problems of specific beneficiary groups and on the role of government officials in solving problems of this kind.

Community Counseling

In some cases, community-based training extends to include basic legal counseling services, marking the first step in the transition from basic information sharing to hands-on support services. Some legal service providers refer to these periodic legal counseling sessions as "legal aid camps." They typically involve a small team of lawyers setting up a booth in a community hall or market center following an introductory information session, for which citizens queue up to seek professional advice on particular problems. The advice or guidance provided is generally a one-off interaction, as opposed to the establishment of an ongoing professional service relationship of the kind created through formal legal aid mechanisms (see below). The advice typically provides an overview of the legal principles that apply to the particular problem faced—for example, a property dispute between neighbors—and a referral to the nearest community legal service organization that the individual can approach for long-term action or support. While this one-off interaction and information exchange is a modest first step toward more long-term,

⁵ The Asia Foundation. Undated. *Combating Domestic Violence in Cambodia: Public Education through Street Theater*.

⁶ Hukum Online. www.hukumonline.com.

support-oriented legal empowerment interventions, the brief exchange provides clients with more information than they would otherwise have received through basic information sharing.

Paralegal Services

In the ascending scale of legal empowerment interventions, paralegals have an important role in establishing the first permanent legal support capacity in a disadvantaged community. A paralegal is a layperson who is selected by a legal service organization and given (i) a specialized program of training that typically includes a general introduction to law and human rights; (ii) a measure of specialty training in particular areas such as family law, inheritance, or property; and (iii) guidance on how to provide effective counseling support services to community members. Since paralegals must establish relationships of trust with the community members they serve, they are ideally drawn from communities of teachers and NGO workers whose vocation depends on effective relationship building, networking, and information sharing. They are typically assigned to communities in which they live and work, which helps them to understand the local dynamics of power, conflict, and decision making, and establish trust relations with community members. Paralegals are sometimes drawn from the beneficiaries of earlier legal support activities. For example, a woman who previously benefited from the support of a legal service NGO seeks an opportunity to contribute in a manner similar to those who helped her.

Paralegals are cost-effective alternatives to lawyers. In some cases, they play a purely intermediary role in representing a citizen's interests in formal or informal legal proceedings. In other cases, they train community members on how to directly engage in administrative and other decision-making procedures. Paralegals may work in a voluntary or professional capacity. Their areas of focus may include (i) reducing the incidence of domestic violence in their community through education, advocacy, and engagement in specific cases; (ii) advising landowners on registration procedures and resolution of disputes regarding property boundaries; or (iii) facilitating license applications or other administrative procedures. Professional paralegals tend to focus on more specialized support activities that may involve guiding community members through complex administrative procedures or assuming a lead advocacy role on behalf of their clients. Some beneficiaries of

community legal service delivery advance to paralegal roles if they are moved by the experience and feel inspired to contribute.

Alternative Dispute Resolution

The poor performance and prohibitive cost of courts and other formal justice sector institutions in many developing countries have led disadvantaged populations to seek faster, simpler, and more cost-effective alternatives. ADR is more time- and cost-efficient than the formal court system. It also has the potential to render results that reflect a compromise of interests by both parties to the dispute as opposed to an outright victory of one party over the other. ADR encompasses a broad range of processes designed to settle disputes outside the formal court setting. The Bangladesh experience illustrates the typical scope of ADR, which includes a range of traditional to quasi-governmental mechanisms. Although most of the larger community legal service NGOs that support ADR have gradually adopted models that involve mediation sessions chaired or administered by panels of respected community members, variations exist among approaches that seem quite similar on their face. For example, the legal awareness and training activities undertaken by different NGOs vary. Similarly, there is variation in the rules governing the composition and chairing of the ADR panels and the degree of administrative assistance and legal guidance that community legal service NGOs (or the smaller NGOs partnering with the larger organizations) are able to provide. There is little evidence that these variations in community-based ADR processes lead to widely varying outcomes, although every community legal service organization can offer a cogent rationale for the particular approach that it follows.

Continuing with the Bangladesh example, the several NGO models of ADR can be categorized more broadly in terms of how mediation sessions are conducted—whether by mediators who are employees of (or otherwise engaged by) a community legal service NGO, or by citizen members of community-based organizations. Although NGOs develop and facilitate community-based organization mediation panels in ways that vary from one organization to the next, the variations among community panels are less important to their effectiveness and sustainability than the fact that they are not processes mediated by NGO employees. To these two categories are added two additional alternatives: traditional shalish and village courts.

When community ADR models are examined as a group and compared with other ADR approaches, more substantive differences emerge. For example, in Bangladesh, traditional shalish is the oldest established form of community-based dispute resolution. The parties to a dispute and their family members are summoned to assemble in the presence of a panel of village elders and interested observers to discuss the problem and reach a conclusion. The shalish panel may include *union parishad* (municipality) chairpersons and members, as well as religious leaders or other community leaders of influence—although, in recent years, religious leaders are less likely to participate in traditional shalish. Local elites with political party affiliations are increasingly active in shalish panels, which may reflect a shift in the power balance in rural society to those whose political connections allows them to deliver results or services. A shalish session is not always completed in a single day; rather, it may extend over a number of public sessions, and may include private negotiations between parties that typically involve other family members. The conflicts referred to ADR usually involve family matters, land issues between neighbors, insults or other incidents that dishonor a party to the dispute, or petty theft. In some cases, serious criminal cases that should be prosecuted through the formal court system are referred to mediation, such as rape or other crimes of violence against women.

The concept of community mediation may invoke an image of calm and quiet deliberation. In reality, community ADR sessions, like the Bangladesh shalish, are typically held in crowded village commons or meeting places. The parties, their relatives, and onlookers joining *shalish dars* (members of the panel that hears the dispute) tend to offer their views and observations in a cacophony of inputs. It is not unusual for 100 or more persons to observe a shalish session. Where the dispute involves a female party, she may be confined to the home or a distant vantage point while her father, brother, or other male relative appears on her behalf in the session. Whether the conduct of a particular shalish session is best characterized as mediation, arbitration, or a fusion of the two hinges on the nature of the particular dispute and the parties involved. Community mores and the opinions of powerful leaders often exert such a strong influence

that outcomes are literally imposed on a party to the dispute in a court-like manner that may be contrary to his or her wishes.

Community dispute resolution is often the first and only option available to poor and marginalized citizens who lack the resources and social and administrative connections to pursue formal dispute resolution mechanisms. It is affordable, comprehensible, convenient, and efficient, even in contrast with a well-functioning judicial system. It also has a participatory dimension that confers a degree of social sanction to decisions reached by the mediation panel. In recent years, court-annexed mediation has been introduced in an effort to reduce the administrative burden on the courts.

Legal Aid

The middle-order mechanisms discussed in the preceding sections are primarily based in the informal justice sector. Pro-bono legal aid services by lawyers shift legal empowerment from the informal justice sector to the formal sector. Free or subsidized legal aid services lower a major economic barrier to the formal justice system, and make it possible to bring justiciable issues to court that would otherwise not find their way through the net of prohibitive costs, chronic delays, and requisite enabling connections. Certain categories of cases, such as crimes of violence against women, are sometimes referred to mediation that should properly be adjudicated before the courts. Legal aid is most effective in resolving justiciable issues that should properly be placed before the courts. While legal aid occupies an important niche that has been well-served by organizations like Yayasan Lembaga Bantuan Hukum Indonesia and the Bangladesh Legal Aid and Services Trust, and by government mechanisms such as the National Legal Aid Foundation in Bangladesh, a combination of factors can limit its impact. These include limits in the number of lawyers that are prepared to give up a portion of their practice to undertake legal aid work or to forego better income-earning prospects and pursue a full-time career in legal aid; inconsistencies in the professional competence and quality of services rendered by legal aid lawyers; and the broader factors affecting the quality of judicial decision making that affect legal aid cases together with others before the courts, including corruption, poor judicial

administration, and variations in the professional standards and competence of judges.

Highest-Order Strategies and Interventions

The basic and second-order categories of legal empowerment interventions described in the preceding section span basic legal awareness raising without reference to individual circumstances, and specific client-focused support activities in the formal and informal sectors that aim to resolve the legal or administrative problems of individuals. Both areas of focus play an important role in changing the relationship between disadvantaged populations and the law, and bring important benefits to the individuals served. At the same time, they are not designed to have an impact on the highest-level policy constraints and systemic factors that shape the circumstances in which legal problems arise. They also do not affect the persisting inequitable power relations of the kind that undermine the interests of disadvantaged groups.

The third and highest tier of legal empowerment interventions focus on these higher-order challenges. In so doing, they focus on advocacy, law reform initiatives, and legal mechanisms that aim to benefit entire classes of disadvantaged groups. They also challenge and reshape traditional social, religious, and cultural norms and practices that relegate women, the poor, and other disadvantaged groups to an inferior status in law, decision making, resource allocation, and governance.

Public Interest Litigation

Public interest litigation aims to serve or represent large categories of persons, to the benefit of society as a whole. In ruling on a public interest case, a court may set a precedent that guides the way in which courts will determine cases involving similar situations in the future. Even where such a decision is not binding, as in civil law countries, it may have a de facto value as a precedent by virtue of the publicity it receives and the information that it conveys to the general public and the judiciary. Public interest litigation is typically used to address issues that threaten the rights or quality of life of entire classes or communities of women and disadvantaged groups, such as the health risks that result from the discharge

of toxic industrial waste. Among Asian countries, public interest litigation is most widely practiced in India, where it is known as “social action litigation.” A series of public interest cases on behalf of communities affected by the failure of Government of India agencies to enforce environmental laws have resulted in several milestone decisions by the Supreme Court of India.⁷ These decisions recognize citizens’ fundamental right to a healthy environment. The Bangladesh Environmental Lawyers Association and the Bangladesh Legal Aid and Services Trust have also initiated public interest cases on a variety of issues.⁸ As their experience proves, the threat of litigation is sometimes sufficient to compel a recalcitrant government agency or private party to agree to amicably settle a dispute. However, for the threat to carry weight, NGOs must only back credible claims and they must be prepared to go to court if necessary. Otherwise, government agencies will dismiss their claims as unmeritorious attempts to harass.

Administrative Advocacy

As a variation on support for court cases, civil society organizations also assist disadvantaged communities to pursue their interests and resolve disputes by helping them to make applications to administrative tribunals. Parties can ask the administrative tribunal to review a decision made by a government department on issues such as state approval of licenses or permits.

Legal Reform Advocacy and Legislative Drafting

Violation of the rights and security of women and other disadvantaged groups persists in certain instances because the law fails to provide them with adequate protection. Legislators may fail to respond to the rising incidence of domestic violence, land grabbing, environmental degradation, or other issues that affect the disadvantaged more than the community at large. In

⁷ See, for example, *Indian Council for Enviro-Legal Action v. Union of India* (1995) 3 SCC 77. Farmers who were affected by the pollution of the river in Andhra Pradesh, their only source of irrigation, sought compensation. See also International Environmental Law Research Centre. 2006. *Water, Law and The Commons*.

⁸ Bangladesh Environmental Lawyers Association. 2004. *Bangladesh Enters into a New Era of Public Interest Litigation*.

such circumstances, it falls to civil society organizations to draft model legislation for the protection of women victims. Civil society groups also often undertake large-scale public advocacy activities to raise public awareness of the problem; stimulate a public call for legal action; and support legislators in drafting and passing laws by providing technical assistance, mobilization of media coverage, and other support.

Pioneering Public–Private Partnerships

The sequenced legal empowerment interventions described in the preceding sections tend to be undertaken primarily by community legal service, advocacy, and other civil society organizations. Implicit in this undertaking are the typical dynamics of engagement between civil society organizations and government agencies and officials. Historically, these relationships have been marked by reciprocal tensions and mistrust that affect the prospect of compromise. Despite these challenges, examples have emerged in recent years of cooperative working relations between NGOs and government agencies in working toward judicial reform in Indonesia, establishing community-oriented policing programs in Bangladesh, and formulating a joint response to disaster victims in Pakistan.

As noted previously, legal empowerment interventions are also relevant to public officials and agencies. Legal empowerment goals are enhanced by reducing or eliminating tensions and promoting opportunities for government, civil society, and other stakeholder groups to cooperate. Where tensions are reduced, there is greater prospect of compromise, and where all stakeholders are prepared to yield some ground for the sake of compromise, the prospect of productive public–private partnerships between government and civil society increases. Until recently, there have been relatively few examples of public–private partnership in advancing legal empowerment goals in Bangladesh, Indonesia, and Pakistan. The situation reflected historical tensions between government agencies and officials and civil society actors. In recent years, some encouraging examples of public–private partnership have emerged where prospective partners were willing to set traditional tensions aside and advance common interests. One example is the cooperation between public agencies and civil society groups in Indonesia in undertaking a governance audit of the Supreme Court of Indonesia and in developing

regulations for the introduction of court-annexed mediation.⁹

Benefits of Legal Empowerment

A growing body of empirical evidence joins a wealth of anecdotal findings in demonstrating that legal empowerment helps to advance good governance, poverty reduction, and other benefits of importance to ADB and like-minded development partners. The legal empowerment process helps to overcome the crucial constraints to access to justice and encourages citizens to participate in lobbying for change in governance principles that undermine poverty reduction efforts in Asia and other parts of the world. In this context, poverty reduction must be understood as being more than merely increasing income or materially improving the circumstances of the poor. It also encompasses the informed participation by the poor and other marginalized populations in decisions that affect their lives, and their improved access to resources and opportunities. When legal empowerment effects citizen or community participation in public decision-making processes, it contributes to good governance. As noted above, the impact of legal empowerment ranges in sophistication and scope from imparting basic knowledge of law and rights, through the resolution of individual legal problems and governance constraints, to raising the capacity of disadvantaged populations to confidently apply the skills and knowledge acquired to engage in legal and other public decision-making processes.

Basic Impact

Increased General Awareness of Rights and Legal Protection

At a most basic level, legal empowerment helps women and other disadvantaged groups to appreciate that they have rights and obligations under the law—even

⁹ The Indonesian Institute for Independent Judiciary was established in 1999 by human rights lawyers and has continually pressured the Government of Indonesia to establish a concrete agenda for law reform. The Asia Foundation has also supported the Indonesian Institute for Independent Judiciary to conduct an institutional audit of the Supreme Court in collaboration with the court. The aim of the audit has been to identify priority institutional and procedural reforms.

if they have only the most general sense of what these are. This basic awareness is different than the specific legal knowledge discussed below, although the two concepts may overlap in practice. The difference is that disadvantaged populations can learn that they have rights even if they do not fully understand the nature and implications of those rights.

Increased Knowledge of Specific Legal Rights and Issues

Transferring legal knowledge to the disadvantaged is a very basic contribution of legal empowerment. It can involve educating people about specific laws, regulations, constitutional provisions, and even milestone court rulings that have a direct bearing on their status or rights as citizens. It is not necessary to educate citizens to the point that they can cite the terms of particular laws or rights. It may be enough that a daughter can confidently state that she is legally entitled to inherit a portion of her deceased parents' land, or that a woman understands that she must register her marriage to secure her legal rights if her marriage later breaks down.

Intermediate Impact

Improved Access to the Formal and Informal Legal System and Public Decision-Making Processes

Organization, education, and access to legal services psychologically and politically empower marginalized groups in ways that translate into confident action. Behavioral change of this kind is a central goal of many legal empowerment efforts. Where physical, political, or economic factors are too strong for individuals to challenge, legal work combines with allied efforts such as community organizing to encourage and equip disadvantaged groups to act on what they have learned. The very fact that people assemble in a group is a potentially important advance in behavior. For example, when citizens collectively and cohesively assert themselves through the medium of local microcredit groups or other informal associations, it increases their political clout—making it more difficult for those who oppose their views to dismiss or ignore them.

Enhanced citizen participation in development planning and project implementation brings positive benefits. For example, citizen monitoring helps to ensure that (i) development efforts stay on course, (ii) projects do not prove counterproductive, (iii) the government

personnel involved in projects remain accountable and responsive, and (iv) beneficiaries stay committed to initiatives that require their sustained engagement. More broadly, understanding relevant laws and processes helps secure effective participation in all stages of development project cycles. It also can check the downside of development, such as environmental damage, and contribute to accountability on the part of both government parties and influential private actors.

The value of participation in law reform efforts does not lie purely in the actual achievement of changes in laws or regulations, as discussed below. There is equal value in the very process of engagement and the public debate that flows from it. Although law reform efforts are not always successful, the strategic engagement involved in pursuing changes in the law can have an important empowering effect. For example, reform initiatives can bring otherwise disparate groups together in the context of coalitions or other joint efforts through which they articulate their demands, table draft legislation, or establish a sound basis for future cooperation.

Enhancement of Practical Legal Skills

Legal empowerment helps to impart the basic legal skills that the disadvantaged need to apply their legal knowledge. It is one thing to know one's legal rights but quite another to know how and where to assert them. Although disadvantaged persons may have a general awareness or specific knowledge of the law, they still may not know how to effectively use it. For example, a man may know that he has a right to appeal a decision to reject his application for a national identity card. Despite this, he may have no idea what government office to approach to launch his appeal, how to document his claim, or what steps to follow in pursuing it. Similarly, a woman may understand that registering her marriage with the government can benefit her if an abusive husband later orders her and their children to leave the family home. But, if neither she nor someone she knows is familiar with the marriage registration process, her basic knowledge has little value.

Although understanding the basic processes represents skills acquisition, it does not amount to understanding the substance of laws (although knowledge of laws may be a precursor to skills development). Some skills are very basic, such as knowing what government agency to approach and whom to talk

to there. However, there are many legal procedures that involve more sophisticated tasks that require a greater degree of competency than just having the basic skills, such as preparing affidavits and formal pleadings, gathering evidence to support the claim, dealing with police or other government officials, or negotiating legal disputes with private parties.

Given the level of sophistication involved, it is often more efficient for paralegals to develop specialty legal skills than for large numbers of disadvantaged citizens to invest time in acquiring them. Accordingly, from a strategic program perspective, it can be more practical and cost-effective to invest in the intensive training of paralegals as opposed to entire communities. Improved public access to the legal system can be facilitated through the work of paralegals, as they guide or assist citizens through complex legal procedures.

Highest-Order Impact

Increased Confidence and Higher Expectations

Building general legal awareness contributes to behavior change, which in turn renders the disadvantaged more disposed to acquiring specific knowledge and skills, more confident in their ability to apply the knowledge and skills that they acquire, and more likely to voice their expectations in demanding responsible action by public officials and agencies. The distinction drawn between legal awareness and behavior change sometimes breaks down in practice—that is, the realization that one has rights can be one and the same process as assuming a willingness to assert them.

Successful Participation in Legal Implementation and Public Decision Making

Legal empowerment plays an important role in improving the implementation of laws. This typically results from informed participation by affected populations in legal and governmental processes and decisions. Group mobilization, in particular, helps to secure implementation. Where relations among NGOs, the communities that they serve, and government officials are open and collaborative, such mobilization helps to advance state–civil sector cooperation, or bring public pressure to bear on officials to do their jobs responsibly. The outcome need not be a national-level political decision framed in legal terms. Improvements in the performance and accessibility of local government agencies and procedures can have an equally significant

impact on the quality of life of disadvantaged citizens. This is particularly so in Indonesia, where a national policy commitment to decentralization makes local government increasingly relevant to day-to-day public experience. Legal empowerment programs can also help disadvantaged communities to inform local government decision making in resource allocation and other actions of interest to citizens.

Participation in Law, Regulatory, and Budgetary Reform

Legal empowerment mobilizes the disadvantaged to help shape legislation and resource allocation. This involves enabling people to identify problems with existing laws, rather than simply accepting them regardless of quality. In some societies, including Pakistan, decisions of this kind occur at the state or provincial level in addition to the national level. Where decentralization has taken place, decision-making authority on legal, regulatory, and budgetary decisions devolves to the community level. While legal empowerment work is typically undertaken at the community level, it may also take the form of national policy advocacy, particularly with regard to national law and regulatory reform. The disadvantaged are not necessarily the lead actors in these efforts. Instead, their priorities may be articulated by partner NGOs and pursued in collaboration with middle class and elite actors. Where representatives of disadvantaged populations participate in policy advocacy, and their allies take account of their priorities and perspectives, it can be said that the disadvantaged stand in a different relationship with the law and legal system, and genuinely participate in decisions that shape their lives.

Improvements in Material Circumstances

Legal empowerment contributes to improvements in the material circumstances of those who benefit from socioeconomic development efforts, particularly in the context of poverty reduction. Such impact can take a variety of forms. Learning about the law may help women reduce the incidence of domestic violence in their communities. Likewise, it can help farmers take advantage of agrarian reform laws in ways that increase their income. Similarly, it can help citizens understand that the enforcement of laws and regulations banning certain environmentally harmful practices will enhance quality of life and livelihood in their communities, and prompt them to take appropriate action.

Table A1.1: Summary of Constraints and Legal Empowerment Interventions

Constraints Facing Women and Other Disadvantaged Groups	Legal Empowerment Interventions	Benefits of Legal Empowerment
Basic Constraints	First-Order Strategies and Interventions—Basic Awareness Raising	Basic Impact
<ul style="list-style-type: none"> • Traditional religious, cultural, and social norms • Lack of knowledge among citizens and public officials • Lack of economic independence 	<ul style="list-style-type: none"> • Using print and broadcast media • Tapping television and radio outreach • Popular culture • Internet and other electronic media 	<ul style="list-style-type: none"> • Increased general awareness of rights and legal protection • Increased knowledge of specific legal rights and issues
Intermediate-Level Constraints	Second-Order Strategies and Interventions—Resolving Individual Problems through Formal and Informal Justice Systems	Intermediate-Level Impact
<ul style="list-style-type: none"> • Complex power relationships • Quality of formal legal and institutional decision making and/or legal services • Quality of informal justice alternatives • Poorly drafted laws and regulations • Inconsistency between formal law and traditional values • Failure to implement sound laws and regulations or to follow prescribed procedural standards 	<ul style="list-style-type: none"> • Community-based training • Community counseling • Paralegal services • Alternative dispute resolution • Legal aid 	<ul style="list-style-type: none"> • Improved access to the formal and informal legal system and public decision-making processes • Enhancement of practical legal skills
Highest-Order Constraints	Highest-Order Strategies and Interventions	Highest-Order Impact
<ul style="list-style-type: none"> • Legal and administrative constraints affecting sector development programs 	<ul style="list-style-type: none"> • Public interest litigation • Administrative advocacy • Legal reform advocacy and legislative drafting • Pioneering public–private partnerships 	<ul style="list-style-type: none"> • Increased confidence and higher expectations • Successful participation in legal implementation and public decision making • Participation in law, regulatory, and budgetary reform • Improvements in material circumstances • Greater sensitivity, responsiveness, and accountability on the part of government officials

Greater Sensitivity, Responsiveness, and

Accountability on the Part of Government Officials

Frequently, the objective of legal empowerment is not simply to raise the knowledge, attitudes, behavior, and other capacities of citizens, but also to impart similar knowledge and capacity among government officials. Increased capacity and improved performance of public officials affects legal implementation, as well as the material circumstances of disadvantaged populations and the quality of their participation in governance. The more responsive and accountable officials are, the greater the likelihood that these other types of impact will be achieved. Training is a direct way of trying to sensitize officials to their duties, citizens' rights, and the importance of being more responsive to public interests. Other approaches can have an even greater empowering effect on the disadvantaged. For example, citizen-focused efforts can have a significant impact on public officials when such efforts equip disadvantaged citizens or communities to lobby, cooperate with, or in other ways interact more effectively with government personnel.

Contexts in Which Legal Empowerment Interventions are Most Successful

Legal Empowerment is Best Advanced through Integrated Strategies

One of the key lessons learned from the 2001 ADB legal empowerment study,¹⁰ and borne out by practical program experience since then, is the significance of integrated legal empowerment activities. Examples drawn from Bangladesh, Indonesia, Pakistan, and other countries suggest that legal empowerment activities are especially effective when they are included as components of mainstream development initiatives in public health, resource management, local governance reform, and other areas. There is always scope and a need for organizations that focus specifically on legal service delivery and provide important technical support to organizations that follow an integrated approach. But, it is the integration model that is more likely to secure

stakeholder confidence and support within communities and to nurture permanent community capacity.

Integrated strategies typically combine two or more types of activities, or in some instances, involve two or more organizations working collaboratively.¹¹ Some operate strictly in the legal realm, combining education, training, counseling, mediation, litigation, and other legal services. Integrated strategies consistently show the best success in advancing legal empowerment because they are flexible in adopting various activities that reinforce each other. Notable successes have been achieved through an integrated approach that pairs legal education and support services with mainstream development work in public health, education, natural resource management and environmental conservation, local governance, or other sectors.

Practical Examples from Bangladesh and Nepal

In the early 1990s, The Asia Foundation supported four specialist health and family planning Bangladeshi NGOs to introduce a community legal service program assessing whether health and family planning interventions were complementary with legal empowerment interventions. A 1995 study of the pilot project found that community management efforts by family planning NGOs in Bangladesh were strengthened by integrating them with legal service interventions and vice versa.¹² NGO staff received legal training that they gave to their partner populations. They also coordinated community mediation sessions and other law-oriented services. The project was far more successful than those that were introduced as stand-alone activities by dedicated

¹⁰ ADB. 2001a. *Legal Empowerment: Advancing Good Governance and Poverty Reduction in Law and Policy Reform at ADB*.

¹¹ The Indonesia Irrigation Sector Legal Empowerment Study (2001–2003) is a good example. Its ensuing pilot program interventions focused on national irrigation management initiatives in the context of the Government of Indonesia's policy commitment to decentralization. The study examined the challenges faced by farmers, water user associations, and local government officials tasked with new administrative and resource management responsibilities for irrigation and related utilization of water resources. Pilot program activities demonstrated the positive impact of legal empowerment for farmers and local officials and guided plans for integrating legal empowerment components in a new national irrigation management project. Challenges faced in follow-up negotiations with the government yielded valuable lessons for future strategies and the Project.

¹² Casper, Karen L., and Sultana Kamal. 1995. *Evaluation Report: Community Legal Services Conducted by Family Planning NGOs*.

legal service providers. This was because communities were already familiar with family planning NGOs and therefore more readily accepted new concepts under an integrated project. The new legal service providers experienced difficulties with introducing the sensitive topic of women's legal rights—the communities reacted similarly to how they reacted a decade earlier when NGOs first introduced notions of family planning and the woman's right to exercise reproductive rights. Family planning NGOs were able to draw on the goodwill they had established through years of contact with community members to stimulate community acceptance of women's legal rights and the need for greater gender equality in traditional *shalish* proceedings. Ultimately, women who became aware of their rights achieved greater leverage in asserting their autonomy in personal reproductive health decisions. These findings are consistent with those of two similar studies in Nepal. These studies indicated that "literacy is a key element in fostering women's empowerment and is especially powerful when women are given the opportunity for post-basic literacy study combined with other critical interventions."¹³

Knowledge Alone is Insufficient

As is previously noted, the first step in legal empowerment initiatives is providing knowledge training. However, for the reasons discussed above, basic knowledge training alone is insufficient to ensure that people have the capacity to protect their legal rights. For women and disadvantaged groups harness the power of that knowledge and demand more from the public institutions, they must also be given strategies, practical skills, and/or support mechanisms for enforcing their rights.

Organization is Power

Legal empowerment has a greater chance of success when it is undertaken by like-minded stakeholder groups working in a collective and coordinated manner. While the disadvantaged may understand their rights very precisely and count on basic support interventions

like legal aid or ADR to resolve individual problems, as a community they are prone to remain powerless to secure higher-order changes of policy or practice unless they work collectively to assert common interests or to protect group members. Village membership groups coordinating microcredit, health education, or livelihood development, and community water-user associations coordinating local resource management measures can be excellent vehicles for legal empowerment because they already are adept at program delivery. Collective action tends to carry greater weight than individual efforts. It also lends greater momentum to advocacy efforts lobbying for the removal of traditional power advantages and the economic and political benefits that this power ensures.

Civil Society Plays an Important Role in Legal Empowerment

The examples cited in previous sections underline the point that civil society organizations possess an ideal combination of capacity, initiative, flexibility, and dogged determination to assist the disadvantaged to learn about and exercise their rights. NGOs, community-based organizations, media associations, and university-based research or clinical legal education have a proven capacity to facilitate local community efforts through work at the grassroots and national-level advocacy initiatives or network facilitation. This reflects the fact that NGOs attract committed young lawyers and development professionals; understand the complexity of local culture, politics, and power relations and enjoy the trust of community members. Accordingly, national NGOs can be excellent partners for ADB and other international agencies in designing, implementing, and monitoring legal empowerment activities.

Complementary Role of Government

Although civil society organizations have tended to demonstrate greater initiative in the leadership of legal empowerment initiatives, public agencies and officials have an equally important role that for many years failed to receive due attention. Legal empowerment has traditionally been thought of as belonging in the domain of civil society organizations. However, this overlooks the capacity and commitment of reform-

¹³ Thomas, Gwen, and Ava Shrestha. 1998. *Breaking New Ground: A Case Study of Women's Empowerment in Nepal, Women's Empowerment Program*, p. 6.

minded public officials that operate in a very challenging environment and will have a better chance of securing leverage if they work in cooperation with civil society partners. Government plays an important role in legal empowerment initiatives. Many government officials act as decision makers, and their decisions affect the rights and economic status of marginalized groups. Therefore, it is fundamental that public officials are given appropriate skills training.

Public–Private Partnerships in Legal Empowerment

When civil society organizations and government agencies work together, they have a greater capacity to design and implement legal empowerment initiatives. Examples of effective public–private partnerships have in fact emerged across Asia and other parts of the world. Although there are challenges to be faced in drawing together civil society organizations and government agencies on projects, the potential benefits are too compelling to ignore. The national voter registration initiative in Bangladesh serves as an excellent example. The initiative was launched by the Bangladesh Election Commission (BEC) in August 2007, with support from the armed forces. While civil society organizations had been involved in voter and civic education activities for many years, they had never worked in close cooperation with the BEC or the armed forces. There were challenges at the outset as all stakeholders adjusted to this unprecedented working relationship and learned more about each other's respective capacities. However, after a few weeks, all stakeholders acknowledged the value of the cooperative working relations. In examples drawn from the sphere of access to justice interventions, civil society-led legal empowerment initiatives focus on overcoming the inequitable power relations between disadvantaged communities and the legal and administrative agencies whose decision-making authority affects the rights and economic circumstances of marginalized communities. When the quality of public–private relationships are central to a legal empowerment strategy of any kind, approaches that involve good faith dialogue, cooperation, and compromise between stakeholder groups have greater potential than those pressed solely by civil society organizations without benefit of common understanding and negotiation.

Legal Implementation is Crucial to the Broader Impact of Legal Empowerment

While legal empowerment holds great potential to change the relationship between disadvantaged communities and the law and legal and administrative decision-making mechanisms, it by no means can resolve every issue that affects the status and security of women, the poor, and other marginalized groups. Legal empowerment plays an important role in ensuring that sound laws are implemented fairly and consistently. But, the burden of legal implementation must ultimately be borne by a variety of legal reform and capacity building initiatives and stakeholder groups, and not by the community of legal empowerment practitioners in civil society and champions in government alone.

How is Legal Empowerment Relevant to Sector Development Initiatives?

The abovementioned constraints faced by women and other disadvantaged groups also affect sector development programs run by ADB, multilateral and bilateral development institutions, and partner government agencies. Therefore, legal empowerment equips the disadvantaged with the knowledge and skills to improve their position, thereby heightening the effectiveness of activities undertaken by the ADB and other international organizations.

A Natural Extension of Proven Integrated Approaches

In the past, the typical response to the legal problems of women and other disadvantaged populations has been to provide legal aid. However, decades of experience suggest that legal counseling and assistance barely make a dent in the broader needs of target populations. In most cases, these projects miss opportunities to address the underlying legal, administrative, and governance constraints that prevent women and other disadvantaged groups from enjoying the benefits of sector development initiatives in a variety of areas.

In addition, while conventional legal aid interventions clearly benefit individuals, they do not necessarily

manifestly reduce widespread poverty and/or improve governance. This is because they only serve one beneficiary at a time. The exceptions to this are class-action lawsuits and public interest litigation. In such matters, the circumstances of an individual beneficiary are representative of the interests of a broader community of beneficiaries. However, although legal aid aims to provide immediate legal assistance to individuals by ensuring the principles of equality before the law and due process, in its highest form legal empowerment is intended to equip entire communities to use legal and administrative processes and structures to access services and opportunities. In this way, legal empowerment aims to facilitate long-term and sustainable change that benefits entire communities and directly benefits women and disadvantaged groups.

Understanding that Certain Sector Program Constraints Reflect Underlying Legal and Governance Issues

In some instances the actors involved in mainstream development initiatives may not fully appreciate the underlying legal dimensions of their projects. For example, beneficiary populations may not be aware that the administrative framework of a development assistance

project creates rights for the citizens to participate in project design and implementation or their entitlement to the resulting benefits. The situation is especially difficult for the poor, women, and other marginalized populations whose legal rights are routinely subject to manipulation and abuse.

Is Legal Empowerment a Universally Supported Public Good?

Legal empowerment initiatives have exciting and wide-reaching potential. Despite this, they represent a new and relatively experimental concept in project loans. They will not necessarily be automatically and widely embraced. Some of the harshest critics are likely to come from certain groups with an interest in keeping disadvantaged groups on the margins of society. These hostile groups have an interest in retaining the power advantages that they currently hold over women, ethnic and religious minority communities, and other disadvantaged groups. One of the most significant challenges for legal empowerment initiatives will be to convince those in positions of power and influence to surrender to a level-playing field.

Appendix 2

Summary Country Situation Analysis Reports

Bangladesh

Key Issues	Summary: Bangladesh
Program Environment	<ul style="list-style-type: none"> • Since independence in 1971, Bangladesh has struggled to achieve democracy, public freedom, rule of law, equality, and justice. • Deficiencies in food, shelter, health care, education, employment, judicial services, and security result from weak governance. In particular, gender disparities are prevalent in income levels, infant mortality rates, and child malnutrition. • Relations between nongovernment organizations (NGOs), civil society actors, and the Government of Bangladesh have been characterized by mistrust. • Achieved steady economic growth throughout the 1990s, and has reduced infant mortality rates, increased primary school enrollment, and narrowed the gender gap.^a
Issues Affecting the Rights and Interests of Women and Disadvantaged Groups	<ul style="list-style-type: none"> • The political environment in Bangladesh is characterized by corruption, nepotism, and a lack of transparency and accountability among public officials. • Political parties are often linked with criminal activities, and the police are used extensively in furthering corrupt practices. • Access to basic services is determined on the basis of power relations within the social hierarchy, not entitlement and need. • Women's independence, ability to exert rights, and mobility is constrained by a patriarchal social structure, notions of womanhood and honor, and religious bans on female leadership. This effectively blocks women's access to the political process. • Resources for health and education are allocated in favor of male children, resulting in discrimination against girls. • Social and some Islamic religious customs reinforce patriarchal domination. Difficulties have arisen where some religious leaders have opposed legal empowerment programming on the grounds that NGOs seek to convert rural populations away from Islam. • Most laws are written in English and therefore cannot be understood by disadvantaged and uneducated individuals.

Key Issues	Summary: Bangladesh
	<ul style="list-style-type: none"> • The laws tend to institutionalize male dominance, especially in the areas of marriage, divorce, inheritance, guardianship, and immigration. For example, there are no specific laws prohibiting domestic violence, leaving women vulnerable to aggression. • The legal system is characterized by complex processes, high court costs, delays, bias, corruption, and defective laws. There is also scant available information to explain legal processes to the poor and uneducated. • The general nonresponsiveness of public institutions to common people's needs has contributed to a loss of faith in the system. People perceive all levels of government as being inequitable, repressive, overly political, and biased. • The NGO community lacks the necessary skills, capacity, and funding to operate legal empowerment programs efficiently and accountably in the long run. In addition, many NGOs have only limited geographical reach, leaving communities outside key locations without services.
Legal Empowerment Activities	<ul style="list-style-type: none"> • Awareness raising • Community legal services • Advocacy and legal reform • Participatory legal or regulatory drafting • Use of information and communications technology • Combination of high-level interventions
Key Actors in Legal Empowerment Activities	<ul style="list-style-type: none"> • Legal and development NGOs • Community-based organizations • Print and electronic media • National and local government agencies • Legal professionals • Members of the academic community
Good Practice Highlights	<ul style="list-style-type: none"> • Nijera Kori is an organization that is working toward empowering economically, politically, and socially disenfranchised groups. It employs a strategy of collective strength and social mobilization among disadvantaged communities. In one case, to combat a local school district from charging unauthorized fees and thus making education prohibitively expensive for the poor, Nijera Kori helped organize a mass gathering in a local market to educate the public on the unauthorized fees and apply pressure to local officials. • Bangladesh Legal Aid and Services Trust (BLAST) is one of the country's largest legal aid organizations. It acted on behalf of the Jalodas community, a highly marginalized Hindu group that survives on coastal fishing, by gaining a stay of eviction after the local government sought to move the group for road construction. The Bangladesh Legal Aid and Services Trust also operates programs designed to alter the power relations in decision-making processes that often work against the disadvantaged. • The Bangladesh Rural Advancement Committee is a large development organization providing credit. It provides a range of services designed to create a social safety net for the poor and women in particular. Its programs include (i) awareness raising, (ii) community mobilization of local leaders and community members to recognize the

Key Issues	Summary: Bangladesh
	<p>problems of the ultra poor and marshal resources to address them, (iii) basic financial and vocational support, and (iv) generalized training designed to build the confidence and communications skills needed by the ultra poor to exercise their rights.</p> <ul style="list-style-type: none"> In 2003, Ain O Shalish Kendra challenged a Ministry of Local Government and Rural Development document that sought to exclude female locally-elected representatives from key positions such as serving on law and order committees, issuing certificates related to succession and nationality, and overseeing infrastructure projects. The Supreme Court agreed that the document was discriminatory and mandated that female and male representatives be treated equally.
Understanding of Legal Empowerment and Whether that Understanding Correlates to the Study's Definition of Legal Empowerment	<ul style="list-style-type: none"> NGOs initially considered that the most important first step was to ensure that women and disadvantaged groups have a basic understand of legal concepts. NGOs now understand that disseminating information is insufficient to achieve ongoing social transformation. NGOs have realized that disadvantaged groups need broader development of their capacities so that they can assert their rights in meaningful ways. NGOs have begun developing integrated strategies combining legal aid services with other efforts, such as social mobilization and the development of livelihood opportunities. The current general perception about legal empowerment appears to be rooted in conventional law-oriented activities. However, it is acknowledged that legal empowerment is more about power and freedom than it is about law. As such, some services go further and build communities' capacities to use those laws and processes themselves.
Monitoring, Assessment, and Evaluation	<ul style="list-style-type: none"> Monitoring techniques remain fairly simple and are not capable of capturing and measuring the long-term impact of empowerment programming. NGOs and the Government of Bangladesh tend to use conventional quantified assessments of initiatives, such as counting the number of (i) training sessions, workshops, and meetings organized; (ii) disputes mediated on specific issues; and (iii) cases handled. Organizations providing legal aid services also conduct periodic follow-up activities for a specific term during their project cycle. There are secondary changes that occur as a result of legal empowerment activities that need to be measured. For example, indications of shifting power relations and resource allocation may be demonstrated in practices regarding payment of dower and maintenance, reductions in arbitrary divorce and wife abuse, increased collective bargaining for fair wages, and increased membership of disadvantaged groups in local government bodies. The monitoring and assessment practices in Bangladesh can thus be strengthened by adding such metrics to legal empowerment program evaluations. There is a poor history of communication between the various organizations implementing legal empowerment activities. As such, they miss the opportunity to learn new techniques or share lessons with each other.

Indonesia

Key Issues	Summary: Indonesia
Program Environment	<ul style="list-style-type: none"> Since 1998, Indonesia has been undergoing a process of decentralization, meaning that local authorities have more control over affairs within their territorial jurisdiction. Although communities now have more opportunities to exert greater control over their lives, it also increases the power of local elites. The Government of Indonesia has ratified the major international conventions that uphold the principles of gender equality and the empowerment of women. These include the: (i) United Nations Convention on the Political Rights of Women,^b (ii) United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),^c (iii) Optional Protocol to CEDAW,^d and (iv) International Labour Organization Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value.^e

Key Issues	Summary: Indonesia
	<ul style="list-style-type: none"> The Government of Indonesia has also indicated its intention to effect social change that is consistent with (i) the 1994 Copenhagen Declaration on Social Development, (ii) 1995 Cairo International Conference on Population and Development, (iii) 1995 Beijing Platform for Action, (iv) 2000 United Nations Millennium Declaration, and (v) Millennium Development Goals.^f The Government of Indonesia has also adopted a set of policies and introduced a series of national development programs aimed at advancing the social and economic empowerment of women and disadvantaged groups, including <ul style="list-style-type: none"> (i) the 25-Year Development Plan (1994–2019); (ii) <i>Repelita or Rencana Pembangunan Lima Tahun</i> (Sixth Five-Year Development Plan [1994–1999]), which introduces four major cross-sector development challenges: (a) enhancement of the quality of human resources, (b) equality and poverty alleviation, (c) urban and rural environmental planning, and (d) land use; and (iii) <i>Rencana Pembangunan Jangka Menengah</i> (Medium-Term Development Plan [2004–2009]) which outlines the Government of Indonesia’s 5-year strategic development policy framework and identifies key policy priorities and charts strategic directions under three key areas: (a) the creation of an Indonesia that is safe and peaceful, (b) the establishment of an Indonesia that is just and democratic, and (c) the enhancement of the people’s welfare; and (iv) 2006 Development Work Plan, which breaks down the <i>Rencana Pembangunan Jangka Menengah</i> into annual work plans. Even though the Government of Indonesia is committed to reducing poverty and gender inequality, close to 49% of Indonesians lived on less than \$2 per day in 2006.⁹ The Indonesian legal system is a complex fusion of three distinct systems of civil, <i>adat</i> (customary), and religious laws. The legislation and legal procedures are drafted in complicated legal language, making them unintelligible to nonlawyers. There are also many cases that demonstrate that the state often uses law as a tool to ensure the legality of government authority rather than as means of protecting the rights and freedoms of citizens. More cooperation is needed between civil society and government agencies. While collaborative efforts between government reformers and civil society actors are gradually increasing, as evidenced by the successful passage of Law No. 23/2004 on the Elimination of Domestic Violence (enacted in September 2004), civil society organizations still undertake the majority of legal empowerment initiatives. There remains a strong need for the Government of Indonesia and NGOs to coordinate and broaden their cooperation on legal empowerment initiatives.
Issues Affecting the Rights and Interests of Women and Disadvantaged Groups	<ul style="list-style-type: none"> Women’s rights remain largely unequal to men, especially in rural areas, where women’s roles and contributions in public life are neither acknowledged nor appreciated. Indonesia’s existing social organization and religious customs identify women’s key roles as reproduction; household management; and ensuring the physical, social, and emotional well-being of family members. These gender-based stereotypes rob women of the ambition and motivation to pursue their basic rights; enter into male-dominated areas of public life; or establish financial autonomy by owning land and dwellings, accessing finance, or pursuing other avenues of economic independence. Government agencies are not proactive in promoting women’s participation in decision making or sensitivity about gender equality, particularly among national and local-level legislators and policy makers. Consequently, the needs of women and disadvantaged groups are frequently overlooked when governments budget for education, health, transport, water and sanitation, housing, and employment. While democratization has effected positive changes—including the requirement that political parties are comprised of 30% women—the level of political representation has yet to be realized in a consistent manner. Poor education hinders women and disadvantaged groups from winning jobs in the formal sector. Women find it increasingly difficult to win jobs in the formal labor market, especially those from rural areas who have only completed primary education. Women’s ability to gain higher-paid jobs is hindered by gender stereotyping that suggests that women should stick to traditional women’s work. Such work tends to be lower paid and is lower

Key Issues	Summary: Indonesia
	<p>down the chain of responsibility, meaning that women find it difficult to advance to positions of higher responsibility that earn more money.^h</p> <ul style="list-style-type: none"> Indonesia's law lags behind in protecting women's rights. In particular, laws about marriage and divorce, property, inheritance, finance, general and reproductive health, labor and social protection, violence against women, migration, and human trafficking do not ensure women's rights are equal with men's rights. The overlapping legal systems also erode women's rights. Under decentralized government, there is scope for local governments to advance public policies based on religious law, which might erode women's rights. The challenge for women will be to press for a gender-sensitive interpretation of religious law.ⁱ Violence against women is prevalent in Indonesia. Data collected by the National Commission on the Elimination of Violence against Women indicate that in 2004 there were almost double the number of reported cases than there were in 2003. In 2005, there were 20,391 cases reported, which represented a 69% increase from 2004. Also, 80% of cases of violence result from domestic violence, and 25% of women in Indonesia experience violence in the course of their lives.^j Corruption, cronyism, and poor governance are widespread in Indonesia, and have a particularly devastating impact on women and other disadvantaged groups. Corruption has led to cases of illegal charging of rent; accepting bribes in relation to local land use decisions; and profiteering in relation to development projects, which leads to local populations being ignored or oppressed. Decentralization of government power has not increased women's participation in governance. A number of challenges affect the quality of women's access and participation in local governance, including a lack of adequate women's representation in formal consultations convened by local legislatures, a revival of conservative religious interpretations of gender roles, and a revival of gender insensitive or discriminatory religious or traditional laws.
Legal Empowerment Activities	<p>General Activities</p> <ul style="list-style-type: none"> Basic awareness-raising or legal literacy activities using: (i) print media (newspapers, posters, and pamphlets); (ii) electronic media (radio and television); and (iii) popular cultural performances such as music, street theater, and mobile cinemas. Providing legal services to individual clients to help them with formal legal claims and informal dispute resolution procedures. Pursuing national legal reform by engaging in advocacy on government policy, including petitioning for the creation of a legal services ombudsman, participating in legal or regulatory drafting at the national and local levels, engaging in public interest litigation, undertaking media and advocacy campaigns, and lobbying law schools to run courses on clinical legal education and women and the law. Helping establish active support services such as community counseling, shelters, community-based legal training, legal aid, and alternative dispute resolution (ADR). <p>Asian Development Bank (ADB) Activities</p> <ul style="list-style-type: none"> In 2001–2003, The Asia Foundation undertook the Indonesia Irrigation Sector Legal Empowerment Study with financial support from the Government of the Netherlands. The study aimed to develop a strategy and implementation plan for a legal empowerment project to be included as a component of the planned Participatory Irrigation Sector Project. The study concluded that a legal empowerment component should operate at the community, district, provincial, and central levels, and should place special emphasis on community needs. The study also found that legal empowerment work in the irrigation sector should respond to the specific needs and interests of local partners.

Key Issues	Summary: Indonesia
	<ul style="list-style-type: none"> The study conducted four pilot legal empowerment projects. The pilot projects aimed to examine the types of issues and activities that civil society organizations face when assisting water user associations and their local communities, particularly when interacting with local officials and participating in legal and other public decision-making processes. The following common elements were reflected in each pilot project: (i) a grassroots approach, (ii) core focus on irrigation needs and priorities, (iii) attention to other community needs and priorities, (iv) attention to gender concerns, and (v) addressing common community concerns. Most beneficiaries in the pilot-project sites reported that the legal empowerment methodologies and approaches had strengthened the capacity of water user associations and their communities.
Key Actors	<ul style="list-style-type: none"> The Association for Community and Ecologically-Based Law Reform promotes human rights, justice, cultural pluralism, and sustainable resource management. It advocates for policy reform and collaborates with partner institutions, academics, grassroots-level community organizations, and other stakeholders. It builds and maintains support networks at the community level, trains NGOs and activists, holds legal consultation sessions, facilitates legal drafting, and documents local and regional regulations affecting natural resource management and conservation. Indonesian Women's Association for Justice (APIK) has 12 chapters in 12 cities throughout Indonesia. Its focuses on gender justice and women's access to the legal system. APIK's main activities consist of providing legal services to women victims of domestic and public violence; legal counseling for domestic and public workers and sexually exploited girls; and empowering women to access justice by running training sessions, running public outreach sessions, and participating in policy and legal reform. Convention Watch Working Group undertakes research to support the formulation of policies and legislation, particularly those directly affecting the lives of women. It also aims to empower law enforcement officials such as police, prosecutors, judges, and lawyers. It also conducts workshops at various public and private universities to encourage them to make their curricula sensitive to gender issues. Convention Watch also monitors the implementation of the CEDAW. It has initiated programs aimed at increasing understanding and awareness of the need and the obligation of the Government of Indonesia to fully implement the CEDAW. Working closely with law schools, Convention Watch has conducted training workshops and lectures on gender and law for legal professionals, as well as training programs for communities on the drafting of local regulations concerning women and children, migrant workers, and human trafficking. The Center for Indonesian Law and Policy Studies publishes reports on legislative processes and conducts workshops for political parties. It is currently preparing a blueprint for the establishment of the Human Rights Court and a manual on anticorruption initiatives in court administration. The Indonesian Institute for Independent Judiciary focuses on supreme court reform. It designs proposals for reforming the structure of the Supreme Court (including its system of information), monitors and analyzes verdicts, monitors the recruitment and election of judges and other legal officials, scrutinizes the performance of judicial officers and administrators, assesses the integrity of nominees for appointment to the Supreme Court, and investigates the wealth of incumbent judicial officers and those nominated for appointment to the bench. Hukum Online is an online clearing house publishing in Bahasa information on legal reform, legislation, court decisions, and legal reform issues.
Good Practice Highlights	<ul style="list-style-type: none"> The World Bank Justice for the Poor Program aims to help poor communities by improving their knowledge of the law and enabling them to access ADR procedures. The program integrates research and operational activities, and encourages successful partnerships and knowledge sharing. It aims to contribute to the Government of Indonesia's first National Strategy on Access to Justice, which will be included in 2010–2014 Medium-Term Development Plan. Program activities also contribute to a national program to build the capacity of community service organizations to help people access justice by providing legal aid and paralegal programs at the grassroots level—this is known as “paralegalism” in Indonesia. The Asia Foundation and other organizations have developed programs to support women to assume leadership roles in public affairs and enhance the skills of women involved in political affairs, including elected parliamentarians. The programs have trained women parliamentarians about the legislative process; helped develop skills of local women leaders from various political parties; and stressed the importance of women's substantive participation in politics, parliaments, and political parties.

Key Issues	Summary: Indonesia
	<ul style="list-style-type: none"> • The Center for Electoral Reform, North Sumatra Women's Movement, Reform in Surakarta, and Anging Mamiran ran training programs for 140 out of a total of 165 provincial-level female politicians. This program provided the first-ever training session for female members of parliaments providing training on basic skills in legal drafting and understanding gender issues in the local context. It also helped establish key networks of women politicians, NGOs, academics, and the media. • Limpapeh (a West Sumatra-based organization) worked through a traditional institution called Bundo Kandung, an organization of respected community women, to increase women's participation in local policy making. Limpapeh's work helped to increase women's participation in local policy making and strengthen the capacity of Bundo Kandung members to participate in local governance at the village level. • Following sustained advocacy efforts by women's organizations and the establishment of the National Commission on Violence against Women, violence against women has been acknowledged as a public issue and a violation of human rights. The commission and several local women's organization have publicly reported to the international community the problem of violence against women in Indonesia. • The Women's Crisis Centre Bengkulu drafted a set of operating procedures for use by NGOs, hospitals, psychologists, crisis centers, the police, attorneys, social agencies and the Women's Empowerment Bureau when dealing with female victims of violence. • The Women's Network For National Legislation Program has supported civil society advocacy and policy dialogues on the anti-trafficking bill and provided technical assistance for parliamentary discussions of the anti-trafficking bill. • NGOs, academics, the media, reform-minded local authorities, and donor agencies have played a key role in advocating for the adoption of laws that require local governments and mining and forestry companies to obtain the free and prior informed consent of communities before harvesting natural resources. These reform efforts followed the 1999 Regional Autonomy Act, under which regional legislatures are free to enact their own provisions. • APIK Jakarta has conducted legal empowerment initiatives at the national and grassroots levels. Women who have received legal assistance from APIK have formed taskforces through which they provide legal services to other members of their communities. • In 2000, Convention Watch Working Group supported a group of 14 flight attendants who filed a complaint against Garuda Indonesia Airlines regarding its requirement that women retire 10 years earlier than their male counterparts. Convention Watch launched a media campaign highlighting the flight attendants' rights as women under international law and their treatment as employees of Garuda. After 3 years of dispute with Garuda's Board of Directors, the women brought the issue to the attention of the Minister of Women Empowerment, the Minister of Manpower, the Minister of National Enterprises, and the National Parliament. The complaint was settled in July 2002, with the women being reinstated.
<p>Understanding of Legal Empowerment and Whether that Understanding Correlates to the Study's Definition of Legal Empowerment</p>	<ul style="list-style-type: none"> • ADB has found that most civil society groups in Indonesia adhere to legal empowerment strategies in spirit, if not in strict terms. • For example, Huma (a Jakarta-based organization) defines legal empowerment differently to ADB. It considers legal empowerment is making the society understand adat law, and the best ways to use their local and customary laws in their daily lives. Huma regards its beneficiaries as partners and not as passive recipients of legal assistance. It strives to build the capacity of communities so that they do not depend on outside organizations in resolving their legal issues. • APIK defines legal empowerment as a process involving promoting and providing practical avenues through which women, and to a lesser extent other vulnerable groups, can operate effectively to achieve social gains. APIK believes that its efforts are not geared toward promoting justice to women only, but rather to all members of the society.

Key Issues	Summary: Indonesia
Monitoring, Assessment, and Evaluation	<ul style="list-style-type: none"> Monitoring and evaluation methods and assessment of legal empowerment activities are for the most part conventional. Most of the activities are rooted in the quantified assessment of initiatives carried out under given projects. Among smaller, community-based implementing organizations, monitoring and evaluation tools tend to be basic and primarily involve the quantification of basic services and outputs. Smaller and less sophisticated organizations frequently lack the necessary training and resources to follow up on activities and outcomes in a systematic way. While the basic monitoring and evaluation systems and procedures followed by smaller providers are adequate for generating quantitative reports on the number and nature of disputes that they handle, they typically lack deeper bases of inquiry and analysis. Moreover, the basic systems and procedures followed offer little scope for follow-up to ascertain whether agreements are honored. Larger and better established organizations tend to have the greatest capacity to design and implement sophisticated monitoring and evaluation systems. Several legal empowerment organizations have begun to place greater emphasis on the quality and sophistication of their monitoring and evaluation tools. Some organizations have invested in empirical baseline studies that serve as a basis for monitoring impact over time and/or help them identify and refine program activities that target the needs and interests of beneficiary populations. More sophisticated monitoring and evaluation measurements are needed to assess whether there have been advances in the (i) collective strength and solidarity among members of beneficiary communities, (ii) confidence and self-esteem levels of women beneficiaries or minority populations, (iii) role and treatment of women in community justice and decision making. There is a greater need for better monitoring and evaluation measurements because the Government of Indonesia, civil society organizations, and donor agencies are now focusing more on implementing the Millennium Development Goals, national poverty reduction strategy, and pro-poor growth concepts. All parties need monitoring and evaluation systems that enable efficient information sharing, minimize their administrative burdens, and standardize key output and impact measures across projects and parties. The methodologies need to move toward more sophisticated bases of inquiry that explore the relationship between legal empowerment, improved governance, and poverty reduction. Implementing organizations are investing greater time, energy, and resources in developing better monitoring and evaluation methodologies. However, busy schedules and competing demands on their time provide few opportunities for them to share experiences and learn from one another, while donors in turn have few opportunities to coordinate and share experiences and lessons learned.

Pakistan

Key Issues	Summary: Pakistan
Program Environment	<ul style="list-style-type: none"> Pakistan's political and economic power is highly centralized and held tightly by the feudal, industrial, bureaucratic, and military elite. These groups fight among each other to protect their own interests, meaning that the political process progresses unevenly. The resulting uncertainty has impeded the growth of democratic norms and the rule of law. About 33% of the population lives below the poverty line, while almost 50% of the population lacks access to basic needs and services such as clean water and health care. The education system is undeveloped. Women, minorities, the rural and urban poor, and other disadvantaged groups all lack social and economic safety nets and face severe social exclusion.^k The Government of Pakistan has prepared numerous policy documents promoting the rights of women and disadvantaged citizens, including (i) the Medium-Term Development Framework 2005–2010, (ii) 2003 Poverty Reduction Strategy Paper, (iii) 2002 National Policy On Women, and (iv) 1997 National Plan of Action for Women. Pakistan is also a party to treaties such as (i) CEDAW, (ii) United Nations Convention on the Rights of the Child, and (iii) International Labour Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries. Pakistan is obligated under these treaties to take measures necessary to ensure the protection and promotion of its citizens' rights.

Key Issues	Summary: Pakistan
	<ul style="list-style-type: none"> • Pakistan is an amalgamation of various linguistic, ethnic, and cultural groups. Factors such as wealth, class, religion, caste, tribe, and clan affect people's access to services and rights, and exclude large sections of the population from political and economic power. Women, minorities, and the urban and rural poor are particularly disadvantaged. Generally, minority populations belong to the poorest sections of society and are further disadvantaged by social biases, outdated laws, and—for almost two decades—an apartheid-like separate electorate system. • While the Government of Pakistan has improved legal rights, women remain disempowered across all classes.¹ Pakistan is characterized by a rigid social system combined with entrenched patriarchal norms that violate women's basic human rights and deny them the right to an independent existence. About 66% of the female labor force works in the informal sector and is consequently cut off from the minimal protection provided by labor law. Affirmative action, however, has bolstered women's political representation, causing an increased female presence in all legislative assemblies.^m • A weak judicial system is unable to provide effective access to justice to large sections of the population. Moreover, traditional customs and practices commonly override statutory law and Islamic injunctions alike. • The cost of living has risen sharply, and the Pakistan rupee has devalued significantly. Such factors have further marginalized disadvantaged groups, causing them to lose faith in the system. These factors have also contributed to growing intolerance, increased crime, sectarian and ethnic conflict, and the emergence and strengthening of militant religious groups and parties.
Issues Affecting the Rights and Interests of Women and Disadvantaged Groups	<ul style="list-style-type: none"> • Daily life and the political area are dominated by corruption, nepotism, and oligarchy. Consequently, government institutions have been largely ineffective and unresponsive to the needs of a diverse population. • People have a poor understanding of their legal rights, and the judicial system does not actively protect the rights of the poor, weak, women, or marginalized. • Many of the country's laws still discriminate against women and minorities. Many of these laws were enacted between 1977 and 1988. There are also serious gaps in labor laws, meaning that a large portion of workers have no enforceable rights. Entrenched authoritarian patriarchal norms and structures prevent women and marginalized communities from accessing legal rights, services, and resources. • People do not understand how to take action to protect their legal rights and have little faith in the system. Additionally, there are very few avenues for formally protecting legal rights in rural areas, contributing to the ongoing stronghold of informal dispute resolution forums. • The legal system is in need of urgent overhaul. Legal proceedings are plagued with (i) delay; (ii) a low ratio of judges to the population; (iii) a high number of frivolous claims; (iv) overcrowded, chaotic, and poorly maintained judicial facilities; (v) high costs; (vi) incompetent legal representation; and (vii) instances of maladministration in the courts. • Services and resources are not distributed equally between Pakistan's four provinces. About 50% of Pakistan's population lives in Punjab, which is the most urbanized of the provinces and has the best range of services. Outside of Punjab, service delivery and infrastructure is poor. There are frequent armed skirmishes in many rural areas. Local elites govern according to traditional norms that tend to suppress people's legal rights and maintain unequal social structures. These structures maintain the status quo of inequitable ranks and the continued exclusion of vulnerable groups. The weaker elements of society thus have limited opportunity or space to effect change and generally remain powerless. Weak state structures and the unwillingness of successive governments to change the status quo have created an environment of decay, exemplified by poor service delivery, nonresponsiveness, and the virtual nonperformance of different government institutions. • Men and those from majority or dominant tribes and higher castes have the best access to rights. Also, male heads of household, young men, male children, and older men and women commonly have more rights and entitlements at the household and community level than young women and female children. People from minority or less powerful ethnic groups and women are often deprived of even their most basic rights.

Key Issues	Summary: Pakistan
Legal Empowerment Activities	<ul style="list-style-type: none"> • Several groups in Pakistan provide specific skills training on mediation, the transfer of knowledge, account keeping, and report writing. • Many groups produce a range of publications, such as newsletters and posters, that address a variety of subjects. Groups are increasingly using theater productions to raise awareness on issues. The groups then provide information on resource groups that can assist with the different issues. • There is a trend toward running legal empowerment initiatives at the grassroots level. Several initiatives seek to create new public spaces by linking the political and civic arenas. An example of this trend is the use of local citizens' action committees and peoples' assemblies as alternative forums for discussing issues, raising awareness, and devising collective strategies to bring together political actors and citizens. • Many organizations are doing excellent work to provide people with information on how to access government institutions and programs. However, more work is needed to improve people's ability to access government services and resources independently. Therefore, much of the current work cannot really be characterized as legal empowerment activity. • Many government agencies also fail to qualify as legal empowerment initiatives. More programs are needed to provide disadvantaged groups with support mechanisms (including legal assistance), enhance political representation, and improve governance and access to justice.
Key Actors	<ul style="list-style-type: none"> • Rozan is a civil society group working on issues of violence against women and sexual abuse. • The Interactive Resource Centre builds advocacy skills and consciousness about rights among marginalized sections of society through the use of interactive theater. Apart from its own performances, it catalyses community groups through rigorous training and backup. • The Pakistan Institute of Labor Education and Research was established in 1982 by individuals from trade unions, academia, and other professions to alleviate the powerlessness faced by workers. It conducts educational and training courses for workers from all over the country, including special programs for women workers. It also advocates for workers' rights, holds seminars, facilitates dialogue, and promotes an understanding of rights and laws within the wider national and international context. Factory workers are also taught practical skills to aid them in asserting and protecting their rights. • The Aurat Publication and Information Service Foundation addresses the issues of women's lower status at the legal, political, economic, and social levels. Its programs seek to overcome women's minimal participation in decision-making processes and their lack of access to knowledge, resources, and institutions while simultaneously addressing the air of insensitivity regarding women's issues. • The Shirkat Gah—Women's Resource Centre works to increase women's autonomy, promote gender equality, and actively cultivate democratic norms. • The Pirbhat Women Development Society seeks to address negative attitudes and practices toward women, specifically attending to women's lack of education.
Good Practice Highlights	<p>Public–Private Partnerships</p> <ul style="list-style-type: none"> • Rozan runs the Rabta Police Training Project in conjunction with the National Police Training Academy. The project seeks to address the growing trend of police violence. Also, modifying police behavior can have a significant impact on police treatment of women's complaints of abuse and violence. The project provides training on self-growth, interpersonal communication skills, stress and anger management, attitudes and behaviors, violence against women and children, and human rights. So far, 70 workshops have trained 1,600 police from all of Pakistan's provinces. Evaluations and assessments conducted over a period of time demonstrated that within 6 months after completing training, police reverted to previous behavior. To combat this, Rozan altered its training program. The 20 days of training are now spread over a period of months. In January and February 2006, Rozan ran a train-the-trainers session for 66 trainers and instructors from police schools and colleges throughout Pakistan. This was designed to institutionalize learning and integrate their module into the regular police education curriculum.

Key Issues	Summary: Pakistan
	<p data-bbox="391 302 610 327">Transformative Theatre</p> <ul data-bbox="391 359 1419 646" style="list-style-type: none"> • The Interactive Resource Centre uses interactive theater to build advocacy skills and consciousness about rights among marginalized sections of society. By creating specific scenarios that resonate with the audience, interactive theater enables people to relate dramatized scenes with their own experiences. These plays proactively invite the audience to analyze the issues (which are presented from different angles), identify underlying causes and power dynamics, and formulate alternative solutions. The center has started airing its plays on cable television. In Sheikhpura, the center used television to address access to water issues faced by the local community. It surveyed the problem, videotaped separate discussions with the community and the local administration, and produced a 10-minute video segment. This video segment was then shown to both the community and the administration, allowing each side to view the issue from both perspectives. This enabled a meaningful dialogue to occur and eventually led to better maintenance of the water supply. The center had the video segment aired on cable television, followed by a panel discussion. <p data-bbox="391 678 570 703">Political Education</p> <ul data-bbox="391 735 1419 1157" style="list-style-type: none"> • The Aurat Publication and Information Service Foundation has created a number of programs that are achieving good results. Its Legislative Watch Program monitors the legislative and policy-making process and undertakes advocacy interventions for legal and policy reform. Its Political Education Program aims to increase the knowledge base of catalyst groups and women within political parties. The program places emphasis on constitutional rights, the legal framework, economic development, and the impact of policies on women. • Its Advocacy and Action Program works with citizen action committees to provide support structures for women's empowerment at the district level. As the Aurat Publication and Information Service Foundation's programs are integrated and linked across sectors, citizen action committee members are able to establish information network centers as part of the Advocacy and Action Program. These centers now serve as gathering places for women to address common issues. The Advocacy and Action Program also supports groups to undertake advocacy and action on women's political and economic empowerment and violence against women. The program led to citizen action committees tackling a variety of issues. For example, the Kalat Citizen Action Committee in Balochistan vigorously resisted the tribal chiefs' decision to prohibit women from voting in the 1998 local election. Their campaign resulted in the chiefs reversing their decision, thereby enabling women voters to actively participate in the electoral process. <p data-bbox="391 1188 613 1213">Strengthening Workers</p> <ul data-bbox="391 1245 1419 1667" style="list-style-type: none"> • The Pakistan Institute of Labor Education and Research conducts educational and training courses for workers from all over the country. After unsuccessful attempts to jointly train men and women in 1999, it introduced special courses for women in Karachi, Lahore, and Peshawar. The modules for the women's courses have been tailored to address their particular needs and to motivate them to push for greater involvement in organizational activities. Training participants include nurses, teachers, and members of other workers' associations, as well as some workers from the informal sector. The program has trained nearly 100 women. • These training sessions have inspired a number of participants to form independent bodies, which attests to the training program's success. Garment workers in Naushehro Feroze (Sindh) formed a body and organized a week-long training course. In Quetta, Pakistan Institute of Labor Education and Research trainees formed a society and organized a 3-day orientation with local resource persons. Training participants from Peshawar formed the Workers Education, Research, and Welfare Society. It has since organized several training seminars for workers on national issues. It initially conducted the seminars with financial and technical support from the Pakistan Institute of Labor Education and Research, and is now supported by the International Labour Organization. The society also ran a special 1-week workshop for 25 women workers dealing with the status of women and their problems, discriminatory laws, labor laws, and the women's movement. <p data-bbox="391 1698 691 1724">Promoting Legal Consciousness</p> <ul data-bbox="391 1755 1419 1990" style="list-style-type: none"> • The Shirkat Gah—Women's Resource Centre runs the Women, Law, and Status Program that focuses on building the capacity of community-based organizations. The program conducts a series of 1- or 2-day legal awareness workshops. The sessions review local customs and practices and examine how the practices can discriminate against women and how they differ from women's enshrined legal rights. Under the program, Shirkat Gah runs a 45-day intensive paralegal training workshop. It also works with community-based organizations to show them how they can build their capacity and strengthen their processes. It also educates trainers on how to communicate ideas. While the program has a small legal aid component, the main purpose of the training sessions is to show people how to assert their rights. Shirkat Gah also encourages paralegals to resolve matters through mediation and community-level intervention geared at addressing specific problems.

Key Issues	Summary: Pakistan
	<p>Grassroots Empowerment</p> <ul style="list-style-type: none"> • Pirbhat Women Development Society regularly conducts workshops and seminars to sensitize the police and legal practitioners about women's issues and concerns, and engages with the media to promote a better understanding of women's issues. Policy dialogues are held with members of both the Sindh Provincial Assembly and the National Assembly. The sessions are well attended and highlight the society's political connectedness and strong relationships with local governments and local communities. The group has started extending paralegal training locally and hopes to replicate Shirkat Gah's legal outreach program.
<p>Understanding of Legal Empowerment and Whether that Understanding Correlates to the Study's Definition of Legal Empowerment</p>	<ul style="list-style-type: none"> • Civil society groups have undertaken a significant number of initiatives to increase "the ability of women and disadvantaged groups to use legal and administrative processes to access resources, services, and opportunities." Some have a single focus such as a specific group of people or sector, while others are broader. • Many legal empowerment initiatives are networked both in general coalitions and on issue-specific alliances, such as water, dams, forests, women, or reproductive health. This strategy helps to collectively undertake advocacy, including public interest litigation, for which the coalitions and alliances can pool resources persons and materials.
<p>Monitoring, Assessment, and Evaluation</p>	<ul style="list-style-type: none"> • Monitoring, assessment, and evaluation remain poorly developed in Pakistan. Reporting is still largely seen as a requirement for funding rather than a learning process, and only some legal empowerment initiatives establish baseline surveys and systematic documentation. There is a tendency to carry out results-based assessments rather than process-oriented monitoring and evaluation. • A number of legal empowerment groups periodically review their own strategies and impact, leading to course corrections through new activities, priorities, or areas of engagement. Some groups also periodically carry out strategic planning exercises. • Virtually all of the legal empowerment initiatives monitor the legal and political environment for threats as well as opportunities—which is indeed necessary to remain effective—and for some, this is a major, if not principal, activity. Nevertheless, most of these initiatives are not carried out in a structured and documented manner and therefore are not easily replicated.

^a United Nations Development Programme (UNDP). 2005. *Bangladesh Common Country Assessment 2005*.

^b Ratified by Law No. 68/1958.

^c Ratified by Law No. 7/1984.

^d Signed by the Government of Indonesia in 2000.

^e Ratified by Law No. 80/1957.

^f ADB, The Asia Foundation, Canadian International Development Agency, National Democratic Institute, World Bank. 2006. *Indonesia Country Gender Assessment*, p. 31.

^g World Bank. 2006. *Making the New Indonesia Work for the Poor*.

^h ADB, The Asia Foundation, Canadian International Development Agency, National Democratic Institute, World Bank. 2006. *Indonesia Country Gender Assessment*. Manila: ADB. p. 14.

ⁱ ADB, The Asia Foundation, Canadian International Development Agency, National Democratic Institute, World Bank. 2006. *Indonesia Country Gender Assessment*. Manila: ADB. p. 28. Citing ADB. 2002. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines, and Thailand*. Manila.

^j National Commission on the Elimination of Violence against Women. 2007. *In Homes, Refugee Camps and the Judicial System: Violence against Women from Region to Region*. Jakarta: National Commission on the Elimination of Violence against Women.

^k UNDP. 2007. *Human Development Report 2007/2008*.

^l In late 2006, the Pakistani Parliament passed the Women's Protection Bill, which repealed some provisions of the Hudood Ordinances. The bill allowed for DNA and other scientific evidence to be used in prosecuting rape cases. However, enforcement remains a challenge. In addition, the Draft Social Protection Strategy Paper of the Government of Pakistan's Planning Commission signals a welcome shift in development planning toward a rights-as-entitlement perspective by recognizing that the right to state protection of vulnerable populations is enshrined in the Constitution. This is a first step toward developing an integrated and comprehensive social protection system for all and especially for the vulnerable poor and vulnerable non-poor, such as women.

^m Aurat Publication and Information Service Foundation. 2005. *Women in Local Government*, p. 2.

Appendix 3

Monitoring and Evaluation Report

Introduction

This section summarizes the monitoring and evaluation (M&E) effort undertaken in conjunction with the Asian Development Bank (ADB) Legal Empowerment for Women and Disadvantaged Groups Project (6248-REG).

Chapter 3 of the main report details the M&E methodology that was adopted under the project.¹ Chapter 4 also provided details of the (i) loan initiatives that were engaged in each country, (ii) legal empowerment pilot projects that were embedded within or attached to each loan initiative in an effort to study the impact of legal empowerment interventions on overall loan effectiveness, and (iii) the M&E strategy developed to test or measure this impact. This summary

- (i) considers what challenges were encountered in each country,
- (ii) assesses the findings of the M&E efforts in greater detail,
- (iii) expands on the findings of M&E efforts and draws special attention to disaggregated data from Bangladesh, and
- (iv) makes specific recommendations for the design of future legal empowerment monitoring and evaluation initiatives.

Monitoring and Evaluation (Challenges)

The M&E effort that was undertaken in conjunction with the project encountered a number of rather

specific challenges. This section, which briefly describes these challenges, will help situate and inform the next section, which provides an overview of the findings.

Challenge One

The time frame for this project was short. Even during the planning phase, much discussion was devoted to the fact that even under ideal conditions legal empowerment is a long-term process. The project team and ADB counterparts were particularly concerned that the relatively short time frame for the pilot-project initiatives (less than a year in each case) would affect the results.

This short time frame made it difficult for the pilot projects to achieve measurable differences in the four key areas of impact associated with legal empowerment: (i) confidence, (ii) knowledge, (iii) strategies, and (iv) outcomes. Even at the inception phase, the team expected that, in the space of only a few months, it might be reasonable to see a small increase in confidence and, ideally, a small boost in local patterns of familiarity with specific legal provisions and specific administrative rights (i.e., knowledge). At the same time, it was understood that measurable changes in the specific nature of local dispute resolution strategies would be very difficult to achieve. Moreover, measurable changes in the nature of local outcomes—particularly in terms of local access to economic resources—would be extremely unlikely.

As the following section on findings reveals, these expectations were clearly articulated in the data, drawing special attention to the relationship between (i) time frame and (ii) results. Indeed, those in the planning phase of legal empowerment initiatives should be well aware of this relationship and plan accordingly. In the field of legal empowerment, change takes time. This was not a surprising discovery, but it was arguably one of the most important.

¹ See paras. 34–44.

Challenge Two

The project needed to measure the impact of specific legal empowerment interventions at the community level. It needed to demonstrate that the project could benefit more people than only those who directly participated in or were specifically targeted by the project interventions. Here, the challenge was quite straightforward: how could a random sample within the community test the impact of a short-term project that involved a very specific group of pilot-project participants?

This was, in many ways, a challenge on two levels. First, it was a challenge related to the question of time frame mentioned previously. It was understood that, in a few short months, it would be very difficult to demonstrate that the benefits of the outreach and training initiatives actually succeeded in reaching beyond a very specific circle of project participants. Over the course of 18 months or 24 months, it would be reasonable to expect some degree of transferal from individual participants to the community as a whole. In the space of only a few months, it would be a significant achievement just to reach direct participants, raise their awareness, train them, refresh their training, and reinforce what they had learned. To expect a wider impact on the community as a whole—one that might be measurable with a random sample drawn from that community—would be extremely ambitious. The full effect of this challenge emerged in the data. After only a few months, it was found that focusing on a random sample within the community generated limited results.

The challenges associated with a random sample were also related to the fact that the project team engaged specific participants in each pilot project and then attempted to test the impact of those projects within the community as a whole. Here, again, the project team asked a very simple question: is it better to evaluate the impact of these (targeted) pilot initiatives on the participants themselves or on the community as a whole?

If one evaluates the impact of the project on the participants themselves, there is some risk that the M&E protocol will guide the pilot-project itself. In other words, the pilot-project activities will simply “teach to the test.” This approach carries a certain risk of bias. On the other hand, if one evaluates the impact of the project on the community as a whole (as the project team did), there is a risk that the evaluation protocol

will reveal a very limited impact, or even no impact, when, in fact, the impact for some members of the community was actually quite significant.

There is no easy solution for this challenge. The best response would be to allow as much time as possible for the project to unfold, so that the increased confidence and knowledge of individual participants might spill over into the community as a whole. This trickle-down effect might in turn lead other members of the community to employ new strategies and to achieve new outcomes, even if they were not themselves participants in the project. If this type of transference occurs, as is possible, the benefits of taking a random sample could be availed to great effect.

Challenge Three

The project team needed to develop a detailed understanding of the communities within which the legal empowerment interventions were undertaken. In Bangladesh, for example, the project team quickly discovered that, among the three main study areas (two intervention areas and one control area), there was considerable variation in people’s levels of political awareness and administrative engagement. This was true even before the pilot projects began. And, this was true despite the fact that all three of the study areas were located fairly close together and exhibited broadly similar demographic characteristics. In fact, people within the control area were significantly more politically astute and administratively engaged than those in the intervention areas. In this particular area, a history of energetic involvement in local politics (spurred at least in part by an unusually active nongovernment organization [NGO] community) had led to much higher levels of awareness and confidence, as well as a more demanding community than in the other two areas in the sample.

This was significant because it affected the meaning of an empowerment improvement when it came to evaluating the data. A cursory look at the data, for example, might show a broadly similar trajectory within both the intervention districts and the control district—with both, for example, moving in roughly the same pro-empowerment direction. This might lead one to conclude that the interventions had no separate or significant impact; after all, the control district “improved” in more or less the same way as the intervention districts. A closer look, however, clearly reveals

that the magnitude of the change in the intervention districts was much larger than the magnitude of change in the control district. This is the case even though, in the end, the intervention districts achieved results that could be described as only half as strong as the result in the control district. Here again, one might conclude that the legal empowerment interventions were somewhat ineffective because, of course, the results in the intervention districts were weaker than the results in the control district. A deeper understanding of the very different (preexisting) contexts in which the work was undertaken, however, allowed the project team to interpret the data more accurately and conclude that the interventions did have a positive impact. For example, in the context of the sample, empowerment improvements generally boiled down to a pattern of change in which the intervention districts finally began to catch up to already existing high levels of empowerment in the control district. It bears repeating that context specific knowledge can be very helpful when it comes to interpreting the impact of specific project interventions—particularly in a broadly comparative context.

Challenge Four

There was a lack of progress on certain features of the main development projects, which the legal empowerment initiatives were intended to enhance. This challenge was particularly acute in Bangladesh. The aim was to evaluate the impact of legal empowerment interventions in communities benefiting from an ADB loan that was designed to support water-specific infrastructure like sluice gates and reinforced embankments. In particular, the project team sought to evaluate the impact of legal empowerment initiatives that were designed to improve the management of that infrastructure, its maintenance, and the allocation/distribution of various user rights, including a variety of employment opportunities relating to the construction, operation, and repair of the infrastructure itself.

Shortly after the pilot project was launched, however, the project team discovered that the construction phase of the various water-specific infrastructure projects had not been completed. In other words, a significant component of the ADB initiative that the project team had intended would engage with specific legal empowerment interventions existed only on

paper. This affected the results in a number of ways. In particular, the project team found that the water management associations that were set up to provide for community-based participation in water management were regarded, not as a water management associations per se, but rather as an important new outlet for local microcredit opportunities. When the project team asked people how confident they were about approaching the water management association for help with resolving water-related disputes (both in the baseline study and in the final study), they felt that the questions were somewhat irrelevant. In addition, the project team found that people's knowledge of specific rights and responsibilities associated with the proposed new infrastructure was limited by the fact that this infrastructure was not yet a part of their practical experience.

The project team could have restructured the M&E protocol to address the facts on the ground. However, this would have distanced the team from the primary goal, which was to evaluate the impact of specific legal empowerment initiatives with specific reference to the terms of an ADB loan. Even beyond this, major context specific adjustments in the research protocol would have diminished or destroyed the ability to draw useful comparative conclusions across Bangladesh, Pakistan, and Indonesia.

Challenge Five

In Pakistan, the project team had to deal with missing institutions. The project team wanted to evaluate the impact of legal empowerment interventions in rural Sindh, where ADB was involved in supporting a major governance reform initiative designed to devolve responsibility for social service delivery to local communities. Special attention was paid to the health sector and, more specifically, to the role of community-based health-monitoring committees charged with providing administrative and financial oversight for physicians, pharmacists, hospitals, clinics, dispensaries, and other facilities. Very early on in the pilot projects, the project team found that although local physicians, hospitals, and dispensaries were in place, they functioned very poorly. More importantly, the institutional lynchpin of the devolution program, the health monitoring committees, did not exist at all. Even the most vigorous and empowered citizens could not interface with important aspects of the terms outlined in the ADB loan docu-

ment because the institutional interface mentioned in that document was not present.

This was an important discovery that posed a number of unexpected challenges for the task at hand. In fact, the challenge that the project team faced in Pakistan was akin to evaluating the impact of a formal legal aid initiative in a community with no concept of a court or a judge. In addition, the pilot project was undertaken during the summer of 2007, when Pakistan was embroiled in what many have described as the most significant assault on the Pakistani judiciary in more than 30 years. This was followed by mass-based political protests. This unexpected turn of events led to a number of unexpected twists in the data. During the course of the project, the intervention districts in Bangladesh and Indonesia tended to move away from the notion that noisy protests produce faster and better results. In Pakistan, the project team observed a trend moving in exactly the opposite direction. The team found that, even for those with health-related concerns, noisy protests were expected to produce results that were both faster and better.

Challenge Six

This challenge emerged in Indonesia. The project team sought to assess the impact of specific legal empowerment interventions in communities that ADB intended to support through activities focused on urban renewal, small-scale urban infrastructure, and private shelter upgrading. Although the funds to finance these loans had been distributed and the institutions created for the purpose of evaluating applications and distributing money, no loans had been made. In other words, the project had not yet begun to affect the lives of local community members in ways that might lend themselves to specific improvements via legal empowerment.

Serious difficulties were experienced in collating the baseline data. While conducting the survey, the project team discovered that people in the project areas had confused ADB's project with an overlapping small-scale urban poverty elimination project undertaken by the World Bank—Proyek Penanggulangan Kemiskinan Perkotaan. Consequently, in answering the survey, respondents inadvertently referred to World Bank's project rather than ADB's project. This caused the project team significant difficulties in trying to interpret the results. For example, to what extent did

the baseline data provide an ADB-specific baseline? To what extent did evidence of improvement in the context of the baseline and the final survey point to a pattern of improvement within the terms of the ADB-specific pilot project? To what extent did improvements associated with the World Bank project turn up in the data? These questions were nearly impossible to answer without asking a series of additional (Indonesia-specific) survey questions—questions that the standardized three-country M&E survey protocol did not anticipate.

Even single-country studies involving multiple research locations require a very carefully coordinated plan to design, harmonize, test, and employ suitable survey instruments. As noted above, the potential for variation across sites is not limited to cross-country variation. Even sector- and community-specific patterns of variation must be considered. Legal empowerment M&E is not an experimental science with carefully controlled laboratory conditions. The challenges mentioned above were selected to illustrate a range of issues that others are likely to encounter in the future.

Monitoring and Evaluation (Findings): Part A

The third section discusses the findings of the M&E efforts in greater detail. This section draws particular attention to the fact that during the short implementation phase of this legal empowerment pilot project (less than 1 year, and in some cases as short as 8 months of intensive program activities) stronger results were generally encountered in terms of “raising legal awareness” and “increasing confidence” versus weaker results when it came to “adopting new strategies” and “achieving new outcomes.” Additional attention is paid to the positive impact associated with key pilot project partners in each country.

Notwithstanding the numerous challenges, the data that the project team collected produced a number of important findings. This section highlights six important findings that emerged from the pilot projects in all three project countries (Bangladesh, Indonesia, and Pakistan). The next section, focusing on a set of tables disaggregated by income/expenditure, education, and gender, will focus, more specifically, on some of the results that the project team collected in Bangladesh.

Key Finding One

The most fundamental improvement noted by the project team was the change in people's attitude or confidence levels—notably in Bangladesh and Indonesia. This change occurred despite the relatively short time frame within which the project was launched, undertaken, and completed.

Throughout the project, the team avoided placing any special emphasis on the value of legal empowerment training because it wanted to avoid any suggestion that such training might be “learning for learning’s sake.” Instead, the team sought to stress the instrumental value of that training—in effect, “learning to achieve X” (where “X” is defined in terms of specific strategies and, ultimately, gender- and poverty-based outcomes). The project’s very short time frame made this goal particularly difficult to achieve. However, those engaged in various types of legal empowerment initiatives should not be too quick to discount the value of increased levels of confidence alone. Several aspects of the survey indicated noticeable improvements in confidence levels during the course of the pilot projects.

Therefore, if increased confidence levels improve people’s capacity to participate in dispute resolution, it may be worthwhile to include confidence-building initiatives in future projects.

Confidence in Participating in the Water Management Cooperative Associations’ (WMCA) Decision-Making Process

At the project’s commencement, the team expected to find that nonpoor members of society, or those with secondary or higher levels of education, would dominate the decision-making processes of the WMCAs. As women and the poor tend to have lower levels of education, the project team expected that women and the poor would exert little influence over the WMCAs’ decision-making processes. The baseline survey showed that there was widespread poverty in the surveyed areas. About 70% of people in the project and control areas were poor, with an average monthly household expenditure of less than Tk4,000.² Also, 40% of people in project and control areas were illiterate and another 29% of people in project intervention areas had not completed primary education—this figure was 25% in control areas.

² This is equivalent to \$59 as of July 2008.

The baseline survey also assessed people’s views about whether they were exerting any influence over WMCA decisions. About 41% of WMCA members in project intervention areas and 50% of the members in control areas believed that they had a say in the WMCAs’ decision-making processes (Table A3.1).³ More than 52% of males and 25% of females in project intervention areas believed they had a say in their WMCA, compared to 50% of both males and females in control areas. The preponderance of poverty in the subproject areas and the sheer weight of representation of women and the poor in the WMCAs seemed to indicate that those among the poor who were alert and outspoken would indeed be able to assert themselves and ensure that their rights were protected to the extent that they were actually aware of those rights. The final survey shows that this expectation was indeed somewhat realized—69% of WMCA members in project intervention areas and 62% in control areas believed that they have a say in WMCAs’ decision-making processes.

Confidence in Approaching the WMCA and/or Local Neighborhood Improvement Committees (BKMs)

The project team wanted to assess how confident people were in approaching their WMCA. At the commencement of the pilot projects, 33% of people in the project intervention areas and 25% of people in the control areas felt that they could approach the WMCA management committee on their own (Table A3.2). The final survey showed that more than 60% of people in the project intervention areas (42% in control areas) held the same belief. The fact that people had increased confidence with approaching their WMCAs in both areas suggests that the pilot project had some degree of success. This conclusion is supported by the fact that only 4% of people in the project intervention areas believed it was impossible to approach the management committee. In contrast, 20% of the control population believed it was impos-

³ The large percentage of respondents who did not know how to answer this question can be explained by the fact that the WMCAs in the two subproject areas were newly formed, and the subprojects themselves were not completed. Once the subproject-created infrastructure becomes fully operational, the issue of user rights and responsibilities will come into focus. It is then that more members will be able to comment less speculatively on how much of a say they have in WMCA decisions.

Table A3.1: Bangladesh—Do WMCA members think they have any say in its decision-making processes?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Yes	40.5	50.0	69.0	61.5
No	32.4	16.7	21.8	34.6
Don't know	27.0	33.3	9.2	3.8
Total	100.0	100.0	100.0	100.0

WMCA = water management cooperative association, % = percent of respondents.

Table A3.2: Survey results regarding confidence in approaching the WMCA (Bangladesh)

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
I approached/can approach the management committee on my own	39.1	32.4	60.2	41.2
I required/may require help, support, or assistance from others	27.6	35.1	17.8	11.8
It was/may be impossible to approach the WMCA management committee	8.0	5.4	4.2	19.6
Don't know	25.3	27.0	17.8	27.5
Total	100.0	100.0	100.0	100.0

WMCA = water management cooperative association, % = percent of respondents.

sible. If the poor feel excluded because traditionally they have been excluded, legal empowerment training can indeed be considered as having helped them to be more confident. This is particularly so if it helps them approach the WMCA management committees about relevant matters.

The project team also saw positive results in Indonesia, which can be attributed to the legal awareness training. Relative to the baseline, there was a large increase in the project intervention areas in the percentage of people who believed that they could approach the BKM management committees on their own. Conversely, there was a fall in control areas (Table A3.3). Moreover, the percentage of people who responded “don’t know” was much higher in control areas than in project intervention areas. This indicates that people had distinct opinions in project intervention areas, but were less certain in control areas.

Confidence in Approaching a Government Office

Respondents were asked if they were confident in their ability to follow typical instructions given to them by government offices when they approached these offices for receiving some public service. Instructions could relate to completing various forms, visiting some other office, phoning some number, or doing other functions. The baseline survey showed that 25% of respondents in both the project and control areas were extremely unsure about their ability to follow official instructions (Table 4). About 50% of the respondents in the project intervention areas (60% in control areas) said they were somewhat, or extremely, confident. The final survey showed that in the project intervention areas there was no noticeable change in the percentage of people who were somewhat, or extremely confident, while there was a sharp decline in the percentage in control areas. In control areas, there was also a sharp increase in the percentage of people who were unsure about what to say in this respect.

Table A3.3: Indonesia—If you approached or were to approach the BKM, would you feel confident to approach this organization on your own or would you require assistance from others?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
I approached/can approach the management committee on my own	51.3	50.0	72.5	45.0
I required/may require help, support, or assistance from others	21.3	15.0	8.8	7.5
It was/may be impossible to approach the BKM management committee	6.3	2.5	5.0	7.5
Don't know	21.3	32.5	13.8	40.0
Total	100.0	100.0	100.0	100.0

BKM = local neighborhood improvement committee, % = percent of respondents.

Table A3.4: Bangladesh—Confidence in ability to follow official instructions when approaching a government office for some service

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Extremely confident about your ability to follow these instructions	17.5	17.3	25.4	15.7
Somewhat confident about your ability to follow these instructions	30.1	42.3	22.0	29.4
Extremely unsure about your ability to follow these instructions	25.2	23.1	28.8	21.6
Don't know	27.2	17.3	23.7	33.3
Total	100.0	100.0	100.0	100.0

% = percent of respondents.

Participation in Local Decision Making

The respondents were asked whether, during the last year, they had seen any change in their ability to participate in local decision-making processes concerning water for agriculture or fishing purposes. They were also asked whether, if they had not participated directly, they felt they could quite easily participate if they wanted. In the baseline survey, respondents were divided in their answers to this question (Table A3.5). It is likely that the respondents based their answers on their actual degree of participation in their WMCAs,

and at the time of the baseline survey that was very limited.

The respondents were also asked whether the legal empowerment training had resulted in them changing any of their views. In the baseline survey, about 33% of respondents in both project and control areas stated that they could participate easily. However, these percentages increased to 46% in project intervention areas and to 39% in control areas. Moreover, those who said they could not participate easily decreased in project intervention areas and increased in control

Table A3.5: Bangladesh—Do respondents feel that, during the last year, they could participate (quite easily) if they wanted to in local decision-making processes concerning water for agriculture or fishing purposes?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Yes, I feel that I could participate (easily) if I wanted to	31.1	32.7	45.8	39.2
No, I do not feel that I could participate (easily) if I wanted to	30.1	32.7	23.7	35.3
I don't know	38.8	34.6	30.5	25.5
Total	100.0	100.0	100.0	100.0

% = percent of respondents.

areas. While the differences may not be significant, they suggest that there was improvement in the project intervention areas. Realistically, it is too early to predict whether there will be long-term changes.

One implication of these findings is that community members now complain more easily given their increased levels of confidence. This was apparent in the fact that the baseline and final surveys often indicated a difference in the number of respondents willing to say that “yes, [water, health, or shelter] problems exist in my area,” even if their responses to later questions indicated that they were not yet prepared to adopt new strategies to cope with or address those problems.

Indeed, increasing levels of confidence may be related, in the first instance, to increasing levels of awareness coupled with frustration. Of course, this frustration may be an essential bridging concept between new levels of confidence and new forms of action. Again, the time frame did not provide sufficient time to examine the extent to which this hypothesis might be borne out by the evidence. But, in the future, those responsible for constructing robust M&E frameworks for long-term legal empowerment projects may wish to investigate this issue through a targeted mid-program review.

Key Finding Two

The second key finding is closely related to the first. The data showed no change in existing outcomes defined in terms of poverty reduction or tangible, practical,

observable expressions of gender equality. This lack of observable change in existing outcomes must be read in light of the pilot projects’ time frame constraints. It is simply too soon to tell whether increasing levels of confidence leading to increasing levels of frustration might lead to new dispute resolution strategies that, in turn, produce new outcomes.

Note that in the sixth and final finding below, some attention will be paid to a growing sense that men and women enjoy equal access to particular dispute resolution forums; however, this growing sense of gender neutral access does not represent an empirical change in existing outcomes, but rather an intangible or theoretical belief in equal access.

Key Finding Three

During the course of each pilot-project initiative, many measurable improvements were observed in the context of specific intervention areas. However, in most cases the same improvements were observed in the control areas as well.

For example, in Bangladesh and Indonesia, respondents from pilot-project intervention areas demonstrated a greater willingness to engage official procedures at the end of the pilot-project period (Table A3.6). However, this willingness was observed regardless of whether they personally participated in local trainings, workshops, and information sessions designed to familiarize them with various features of the relevant ADB loan initiative. In other words, respondents reported that, if they

were confronted with a water problem (Bangladesh) or a shelter problem (Indonesia), they would be more inclined to engage official procedures.

In response to a closely related set of questions, the same group appeared to change their previously held views about the value of noisy protest action, noting at the end of the pilot-project period that individuals facing water or shelter problems would be better served by an effort to engage existing formal rules and procedures (Table A3.6). In other words, official procedures appeared to become more attractive and accessible over the course of the pilot-project intervention.

Unfortunately, these same results were observed in the control areas, making it impossible to attribute this improvement to the legal empowerment interventions undertaken in the context of the pilot projects alone.

Key Finding Four

The fourth implication that may be drawn from the findings relates to dispute resolution strategies. The dominant dispute resolution strategies tend to vary within countries as much as they vary between them. The qualitative data revealed a higher level of comfort with dispute resolution patterns tied to existing

administrative structures in Bangladesh, for example, than the project team found in either Pakistan or Indonesia (Tables A3.8, A3.8a, and A3.8b). In Pakistan, the team found a much stronger tendency to pursue dispute resolution strategies tied to local family and/or local kinship structures. In Indonesia, the team encountered a pattern in which local community-based political actors (including elected politicians) played a larger role.

It is important to appreciate that variations in the legal empowerment baseline for each country may not mean the same thing. For example, the significant increase in the percentage of people seeking help from family members for dispute resolution in Pakistan may result from a rather modest increase in confidence levels in more formal mechanisms such as the health-monitoring committee or mediation by local politicians. Therefore, a modest change in local dispute resolution strategies may result in significant changes. In Bangladesh, an increased approach to the WMCAs for dispute resolution marks a significant change in the evolution of dispute resolution mechanisms. Even in the context of a significant cross-country comparative research project, the interpretation of results must be deeply contextualized.

Table A3.6: Are Better and Faster Responses Obtained if People Avoid Noisy Protests and “Follow the Rules?”

	Bangladesh				Pakistan				Indonesia			
	Baseline %		Final %		Baseline %		Final %		Baseline %		Final %	
	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area
The response is both better and faster	20	38	73	69	26	11	26	18	45	33	63	50
The response is faster only (i.e., not necessarily better)	17	12	8	8	2	5	10	10	14	8	9	15
The response is better only (i.e., not necessarily faster)	21	19	14	8	10	23	24	44	11	18	10	13
The response is neither better nor faster	17	17	0	0	16	16	8	10	23	33	16	23
Don't know	24	13	5	16	45	45	31	18	8	10	3	0
Total	100	100	100	100	100	100	100	100	100	100	100	100

% = percent of respondents.

In Bangladesh, one of the villages in the project intervention area struggled with the problem of too much water. The control village struggled with the problem of too little water. Clearly, a deeper understanding of

these differences is needed by those designing questions, interpreting results, and evaluating the meaning of new and more desirable outcomes. In Indonesia, an important feature of the ADB loan was to provide

Table A3.7: Bangladesh—Where do people first seek help when faced with a problem involving water for agriculture or fishing purposes, and the problem involves another citizen in their community

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Family members	23.3	25.0	39.0	23.5
WMCA	3.9	9.6	38.1	31.4
Union Parishad	3.9	17.3	7.6	15.7
Courts	1.0	0.0	0.0	0.0
NGOs	13.6	9.6	0.8	0.0
Local politicians/ Religious leaders	3.9	0.0	0.8	0.0
Community activists	5.8	13.5	0.8	2.0
Don't know	44.7	25.0	12.7	27.5
Total	100.0	100.0	100.0	100.0

NGO = nongovernment organization, WMCA = water management cooperative association, % = percent of respondents.

Table A3.7a: Pakistan—Where do people first seek help when faced with a problem involving health services, and the problem involves another citizen in their community

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Family members	64.4	59.7	93.9	96.0
Police	9.2	1.6	2.0	0.0
District-level bureaucracy	0.0	6.5	0.0	4.0
Local politicians with muscle	9.2	11.3	0.0	0.0
HMC	1.1	1.6	0.0	0.0
Other	3.4	3.2	3.0	0.0
Don't know	12.6	16.1	1.0	0.0
Total	100.0	100.0	100.0	100.0

HMC = health-monitoring committee.

Table A3.7b: Indonesia—Where do people first seek help when faced with a problem involving shelter, and the problem involves another citizen in their community

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Family members	3.8	0.0	7.5	12.5
Lurah, RT/RW	52.5	42.5	45.0	60.0
Local government	8.8	7.5	1.3	5.0
BKM	0.0	0.0	2.5	0.0
Solve problem myself	26.3	37.5	37.5	15.0
Other	3.8	7.5	5.0	7.5
Don't know	5.0	5.0	1.3	0.0
Total	100.0	100.0	100.0	100.0

BKM = local neighborhood improvement committee, Lurah = chief of a subdistrict, RT = rukun tetangga (neighborhood harmonious organization, RW = rukunwarga (citizen harmonious organization), % = percent of respondents.

Table A3.8: Bangladesh—Are you eligible to join the WMCA management committee as an elected member?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Eligible	46.6	50.0	54.2	41.2
Not eligible	48.5	42.3	44.9	58.8
Don't know	4.9	7.7	0.8	0.0
Total	100.0	100.0	100.0	100.0

WMCA = water management cooperative association, % = percent of respondents.

supplementary funding for those who wished to obtain a formal title to regularize the ownership of their home. In the context of the baseline survey, however, the project team discovered that the number of respondents with an interest in obtaining a formal title was much smaller than the number who sought to obtain a rather modest home improvement loan. This data point suggests that in a legal empowerment context, the first challenge in Indonesia does not lay in providing residents with the confidence, knowledge, and strategies for obtaining modest ADB-funded home improvement loans. Rather, the first step is in drawing attention to the fact that many local residents are simply unaware of the extent to which access to home improvement loans follows from the

existence of a formal title. This data point also suggests that project designers need a better understanding of the various types of semiformal or informal land certificates that are traditionally used in Indonesia.

Key Finding Five

The fifth factor to be drawn from the data relates to the findings regarding knowledge. The project team encountered particular improvements in the knowledge base of those living in the project intervention areas targeted by specific pilot-project initiatives. Four examples from Bangladesh, each drawing attention to specific provisions within the ADB loan document, should serve

to illustrate this point. The first example concerns the eligibility rules for joining the local WMCA. The project team found that respondents in the intervention villages demonstrated increasing knowledge of their eligibility to join their local WMCA, whereas those in the control districts appeared to move in the opposite direction (Table A3.8).

The second example concerns the issue of maintenance costs related to specific types of water infrastructure, such as sluice gates. The project team found that respondents in the intervention villages improved their knowledge about who was responsible for maintaining water infrastructure in the wake of targeted pilot project training sessions (Table A3.9). The project team also found that villagers in the control districts had a better understanding of this issue. However, the differentiating factor between the intervention and control

villages was that in the control villages, a significantly larger number of villagers did not know who was responsible for maintaining water infrastructure. In the project intervention villages, the number of people who did not know this issue shrank significantly. The project team considered this demonstrated that the interventions were successful.

The third example concerns the legal ownership of the WMCA buildings. Here again, the project team found that there were larger numbers of respondents who were getting close to the correct answer. However, there was an opposite trend in the control districts (Table A3.10).

The fourth and final example concerns knowledge regarding the maintenance and repair of the WMCA buildings. As in the second example, the project team encountered two important pieces of data.

Table A3.9: Bangladesh—Who is expected to pay for the maintenance of the sluice gate, etc. constructed under the subproject?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
LGED	8.7	21.2	16.9	9.8
WMCA	32.0	17.3	52.5	35.3
Government	8.7	9.6	1.7	–
Don't know	50.5	51.9	28.8	54.9
Total	100.0	100.0	100.0	100.0

LGED = Local Government Engineering Department, WMCA = water management cooperative association, % = percent of respondents.

Table A3.10: Bangladesh—Who owns the WMCA office building?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
LGED	1.9	7.7	5.1	2.0
WMCA	49.5	51.9	63.6	43.1
Government	3.9	3.8	3.4	–
Private Donor	1.0	–	–	3.9
Don't know	43.7	36.5	28.0	51.0
Total	100.0	100.0	100.0	100.0

LGED = Local Government Engineering Department, WMCA = water management cooperative association, % = percent of respondents.

Table A3.11: Bangladesh—Who will pay for repair and maintenance of the WMCA building?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
WMCA	40.8	26.9	69.5	45.1
LGED/Government	13.6	25.0	1.7	2.0
Don't know	45.6	48.1	28.8	52.9
Total	100.0	100.0	100.0	100.0

LGED = Local Government Engineering Department, WMCA = water management cooperative association, % = percent of respondents.

Table A3.12: Do men and women have “equal access” to the WMCA/HMC/BKM?

	Bangladesh				Pakistan				Indonesia			
	Do men and women have “equal access” to the WMCA management committee? (%)				Do men and women have “equal access” to the HMC? (%)				Do men and women have “equal access” to the BKM? (%)			
	Baseline		Final		Baseline		Final		Baseline		Final	
	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area	Program Area	Control Area
Yes	55	69	80	57	41	35	63	44	80	78	85	63
No	9	0	2	2	32	31	23	28	6	0	15	38
Don't know	36	31	19	41	26	34	14	28	14	23	0	0
Total	100	100	100	100	100	100	100	100	100	100	100	100

BKM = local neighborhood improvement committee, HMC = health-monitoring committee, WMCA = water management cooperative association, % = percent of respondents.

The team observed a broadly similar positive trend in both the project intervention and the control villages. However, in the project intervention villages, there was a dramatic decline in the number of people who did not know who was responsible for repairing and maintaining the WMCA buildings. In contrast, there was a modest increase in the number of people who did not know the answer to this question in the control villages (Table A3.11).

Key Finding Six

This is perhaps the most important of the findings. The project team encountered a common trend in all three countries with respondents living in specifically targeted

project intervention areas. There was a consistent pattern of improvement in the extent to which both men and women (in Bangladesh, Indonesia, and Pakistan) and poor and nonpoor residents (in Bangladesh and Indonesia) were believed to enjoy equal access to the formal legal and administrative forums associated with their respective ADB loans (Tables A3.12 and A3.13).

In some cases, a very similar trend in favor of increasing equal access can be seen in the control areas. However, in every case, the magnitude of this change in the project intervention areas is noticeably larger.

One final point must be highlighted. The project team repeatedly found that those living in targeted project intervention areas gained both confidence

Table A3.13: Bangladesh—Do you think that poor and nonpoor households have equal access to the WMCA management committee?

	Baseline (%)		Final (%)	
	Program Area	Control Area	Program Area	Control Area
Yes	48.5	69.2	78.0	54.9
No	14.6	0.0	3.4	2.0
Don't know	36.9	30.8	18.6	43.1
Total	100.0	100.0	100.0	100.0

WMCA = water management cooperative association, % = percent of respondents.

and knowledge in the wake of carefully targeted legal empowerment interventions. Despite this, these respondents did not always seek to carve out new approaches to existing resources, services, and opportunities in the context of particular legal and administrative procedures. In other words, many of the respondents did not develop new strategies to address their water-, health-, or shelter-related problems by approaching relevant government offices directly for mandated services or dispute resolution, particularly when those offices were at a higher level of government.

Instead of creating new strategies, the villagers used their new knowledge and confidence to pressure their local intermediaries to help them (the villages) in new—but also quite familiar—ways. In Bangladesh, for example, respondents living in the intervention districts did not always use their new knowledge and higher levels of confidence to approach the Local Government Engineering Department (LGED) directly to address their water problems. Instead, they tended to use their newfound confidence to pressure local members of the WMCA to approach the department on their behalf.

In Indonesia, those living in the intervention districts tended to use their newly acquired knowledge to press their shelter-related demands within the offices associated with existing local headmen. However, they did not attempt to approach the land registration office on their own.

In fact, what the project team found in both countries was a pattern in which legal empowerment interventions did not transform existing networks of

community-based affinity and support. Instead, they simply enhanced these relationships—turning them ever so slightly in the direction of new forms of engagement with existing rules, existing regulations, and existing formal rights.

Monitoring and Evaluation (Findings): Part B

This section focuses on results collected in Bangladesh, illuminated through a set of tables disaggregated by gender, education, and income/expenditure.

Respondents' Background

Gender

At the end of project survey, about 55% of the respondents in project and control areas were male.

Education Level

Data from the final survey show that the incidence of illiteracy was high in both project and control areas (Table A3.14). About 60% of the respondents in the project intervention areas (70% in control areas) were illiterate, can read/write but had no formal schooling, had attended school but had not completed primary school, or had basic religious education only (madrasah).

Household Expenditure

As is usual in rural area studies, expenditure data were taken as a proxy for income. From the findings of the end of project survey, 25% of the respondents had

Table A3.14: Bangladesh—Survey results regarding education level of respondents (Final survey)

(Percentage of respondents in respective areas)

Responses to survey question: What is the highest level of education you have completed?	Final responses	
	Program Area	Control Area
Illiterate	31.4	37.3
Did not complete primary school; can read/write but has no formal schooling; basic religious education only (madrassah)	26.3	35.3
Grade 5 to below Grade 10	21.2	13.7
Secondary School Certificate (SSC) and above	21.2	13.7
Total	100.0	100.0

Table A3.15: Bangladesh—Monthly household expenditure (Final survey)

(Percentage of respondents in respective areas)

Responses to survey question: What is your household's average monthly expenditure?	Final responses	
	Program Area	Control Area
Extreme poor (Up to Tk 3,000)	17.8	18.9
Poor (Tk 3,001–4,000)	28.0	27.8
Lower middle income (Tk 4,001–7,500)	43.2	42.6
Upper middle income (Tk 7,501–20,000)	11.0	10.7
Total	100.0	100.0

a monthly household expenditure of Tk3,000 (\$44) or less, and can be considered as being in extreme poverty (Table A3.15). Another 33% of the respondents with monthly household expenditure between Tk3,000 (\$44) and Tk4,000 (\$59) can be categorized as poor.

Measuring Attitudes and/or Confidence

Confidence in Approaching the Water Management Cooperative Association Management Committee
Compared to the baseline results, there was an increase

in the percentage of people who believed they could approach the WMCA management committee on their own—from 39% to 60% in project intervention areas, and 32% to 41% in control areas. There was a corresponding decrease in the percentage of people who thought they would still need assistance or support from others (Table A3.16).

The project team observed that recipients of education sessions in project intervention areas were more confident with approaching the WMCAs on their own. This included respondents who were illiterate, did not complete primary school education, or were

from poorer households. This was also observed in control areas.

Likewise, women were observed to have benefited from the legal empowerment trainings. In project intervention areas, women were more confident with approaching the WMCA management committees on their own, and there was a large reduction in the percentage of women who find it impossible to approach the WMCA (Table A3.16a). Exactly the opposite is observed in control areas, where more than 33% of women thought it was impossible to approach the WMCA. This is up from less than 10% in the baseline figures.

Measuring Strategies and Actions

Official Procedures, Informal Connections, or Both?

When people are faced with problems regarding water for agriculture or fishing purposes (for example, water sharing or local water rates), they generally look for help. Sometimes, they try official procedures such as approaching the WMCA, the union parishad office, or LGED. If this does not work, they may turn to informal connections to get through to the responsible authorities. Sometimes they try both at the same time. It is instructive to know if, as a result of the legal empowerment trainings, people are trying to use official procedures more frequently.

The baseline results indicated that a large majority of people had never resorted to official procedures to resolve water problems, as intimated by the large percentage of people who answered “no response” (Table A3.17). It must be remembered that the project infrastructure was not yet complete in the pilot-project intervention areas at the time of the baseline survey, although both the WMCA and LGED were operational. As a result, people may not have been aware that their water problems were resulting from infrastructure problems. Once water problems could be causally linked to formal infrastructure (or lack thereof), it seemed likely that respondents would be more willing and able to seek solutions to their water problems through formal mechanisms. For example, they might approach their WMCA, which is responsible for operating the completed infrastructure. As

Table A3.17 shows, this seems to have happened. In the final survey, about 40% of the respondents said that they were always using official procedures. This means that the percentage of people who said that they never used official procedures or responded “don’t know” shrank from about 80% of respondents to about 44%. While a similar change occurred in control areas, the number of people who answered “no response” to this issue increased to more than 50%. This suggests that the majority of the population still has doubts about using official procedures.

While both the education groups have been impacted, those who completed class V and above showed a much greater shift to using official procedures. If the sample size were large enough to permit more education groupings, it would be likely that higher education levels would be seen to be strongly associated with higher rates of adoption of use of official procedures to mitigate water problems.

Looking at it from a gender perspective, it is observed that both men and women in both project and control areas are taking recourse to using official procedures more frequently; however, men were much more inclined to this option (Table A3.18). The percentage of women who gave no response to this question declined in project intervention areas but increased in control areas. This suggests that women were more adept at using official procedures in project intervention areas—quite a reversal from the baseline situation. This could be attributed to the intensive confidence building of women by the legal empowerment initiatives.

As a follow-up to the above question, respondents were asked about where they seek help from if faced with a problem involving water for agriculture or fishing purposes and they believe that the problem involves another citizen in their community. In the baseline situation, a majority of respondents gave no response to this question. It is likely they had not previously faced such a situation, or even if they had, they did not consider it significant enough to seek help elsewhere. Again, it must be kept in mind that until infrastructure is fully operational, people may be unable to blame their problems on any person or group. Once the structures are fully in place and a recognizable person or group is responsible for their operation, it is more likely that people will begin to frame their problems in terms of involving other people in the community.

⁴ The union parishad is the lowest tier of local elected government in Bangladesh.

Table A3.16: Respondents' Views on Their Access to the WMCA—by Education Level (%)

Program Area

	Baseline Survey				Final Survey			
	Up to, but not completed, Class V ^a	Class V to below Class X	Above Class X	Total	Up to, but not completed, Class V ^a	Class V to below Class X	Above Class X	Total
I approached, or can approach, the WMCA management committee on my own	27.6	55.6	72.7	39.1	38.2	84.0	96.0	60.2
I required, or may require, help, support, or assistance from others	31.0	22.2	18.2	27.6	26.5	12.0	0.0	17.8
It was, or may be impossible, to approach the WMCA management committee	10.3	5.6	0.0	8.0	7.4	0.0	0.0	4.2
Don't know	31.0	16.7	9.1	25.3	27.9	4.0	4.0	17.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey				Final Survey			
	Up to, but not completed, Class V ^a	Class V to below Class X	Above Class X	Total	Up to, but not completed, Class V ^a	Class V to below Class X	Above Class X	Total
I approached, or can approach, the WMCA management committee on my own	18.2	50.0	60.0	32.4	32.4	71.4	57.1	41.2
I required, or may require, help, support, or assistance from others	45.5	30.0	0.0	35.1	10.8	28.6	0.0	11.8
It was, or may be impossible, to approach the WMCA management committee	9.1	0.0	0.0	5.4	21.6	0.0	28.6	19.6
Don't know	27.3	20.0	40.0	27.0	35.1	0.0	14.3	27.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

WMCA = water management cooperative association, % = percent of respondents.

^a This includes illiterate, those who can read and write but have no formal schooling, and those with basic religious education only.

Table A3.16a: Respondents' Views on Their Access to the WMCA—by Gender (%)

Program Area

[illegible]

Control Area

[illegible]

WMCA = water management cooperative association, % = percent of respondents.

Table A3.17: Frequency of Trying Official Procedures When Faced with Problems Regarding Water for Agriculture or Fishing Purposes—by Education Level (%)

Program Area

[illegible]

Control Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V and above	Total	Up to, but not completed, Class V	Class V and above	Total
Always	0.0	0.0	0.0	24.1	61.5	35.7
Usually	0.0	0.0	0.0	6.9	7.7	7.1
Occasionally	35.3	66.7	46.2	0.0	0.0	0.0
Never	8.8	11.1	9.6	0.0	7.7	2.4
No response	55.9	22.2	44.2	69.0	23.1	54.8
Total	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

Table A3.18: Frequency of Trying Official Procedures When Faced with Problems Regarding Water for Agriculture or Fishing Purposes—by Gender (%)

Program Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
Always	0.0	0.0	0.0	55.6	21.3	39.6
Usually	3.5	4.3	3.9	11.1	8.5	9.9
Occasionally	24.6	4.3	15.5	9.3	4.3	6.9
Never	15.8	15.2	15.5	5.6	4.3	5.0
No response	56.1	76.1	65.0	18.5	61.7	38.6
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
Always	0.0	0.0	0.0	45.8	22.2	35.7
Usually	0.0	0.0	0.0	8.3	5.6	7.1
Occasionally	57.1	23.5	46.2	0.0	0.0	0.0
Never	5.7	17.6	9.6	4.2	0.0	2.4
No response	37.1	58.8	44.2	41.7	72.2	54.8
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

In the baseline survey, about 25% of respondents in the project and control areas mentioned that their first recourse was taking advice from family members (Table A3.19). This increased to 39% in program intervention areas in the final survey, but remained about the same in control areas. True WMCA activities with respect to management of water supply had not properly begun during the baseline survey, and people did not consider it as an important court of appeal when faced with conflicts related to water availability. The final survey revealed that this had changed. Thirty-eight percent of respondents in project intervention areas mentioned that the WMCA was their first point of contact for help, while only 31% thought this in control areas. The percentage of respondents not responding to the question declined from 45% to 13% in project intervention areas, but remained about the same in control areas, at about 25% of respondents, signifying that in control areas many people were yet to view the WMCAs as arbiters for water-related disputes.

Does Education Level Make a Difference to Whether People are More Likely to Use Official Procedures to Resolve Disputes?

The final survey revealed an increase in the percentage of illiterate or less educated people who approached family members for help when faced with water-related disputes. It also showed a fall in the percentage of more educated people who sought family assistance. However, this change was more pronounced in project intervention areas. Clearly, in these areas, the WMCAs have emerged as important institutions for voicing grievances and seeking redress, particularly so for people in the higher education group, who exhibited a more dramatic shift toward using their WMCA. While the same shift seems to have occurred in control areas, the magnitude of the change was lower, implying that in control areas, the WMCAs have not yet fully emerged as an important avenue for dispute resolution. Interestingly, the control area appeared to be more politically engaged than the project intervention areas, especially when it came to approaching the union parishad.

If the data are broken down by gender, similar results are seen. In project intervention areas, both men and women made a dramatic switch toward using their WMCA as their first means of resolving water-related

problems (Table A3.20). Family members remained important as an avenue for venting grievances and seeking advice, especially for women. There was a large fall in the number of “no responses” from both men and women, implying greater certainty on their part as to where they could seek redress. In control areas, there was a much less spectacular increase in the importance of the WMCA in this respect, and the importance of family members remained about the same as it did in the baseline. The union parishad also retained its position as an arbiter. The no-response rate in the control areas remained large, especially for women who still had no well-marked avenue for venting grievances.

Protesting as a Strategy

When the people in a community face a problem, they may resort to noisy protests as a strategy to attract attention and ultimately force a positive response. Alternatively, they may just try to follow the rules and hope that the system will provide a positive response. The respondents were surveyed on their attitude toward these respective strategies.

The baseline survey revealed that, in project intervention areas, 50% of the respondents believed that noisy protests neither attracted attention nor evoked a positive response (Table A3.21). The final survey results indicated that this percentage increased sharply for respondents in both education groups. Also, the percentage of respondents who believed that protests attracted attention, whether with a positive response or without, fell sharply for the educated group from 20% to less than 2% of respondents.⁵ Control area residents, particularly those with some education, also believed that protests had little power to produce results, and it is difficult to say whether legal empowerment training has anything to do with this belief.

An overwhelming majority of both men and women believed that protests did not attract attention or elicit a positive response (Table A3.22). However, this belief was held by about 90% of the female respondents in the project intervention areas and by only 65% in the control areas. Also, about 25% of the women in the control areas gave no response compared to less than 10% in the project intervention areas. These

⁵ A similar result is observed if respondents are disaggregated by poor and nonpoor groups.

Table A3.19: Where People Go for Help First if Faced with a Problem Involving Water for Agriculture or Fishing Purposes and the Problem Involves Another Citizen in Their Community—by Education Level (%)

Program Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V and above	Total	Up to, but not completed, Class V	Class V and above	Total
Family members	15.5	40.6	23.3	42.6	34.0	39.0
WMCA	4.2	3.1	3.9	27.9	52.0	38.1
Union Parishad	5.6	0.0	3.9	7.4	8.0	7.6
Courts	0.0	3.1	1.0	0.0	0.0	0.0
NGOs	14.1	12.5	13.6	1.5	0.0	0.8
Local politicians / religious leaders	5.6	0.0	3.9	1.5	0.0	0.8
Community activists	4.2	9.4	5.8	0.0	2.0	0.8
Don't know	50.7	31.3	44.7	19.1	4.0	12.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V and above	Total	Up to, but not completed, Class V	Class V and above	Total
Family members	26.5	22.2	25.0	27.0	14.3	23.5
WMCA	8.8	11.1	9.6	27.0	42.9	31.4
Union Parishad	20.6	11.1	17.3	13.5	21.4	15.7
Courts	0.0	0.0	0.0	0.0	0.0	0.0
NGOs	8.8	11.1	9.6	0.0	0.0	0.0
Local politicians / religious leaders	0.0	0.0	0.0	0.0	0.0	0.0
Community activists	11.8	16.7	13.5	0.0	7.1	2.0
Don't know	23.5	27.8	25.0	32.4	14.3	27.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

NGO = nongovernment organization, WMCA = water management cooperative association, % = percent of respondents.

Table A3.20: Where People First Go for Help When Faced With Problems Involving Water for Agriculture or Fishing Purposes and the Problem Involves Another Citizen in Their Community—by Gender (%)

Program Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
Family members	22.8	23.9	23.3	35.9	42.6	39.0
WMCA	1.8	6.5	3.9	43.8	31.5	38.1
Union Parishad	7.0	0.0	3.9	6.3	9.3	7.6
Courts	1.8	0.0	1.0	0.0	0.0	0.0
NGOs	19.3	6.5	13.6	1.6	0.0	0.8
Local politicians/religious leaders	7.0	0.0	3.9	1.6	0.0	0.8
Community activists	8.8	2.2	5.8	1.6	0.0	0.8
Don't know	31.6	60.9	44.7	9.4	16.7	12.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
Family members	22.9	29.4	25.0	17.9	30.4	23.5
WMCA	11.4	5.9	9.6	46.4	13.0	31.4
Union Parishad	25.7	0.0	17.3	21.4	8.7	15.7
Courts	0.0	0.0	0.0	0.0	0.0	0.0
NGOs	8.6	11.8	9.6	0.0	0.0	0.0
Local politicians/religious leaders	0.0	0.0	0.0	0.0	0.0	0.0
Community activists	17.1	5.9	13.5	3.6	0.0	2.0
Don't know	14.3	47.1	25.0	10.7	47.8	27.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

NGO = nongovernment organization, WMCA = water management cooperative association, % = percent of respondents.

Table A3.21: Noisy Protests as a Strategy—by Education Groups (%)

Program Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V to below Class X	Total	Up to, but not completed, Class V	Class V to below Class X	Total
True, protest attract attention and a positive response	7.0	21.9	11.7	1.5	2.0	1.7
Protest attract attention (but not a positive response)	8.5	15.6	10.7	1.5	2.0	1.7
False, protest attract neither attention no a positive response	53.5	50.0	52.4	88.2	96.0	91.5
Don't know	31.0	12.5	25.2	8.8	0.0	5.1
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V to below Class X	Total	Up to, but not completed, Class V	Class V to below Class X	Total
True, protest attract attention and a positive response	26.5	16.7	23.1	0.0	0.0	0.0
Protest attract attention (but not a positive response)	8.8	11.1	9.6	8.1	0.0	5.9
False, protest attract neither attention no a positive response	47.1	66.7	53.8	70.3	100.0	78.4
Don't know	17.6	5.6	13.5	21.6	0.0	15.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

*Table A3.22: Noisy Protests as a Strategy—by Gender (%)***Program Area**

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
True, protest attract attention and a positive response	17.5	4.3	11.7	3.1	0.0	1.7
Protest attract attention (but not a positive response)	15.8	4.3	10.7	1.6	1.9	1.7
False, protest attract neither attention no a positive response	57.9	45.7	52.4	93.8	88.9	91.5
Don't know	8.8	45.7	25.2	1.6	9.3	5.1
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
True, protest attract attention and a positive response	25.7	17.6	23.1	0.0	0.0	0.0
Protest attract attention (but not a positive response)	11.4	5.9	9.6	3.6	8.7	5.9
False, protest attract neither attention no a positive response	60.0	41.2	53.8	89.3	65.2	78.4
Don't know	2.9	35.3	13.5	7.1	26.1	15.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

results could be attributed to the success of the legal empowerment training.

Following Rules as a Strategy

On the other hand, opinion was much more divided on the question of speed and quality of response when noisy protests are avoided and people chose to follow the rules. The baseline survey showed that about 20% of the members in project intervention areas (over 40% in control areas) thought that the response was usually better and faster if rules were followed; this increased to about 70% in both project and control areas at the time of the final survey (Table A3.23). The increase is much greater in project intervention areas, and can be attributed to the legal empowerment training, particularly as it influenced the illiterate and less-educated respondents. Supporting this is the fact that the nonresponse rate for the less educated-group declined from 32% to less than 10% in project intervention areas while it actually increased in control areas. The less-educated respondents could obviously articulate their beliefs more strongly at the end of the legal empowerment project than at the beginning.

The survey results can be further broken down into poor and nonpoor groups. About 70% of respondents in both groups in both project and control areas believed that they achieved a better and faster response to their problems by following rules. This compares with 17% and 30% of poor and nonpoor (respectively) in the baseline survey in project intervention areas, and 30% and 60% in control areas (respectively) (Table A3.24). Obviously, the change in perception was stronger in project intervention areas and particularly strong for the poor. Since the legal empowerment training paid particular attention to disadvantaged groups—women and the poor—the efficacy of that training is attested by the results.

In both areas, there was a large increase in the percentage of women who believed in following the rules—from 26% to 63% in the project intervention areas, and 35% to 57% in control areas (Table A3.25). Clearly, the change was greater in project intervention areas and attests again to the success of the legal empowerment initiative.

Table A3.23: Are Better and Faster Responses Obtained if People Avoid Noisy Protests and “Follow the Rules”?—by Education Groups (%)

Program Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V to below Class X	Total	Up to, but not completed, Class V	Class V to below Class X	Total
True, the response is both better and faster	19.7	21.9	20.4	67.6	80.0	72.9
The response is faster only (i.e., not necessarily better)	18.3	12.5	16.5	10.3	4.0	7.6
The response is better only (i.e., not necessarily better)	19.7	25.0	21.4	13.2	16.0	14.4
False, protest attract neither attention no a positive response	9.9	34.4	17.5	0.0	0.0	0.0
Don't know	32.4	6.3	24.3	8.8	0.0	5.1
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Up to, but not completed, Class V	Class V to below Class X	Total	Up to, but not completed, Class V	Class V to below Class X	Total
True, the response is both better and faster	29.4	55.6	38.5	59.5	92.9	68.6
The response is faster only (i.e., not necessarily better)	14.7	5.6	11.5	8.1	7.1	7.8
The response is better only (i.e., not necessarily better)	20.6	16.7	19.2	10.8	0.0	7.8
False, protest attract neither attention no a positive response	17.6	16.7	17.3	0.0	0.0	0.0
Don't know	17.6	5.6	13.5	21.6	0.0	15.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

Table A3.24: Are Better and Faster Responses Obtained if People Avoid Noisy Protests and “Follow the Rules”?—by Poor and Nonpoor Groups^a (%)

Program Area

	Baseline Survey			Final Survey		
	Poor	Nonpoor	Total	Poor	Nonpoor	Total
True, the response is both better and faster	16.7	30.0	20.6	72.2	73.4	72.9
The response is faster only (i.e., not necessarily better)	16.7	16.7	16.7	3.7	10.9	7.6
The response is better only (i.e., not necessarily better)	20.8	20.0	20.6	14.8	14.1	14.4
False, protest attract neither attention no a positive response	16.7	20.0	17.6	0.0	0.0	0.0
Don't know	29.2	13.3	24.5	9.3	1.6	5.1
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Poor	Nonpoor	Total	Poor	Nonpoor	Total
True, the response is both better and faster	28.6	58.8	38.5	68.0	69.2	68.6
The response is faster only (i.e., not necessarily better)	11.4	11.8	11.5	0.0	15.4	7.8
The response is better only (i.e., not necessarily better)	22.9	11.8	19.2	8.0	7.7	7.8
False, protest attract neither attention no a positive response	20.0	11.8	17.3	0.0	0.0	0.0
Don't know	17.1	5.9	13.5	24.0	7.7	15.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

^a The poor are classified as respondents whose monthly household income is Tk4,000 or less.

Table A3.25: Are Better and Faster Responses Obtained if People Avoid Noisy Protests and “Follow the Rules”?—by Gender (%)

Program Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
True, the response is both better and faster	15.8	26.1	20.4	81.3	63.0	72.9
The response is faster only (i.e., not necessarily better)	17.5	15.2	16.5	3.1	13.0	7.6
The response is better only (i.e., not necessarily better)	33.3	6.5	21.4	14.1	14.8	14.4
False, protest attract neither attention no a positive response	22.8	10.9	17.5	0.0	0.0	0.0
Don't know	10.5	41.3	24.3	1.6	9.3	5.1
Overall	100.0	100.0	100.0	100.0	100.0	100.0

Control Area

	Baseline Survey			Final Survey		
	Male	Female	Total	Male	Female	Total
True, the response is both better and faster	40.0	35.3	38.5	78.6	56.5	68.6
The response is faster only (i.e., not necessarily better)	14.3	5.9	11.5	7.1	8.7	7.8
The response is better only (i.e., not necessarily better)	25.7	5.9	19.2	7.1	8.7	7.8
False, protest attract neither attention no a positive response	17.1	17.6	17.3	0.0	0.0	0.0
Don't know	2.9	35.3	13.5	7.1	26.1	15.7
Overall	100.0	100.0	100.0	100.0	100.0	100.0

% = percent of respondents.

Monitoring and Evaluation (Recommendations)

As noted above, this section seeks to move beyond the data that the project team collected in Bangladesh, Indonesia, and Pakistan to provide a set of more specific recommendations for those who wish to design legal empowerment monitoring and evaluation initiatives in the future.

Of paramount importance, particular attention should be paid to the significance of valid legal empowerment indicators and the challenges associated with the construction of such indicators across a wide range of sector, community, and country contexts.

Many legal empowerment monitoring and evaluation initiatives begin with an emphasis on measuring things like (i) increasing levels of satisfaction with a particular set of outcomes, (ii) decreasing levels of discriminatory decision making on the part of particular courts or tribunals, and (iii) increasing efforts to adopt humane sanctions on the part of particular administrative and adjudicative agencies. In each case, important questions arise when it comes to interpreting specific terms, such as satisfaction, discriminatory, and humane. While the normative underpinnings of these terms may tend to be reasonably consistent in the usage of major international agencies and donors, the meaning and understanding of these terms will vary from context to context, depending on the interpretive frameworks employed by local respondents. A sound and valid evaluation protocol must both define these terms very precisely (within the context of the protocol itself) and make each definition known to local respondents in a language that is, in some ways, already their own.

Those engaged in legal empowerment activities must remember that the terms of empowerment often vary from one legal context to the next, even within the same country. In Indonesia, for example, legal empowerment initiatives routinely run up against the overlapping terms of several different legal sys-

tems—formal state laws, *shari’a* (Islamic laws), *adat* (customary laws), and other examples—each with its own legal terminology. For this reason, programming focused on the question of legal empowerment must be prepared to define its domain very carefully, always keeping in mind that a case of empowerment in one legal or quasi-legal domain may be seen as a case of disempowerment in another.

So, when the project team asks whether a legal empowerment intervention has succeeded in enhancing a particular beneficiary’s ability to claim or promote certain rights, it must also be prepared to ask: what rights?

Throughout this project, the focus was to legally empower individual citizens, especially individual women and the poor. In light of the project’s achievements, this aim was understandable and appropriate. As the work drew to an end, however, the team became increasingly aware of the fact that effective legal empowerment interventions that target local citizens may in fact also rely on a prior set of legal empowerment interventions that target specific members of the state.

In fact, the project team repeatedly found that knowledgeable, confident, and ostensibly empowered citizens (even elite citizens) were stopped short by insecure, defensive, and dismissive bureaucrats. Although the citizens came to know about their rights during the course of the pilot projects, the bureaucrats were either completely—and genuinely—unaware of the rights enjoyed by individual citizens or they stubbornly pretended to be.

Those with an interest in promoting the inclusion of legal empowerment interventions in multilateral development bank loans may need to consider expanding the scope of legal empowerment measures. They may need to negotiate with local governments to strike a more effective balance between (i) legal empowerment for local citizens, and, perhaps just as importantly, (ii) legal empowerment for the functionaries of the state itself.

Appendix 4

Standard Survey Instrument

The following survey instrument was developed by the project team for application in each of the three focal countries, with adjustments required to indigenize the survey to the particular country and the Asian Development Bank (ADB) host project—Legal Empowerment for Women and Disadvantaged Groups (6248-REG).

Selection of Interviewees

In each pilot project location, the research team will interview 40–50 individuals selected at random. However, within this “random” sample, the team will work to balance the sample across three categories: (i) gender, (ii) income, and (iii) education.

These three categories should be addressed in the following manner.

Gender

Ideally, a 50/50 male–female split will emerge. However, in Pakistan and perhaps in Bangladesh, this may be very difficult to achieve. To proceed with some consistency, therefore, field researchers should try to interview 33% women in each field site (there are three field sites per country).

Income

Imagine a household income scale with six categories (a–f). Construct your sample (c. 40–50) accordingly:

(a)	destitute (i.e., income = less than a small amount)	2–3 interviews
(b)	quite poor (i.e., income = a small amount)	5–10 (c. 7)
(c)	not poor (i.e., income = an adequate amount)	10–15 (c. 13)
(d)	locally middle class (i.e., income = a comfortable amount)	10–15 (c. 13)
(e)	locally elite (i.e., income = a sizeable amount)	5–10 (c. 7)
(f)	locally “very rich” (i.e., income = a generous amount or any sum greater than this)	2–3 interviews
		40–50 TOTAL

Note: Please try to ensure that you interview approximately one woman from category a, two from category b, four from c, four from d, two from e, and one from f.

Education

See the distribution of interviewees in terms of income above. The same approach should be used in the case of education: 2–3 interviewees from category a, approximately 7 from category b, 13 from c, 13 from d, 7 from e, and 2–3 from f.

In general, try to avoid selecting too many highly-educated citizens.

INTERVIEW PROTOCOL I

Interview Date: _____

Interview Location: _____ (e.g., name of *kampung*, village, or union council)

Interview Number: _____

"Good morning/afternoon. My name is _____.

"I am spending a few days in ____ (location) ____ conducting research for a project sponsored by the Asian Development Bank and The Asia Foundation."

"Thank you very much for agreeing to participate in our study."

"Please answer the following questions as completely and as honestly as you can. There are no right or wrong answers. I am simply interested in hearing about your own opinions."

"First, I want to ask you for some personal information. The information you provide will not be shared with anyone. Your answers will be combined with those provided by more than 50 others, and, after this, we will not be able to separate the answers you provide from the answers provided by the others."

PART ONE: DEMOGRAPHICS			
Q1	Please tell me your age.	Code	Route
	Less than 18 years old	01	CLOSE
	18–29 years old	02	
	30–49 years old	02	
	50–69 years old	04	
	70 years old or more	05	
	I don't know/I refuse to answer	99	
Q2	Observe gender.	Code	Route
	Male	01	
	Female	02	

Q3	What is the highest level of education that you have completed?	Code	
	I have no formal schooling.	01	
	Basic religious education only (pesantran/madrasah)	02	
	Primary school	03	
	Middle school	04	
	Secondary school	05	
	Undergraduate university B.A. (B.Sc., LL.B.)	06	
	Postgraduate university M.A. (M.S., LL.M., M.D., Ph.D.)	07	
	I don't know/I refuse to answer.	99	

Q4	What are your monthly expenditures for food, house rent, electricity, gas, children's tuition, and any other routine expenses?	Code	
	NOTE: Please do not include the purchase of luxury goods (such as a car), payments on any debt, recreation, clothes, or other unusual expenses.		
	Less than Rupees 1,000	01	
	Rs1,001–2,500	02	
	Rs2,501–5,000	03	
	Rs5,001–10,000	04	
	Rs10,001–20,000	05	
	Rs20,001–50,000	06	
	Rs50,001–100,000	07	
	More than Rs100,000	08	
	I don't know/I refuse to answer.	99	

Q5A	INDONESIA ONLY	Code	Route
	Do you have a "land certificate" to support an ownership claim for the house in which you live?		
	Yes	01	
	No	02	
	I don't know/I refuse to answer.	99	

Q5B1	BANGLADESH ONLY Do you own more than X acres of land? [Note: “X” should be an amount sufficient to qualify the respondent as a “landowner”/Grameen standard.] Yes No No answer/response	Code 01 02 99	Route Q5B2
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Q5B2	BANGLADESH ONLY (for those who answered code 02 in Q5B1). You mentioned that you do not own more than X acres of land. Is your main source of income derived from fishing? Yes No No answer/response	Code 01 02 99	Route
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Q6A	In the most recent local election, did you/your family vote for the winning candidate? Yes No No answer /response	Code 01 02 99	Route Q6B
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Q6B	After the most recent local election, is your preferred group/faction/party in power (i.e., in the governing majority)? Yes, my group/faction/party is associated with the governing majority. No, my group/faction/party is associated with the minority/opposition. No answer/response	Code 01 02 99	Route
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In due course, we will want to know if these “demographic factors” (core variables) are associated with significant variations in individual responses to subsequent questions (parts II–V). We will be particularly interested in the extent to which disadvantaged citizens (as per these core variables) act on their “legal empowerment knowledge” and/or their “legal empowerment confidence.”

Are “disadvantaged” citizens (as defined by these demographic variables) associated with lower levels of confidence and knowledge? And, among those disadvantaged citizens who express somewhat higher levels of confidence and knowledge, are they—even despite these higher levels of confidence—less likely to follow through with new actions?

PART TWO: MEASURING ATTITUDES AND CONFIDENCE

Q7A	Have you had any problem with [shelter/water/health] during the last 2 months?	Code	Route
	Yes	01	Q7B
	No	02	Q8
	No answer/response	99	

Q7B	[For those who answered code 02 in Q7A.] Since the problem began, how many times have you approached the [BKM/WMCA/HMC]?	Code	Route
	0	01	
	1	02	
	2	03	
	3+	04	
	No answer/response	99	

Q8	If you were to approach the [BKM/WMCA/HMC] ... would you require assistance/support from others? OR would you feel comfortable/confident to approach this organization on your own? I can approach this organization on my own. I require help, support, or assistance from others. It is impossible to approach this organization. No answer/response	Code	Route
		01	
		02	
		03	
		99	

Q9A	Do you think that men and women have equal access to the [BKM/WMCA/HMC]?	Code	Route
	Yes	01	Q10
	No	02	Q9B
	No answer/response	99	

Q9B	[For those who answered code 02 in Q9A.]	Code	Route
	If women do not have equal access to this organization, would you say the primary barrier comes from:		
	the BKM/WMCA/HMC itself?		
	OR		
	barriers outside of this organization—for example, social barriers in the community as a whole or social barriers at home?		
	Barriers for women within the organization	01	
	Barriers for women outside the organization (e.g., community, home, etc.)	02	
	No answer/response	99	

Q9C	[For those who answered codes 01 and 02 in Q9B.]	Code
	You said that the most important barriers for women lay [inside/outside] the [BKM/WMCA/HMC]..	
	Can you give me a specific example of this type of [internal/external] barrier?	

Q10		Code	Route
	Sometimes, when you visit a government office, you are told to follow certain instructions. For example: “complete this form,” “visit that office,” “phone this number,” or “schedule that appointment.”		
	How much confidence do you have in your ability to follow these instructions?		
	NOTE: This question does <u>not</u> concern the respondent’s confidence in terms of producing a <u>successful</u> outcome for his/her problem; it only concerns their confidence in terms of following “official” instructions.		
	Are you:		
	Extremely unsure about your ability to follow these instructions	01	
	Somewhat confident about your ability to follow these instructions	02	
	Extremely confident about your ability to follow these instructions; it is difficult to imagine any confusion.	03	
	No answer/response	99	

PART THREE: MEASURING STRATEGIES AND ACTIONS

Q11	<p>When people are faced with problems regarding [shelter/water/health], they generally look for help.</p> <p>Sometimes, they try informal connections. Sometimes, they try official procedures. Sometimes, they try both—even at the same time.</p> <p>Please tell me about your approach.</p>	11A I try informal connections.	11B I try official procedures.
	Always	01	01
	Usually	02	02
	Occasionally	03	03
	Never	04	04
	I don't know/I refuse to answer.	99	99

Q12A	If you are faced with problem involving [shelter/water/health], and you believe that the problem involves another citizen in your community, where do you go for help first?		
Q12B	Where do you go second?	12A First destination	12B Second destina- tion
	Family members	01	01
	Police	02	02
	Courts	03	03
	<i>Kabupaten</i> /district-level bureaucracy	04	04
	<i>Shalish</i> / <i>Panchayat</i>	05	05
	Religious leaders	06	06
	Local politicians "with muscle"	07	07
	Local politicians "without muscle"	08	08
	BKM/WMCA/HMC	09	09
	Community activists	10	10
	Local NGOs (for example, [name a relevant NGO])	11	11
	I don't know/I refuse to answer.	99	99

Q13A	If you are faced with a problem involving [shelter/water/health], and the local administration fails to respond—in fact, if you believe that the local administration is part of the problem—where do you go for help first?		
Q13B	Where do you go second?	13A	13B
		First destination	Second destination
	Family members	01	01
	Police—check this response (police ≈ administration?)	02	02
	Courts—check this response (courts ≈ administration?)	03	03
	<i>Shalish/Panchayat</i>	04	04
	Religious leaders	05	05
	Local politicians “with muscle”	06	06
	Local politicians “without muscle”	07	07
	BKM/WMCA/HMC	08	08
	Community activists	09	09
	Local NGOs (for example, [name a relevant NGO])	10	10
	I don’t know/I refuse to answer.	99	99

Q14	<p>[For those who answered code 02 in Q9A.]</p> <p>Earlier, you mentioned that women face special women-specific barriers when it comes to resolving problems with [shelter/water/health].</p> <p>When women face these barriers, what do they do?</p> <p>Please tell me how local women attempt to overcome women specific barriers in [shelter/water/health]; provide a specific example/story.</p> <p>_____</p> <p>_____</p>	Code
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Q15	Since the ADB [shelter upgrading/water resource management/community health initiative] began X years ago			
	How would you describe your influence—that is, your effectiveness in terms of getting attention—in the following places?			
	NOTE: This question does not ask people if they were able to get exactly what they wanted; instead, it asks them if they were able to attract some attention to their concerns within a specific administrative/social space.			
	My influence in [15A/15B/15C/15D] is:			
		15A	15B	15C
		Local government offices	Local elected offices	The community as a whole
		15D		
		My own home		
	Stronger	01	01	01
	About the same	02	02	02
	Weaker	03	03	03
	I do not have any influence at all	04	04	04
	I don't know/I refuse to answer.	99	99	99

Q15	True or false:	Code	Route
	When the people in my community face a problem with [shelter/water/health], noisy protests usually succeed in attracting attention and, ultimately, a positive response.		
	True, protests attract attention and a positive response.	01	
	Protests attract attention but not a positive response.	02	
	False, protests attract neither attention nor a positive response.	03	
	No answer/response	99	

Q16	True or False:	Code	Route
	If we avoid noisy protests and "follow the rules," the response is usually better and faster.		
	True, the response is both better and faster.	01	
	The response is faster only (i.e., not necessarily better).	02	
	The response is better only (i.e., not necessarily faster).	03	
	False, the response is neither better nor faster if we follow the rules.	04	
	No answer/response	99	

PART FOUR: MEASURING KNOWLEDGE

NOTE: The following sample questions should be modified to highlight the specific issues that partner NGOs in each country will be stressing in the workshops that they conduct. These issues will concern specific rules, regulations, rights, responsibilities, and opportunities associated with the ADB project in the area—for example, WMCA/Local Government Engineering Department rules in Bangladesh; BKM rules in Indonesia, and HMC, *nazim*, or executive district officer for health rules in Pakistan.

To complete this section, please tell me about the training programs that will be conducted in each country: Bangladesh, Indonesia, and Pakistan.

Sample and Starter Questions

Bangladesh (Illustrative)

Q17: Are you eligible to join the WMCA as an elected member (Y/N)? (NOTE: This not a question about whether the person will get a seat; it is simply a question regarding his/her knowledge of eligibility rules.)

Q18A: Who is authorized to recommend which projects to pursue?

Q18B: Who is authorized to make the final decision regarding which projects to pursue? Is it the Local Government Engineering Department, the WMCA, or the National Water Board?

Q19: If Citizen X is removed from his/her house/land when Project Y is constructed, does Citizen X have a right to compensation (Y/N)?

Q20A: After Project Y is constructed, who owns it?

Q20B: Who is expected to pay for the maintenance of Project Y and how?

Q21: Do citizens of type X (e.g., fishers) have access to leases for the lands near Project Y?

Q22: According to the project rules, which group should receive first priority in the process of selecting construction laborers to work on Project Y?

Indonesia (Illustrative)

Q17: Are you eligible to join the BKM as an elected member (Y/N)? (NOTE: This not a question about whether the person will get a seat; it is simply a question regarding his/her knowledge of eligibility rules.)

Q18A: Who is authorized to recommend which shelter upgrading projects to pursue?

Q18B: Who is authorized to make the final decision regarding which projects to pursue? Is it the *kalurahan*, the BKM, or the National Housing Board?

Q19A: If Citizen X is removed from his/her house/land when Project Y is constructed, does Citizen X have a right to compensation (Y/N)?

Q19B: If so, who will pay this money (ADB through project money or the government through its own money)?

Q20–Q21: Add additional questions as required for the local content.

Pakistan (Illustrative)

Q17: Are you eligible for health services under the project?

Q18A: Who is authorized to recommend which projects to pursue?

Q18B: Who is authorized to make the final decision regarding which projects to pursue? Is it the district *nazim*, the executive district officer for health, the HMC, or the provincial department of health?

Q19–Q21: Add additional questions as required for the local content.

PART FIVE: MEASURING OUTCOMES

Q22A	<p>Some believe that access to [shelter/water/health] services has improved during the last 2 years.</p> <p>Would you say that community access to [shelter/water/health] services has improved (a) significantly, (b) somewhat, (c) very little, or (d) not at all?</p> <p>Significantly</p> <p>Somewhat</p> <p>Very little</p> <p>Not at all</p> <p>No answer/response</p>	<p>Code</p> <p>01</p> <p>02</p> <p>03</p> <p>04</p> <p>99</p>	<p>Route</p> <p>Q22B Q22C</p> <p>Q22B Q22C</p> <p>Q22B</p>
Q22B	<p>[For those who answered codes 01–03 in Q22A].</p> <p>You mentioned that community access has improved [significantly/somewhat/very little]. Do you think this improvement occurred because:</p> <p>(a) people learned to use new procedures</p> <p>OR</p> <p>(b) people learned to work around the old procedures in ways that are better suited to the local people?</p> <p>We learned to use the official procedures.</p> <p>We learned to work around procedures that are not suited to the local people.</p> <p>I don't know/I refuse to answer.</p>	<p>Code</p> <p>01</p> <p>02</p> <p>99</p>	<p>Route</p>
Q22C	<p>[For those who answered Code 01 and Code 02 in Q22A].</p> <p>Can you tell me about a specific benefit you derived from the work of the [BKM/WMCA/HMC]?</p> <p>Note: If money/resources/security are not mentioned, ask the respondent if he/she has more money/resources/security now than he/she did 3 years ago. And, if he/she does, whether this has anything to do with the work of the [BKM/WMCA/HMC].</p>	<p>Code</p>	
Q23	<p>During the last 2 years, have you seen any change in your ability to participate in local decision-making processes concerning [shelter/water/health]? And, even if you have not participated directly, do you feel that you could participate (quite easily) if you wanted to?</p> <p>Note: The research team should record responses to the second question (in italics).</p> <p>Yes, I feel that I could participate (easily) if I wanted to.</p> <p>No, I do not feel that I could participate (easily) if I wanted to.</p> <p>No answer/response</p>	<p>Code</p> <p>01</p> <p>02</p> <p>99</p>	<p>Route</p>

Q24A	<p>Think about the situation in your community 2 years ago.</p> <p>When it comes to providing [shelter/water/health] services, would you say that the role/influence/strength/responsibility of the local [chief] today is:</p> <p>More</p> <p>About the same</p> <p>Less</p> <p>No answer/response</p>	<p>Code</p> <p>01</p> <p>02</p> <p>03</p> <p>99</p>	<p>Route</p> <p>Q24B</p>
Q24B	<p>[For those who answered code 03 in Q24A].</p> <p>Please tell me: When the influence of the local [chief] was reduced, do you believe that service provision for [shelter/water/health]:</p> <p>(a) grew stronger</p> <p>(b) grew weaker</p> <p>(c) remained about the same</p> <p>Note: This is a good question for checking contradictions. If service provision “grows stronger” here, but it remained “unchanged” in Q22A, you should ask the respondent for clarification.</p> <p>Stronger</p> <p>About the same</p> <p>Weaker</p> <p>No answer/response</p>	<p>Code</p> <p>01</p> <p>02</p> <p>03</p> <p>99</p>	<p>Route</p> <p>Q24C</p>
Q24C	<p>[For those who answered code 01 in Q24B].</p> <p>You mentioned that service provision has grown stronger since the role of the local [chief] was reduced.</p> <p>Is this service provision stronger for everyone or simply for some individuals/groups?</p> <p>The rate of improvement is broadly equal for everyone.</p> <p>The rate of improvement is better/faster rate for some individuals/ groups.</p> <p>No answer/response</p>	<p>Code</p> <p>01</p> <p>02</p> <p>99</p>	<p>Route</p>
Q24D	<p>[For those who answered code 02 in Q24C].</p> <p>You mentioned that service provision has grown stronger for some individuals but not all.</p> <p>Please tell me: Which groups became stronger?</p> <p>_____</p>	<p>Code</p>	<p>Route</p>

Interview Protocol II IN-DEPTH INTERVIEWS (ETHNOGRAPHIES)

Selection of Interviewees

In *Indonesia*, the research team should conduct *five* in-depth interviews. These five interviews should include not more than: 2 BKM members, 1 *kalurahan* member, 1 research team member, and 1 other.

In *Bangladesh*, these *five* interviews should include not more than: 1 male WMCA member, 1 female WMCA member, 1 *Union Parishad* member, and 2 others.

In *Pakistan*, these *five* interviews should include not more than: 2 HMC members, 1 union council *nazim*, 1 executive district officer for health, and 1 other.

Recording Responses

Each in-depth data recording sheet (each sheet is devoted to *one* of the *five* respondents) should include a question followed by three sets of blank spaces—one for the beginning stage of the research and one for the end. This will allow us to see how local strategies for tackling certain issues have changed over time.

For example, the data recording sheet for the in-depth interviews conducted in *Indonesia* will look like this:

Indonesia/Kampung A/In-Depth Interviewee
= (for example, BKM Member 1)

Question 1:

Baseline Response:

Final Stage Response (June/July 2007):

Question 2, etc.: _____

General Guidelines

In general, we want to know how our respondents change over time. In particular, we want to know if, during the course of the pilot project (baseline/end), they become “empowered” in terms of their ability to avail themselves of the rules, regulations, rights, responsibilities, and opportunities associated with the ADB loan.

Practically speaking, this involves asking them whether (or not) they can navigate “the system” envisioned in the ADB loan document. Are they inclined to try to navigate this system? Did their inclination/urge to try grow over time? And, if they have tried (at any point), what exactly did they do? Did the pilot project lead them to try any new things/strategies? And, finally, did their efforts succeed?

With these basic questions in mind, the interviewers should remember that we are looking for specific empirical (interview-based) information regarding four different legal empowerment issues: confidence, knowledge, actions/strategies, and outcomes.

NOTE: These four legal empowerment issues are featured in the questionnaire (above) as well, so interviewers should always try to keep the basic concerns of the questionnaire in mind. (In fact, the questionnaires and the “ethnographies” are designed to probe similar questions, ... but the latter are designed to probe these questions more deeply/within more detail—for example, with reference to specific examples, personal experiences, and anecdotes that provide a deeper understanding of topics addressed in the questionnaire).

As a general rule, it is acceptable to let your in-depth conversations wander a bit. You want to provide the interviewee with a chance to express himself/herself. Having said this, however, the research team should always feel free to push the interviewee for clarification—especially when it comes to various contradictions. And of course, research team members should always try to keep the conversation moving along, relatively smoothly, from one topic to the next.

When contradictions arise, research team members should simply indicate that “their own understanding (that is, the researcher’s understanding) is not yet complete.” In other words, researchers

should humbly explain that “the interviewee has said something very interesting, but it’s not yet clear what he/she means. So, please, if the interviewee wouldn’t mind, could he/she please explain the link between Statement A and [contradictory] Statement B, so that [the interviewer] can understand exactly what the interviewee really wants to say?”

The in-depth interviews will proceed in three basic steps. Below some preliminary ideas are provided to help the researchers frame their questions.

Introduction

The introduction should sound quite a lot like the introduction to the questionnaire. In addition, however, the researchers should say a few words about the objectives of the ADB project.

For example:

“The Asian Development Bank has started a project focusing on [shelter/water/health]. And, in conjunction with this, ADB wants to get a better idea of how local people think about local problems regarding [shelter/water/health], so that, in the future, ADB can be match local ideas and implement their projects more effectively.”

“With this in mind, I’d like to ask you some questions about local concerns involving [shelter/water/health]. Remember, there are no right or wrong answers.”

Following this brief introduction, the research team will carry on with specific questions. These could be framed in the following manner.

Measuring Confidence

“Sometimes, people face problems, or they want to improve something in their community, but they lack the confidence to move forward. For example, they want to do or have X (*NOTE: here, X involves an example closely related to the concerns of the ADB project*). But, sometimes, they feel that their ideas about X will not be appreciated, or perhaps they fear that they will simply waste their time trying to participate in the process of making changes.”

“The question is: Why do they feel this type of hesitation? Why do they feel defeated even before they begin? Is their lack of confidence a result of social

pressure? Is it related to the local administration’s lack of responsiveness in the past? Does the weight of local tradition tie them down? Do they face resistance from local leaders—for example, political leaders or religious leaders?”

“Please tell me why many people lack the confidence to apply for changes, and please provide me with specific examples. Do you know anyone who feels this type of hesitation or lack of confidence? Do you feel this way yourself?”

Baseline Response:

Final Stage Response:

“Okay. Thanks very much. That’s very interesting.

“Of course, it’s also true that some people do have confidence. Some people do take action—and not only the rich and powerful, but also poor people and women.

“Please tell me about your community. Do you know about any exceptional people like this? Most people can think of one or two examples.

“My questions are: Why do these exceptional people have more confidence? Do they have special connections that give them confidence? Is their confidence related to their education? Is it only men who overcome these confidence barriers, or women also?

“Again, please tell me about your community. Do you know anyone who has overcome these confidence barriers? Perhaps you have overcome some of these barriers yourself. Please tell me about some specific examples.”

Baseline Response:

Final Stage Response:

Measuring Strategies/Action

"Thanks very much. That's very helpful."

"When people want to get things done, they often have two options. One option involves following official rules. This strategy usually involves various types of forms and a certain amount of paperwork. The other strategy is less bureaucratic; this strategy involves using various friends—various connections—to get things done."

"I simply want to know how these two strategies work in the context of your community's [shelter/water/health] situation."

"Is one strategy more common in your community? Is one strategy more common for men and another strategy more common for women? Maybe one strategy is more common for the poor and one is more common for the rich. Maybe both strategies simply work together."

"Please give me one or two examples about these strategies in the context of [shelter/water/health]. Which procedures do people follow? Which connections do they use?"

Baseline Response:

Final Stage Response:

"Thanks. That's very interesting."

"Now imagine a situation in which these two strategies are not working. In other words, after trying them, the underlying problem remains unchanged."

"How do people usually respond? Do they quit or give up? Do they protest? Do they call on local thugs or use threats? Do they file cases in court? Do they call for negotiation/*shalish*, etc.? What do they do?"

Again, please provide me with specific examples."

Baseline Response:

Final Stage Response:

Measuring Knowledge

"Great. Thanks very much."

"Have you heard about the project that I mentioned at the beginning of this interview—the one started by ADB to help people with [shelter/water/health]?"

If **"no, I have not heard about that project"**: Can you tell me about some of the [shelter/water/health] problems in this area and, maybe, how the situation has grown better/worse during the last 2 years?

Again, do you have specific examples?"

Baseline Response:

Final Stage Response:

If **"yes, I have heard about the ADB project"**: "Do you know who is responsible for implementing this project in your area?" (Hopefully, the respondent will mention the BKM/WMCA/HMC!)

Baseline Response:

Final Stage Response:

"Do you feel like you can participate in this project? Do you feel like you have a role to play in this project? And, if so, what is your role?"

Baseline Response:

Final Stage Response:

"Do you know about X (NOTE: Here, X should be something closely related to the rules, regulations, rights, responsibilities, and opportunities that partner NGOs

will be stressing in their workshops, outreach activities, and trainings)?

In the case of Indonesia, for example, the question could read: “Do you know about the loans that this project tries to make available for various home improvements? (And, if so, do you know who is eligible for these loans and how they get them?) Do you know anyone who has tried to obtain one of these loans? (And, if so, what happened when they tried?)”

In the case of Bangladesh, the question could read: “Do you know about the selection of construction laborers for the local water system projects? (And, if so, do you know how the laborers are selected?) Do you know anyone who has tried to get involved? (And, if so, what happened when they tried?)”

Baseline Response:

Final Stage Response:

“Do you know about Y (NOTE: Here, Y is similar to X—an example closely related to the project-specific rules and regulations that partner NGOs will be stressing in their workshops, outreach activities, and trainings)?

Baseline Response:

Final Stage Response:

Bibliography

- Asian Development Bank (ADB). 1999. *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy of the Asian Development Bank (R179-99)*. Manila.
- . 2001a. *Legal Empowerment: Advancing Good Governance and Poverty Reduction, in Law and Policy Reform at ADB*. Manila.
- . 2001b. *Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the People's Republic of Bangladesh for the Second Small-Scale Water Resources Development Sector Project*. Manila.
- . 2001c. *Report on Regional Technical Assistance on Legal Literacy for Supporting Governance—Legal Empowerment: Advancing Good Governance and Poverty Reduction, in Law and Policy Reform at ADB*. Manila.
- . 2003a. *Report and Recommendation of the President to the Board of Directors on Proposed Program and Technical Assistance Loans to the Islamic Republic of Pakistan for the Sindh Devolved Social Services Program*. Manila.
- . 2003b. *Report and Recommendation of the President to the Board of Directors on Proposed Loans to the Republic of Indonesia for the Neighborhood Upgrading and Shelter Sector Project*. Manila.
- . 2004. *Bangladesh: Gender, Poverty, and the Millennium Development Goals*. Manila.
- ADB, The Asia Foundation, Canadian International Development Agency, National Democratic Institute, and World Bank. 2006. *Indonesia Country Gender Assessment*. Manila: ADB.
- Aurat Publication and Information Service Foundation. 2005. *Women in Local Government*. Islamabad.
- Bangladesh Environmental Lawyers Association. 2004. *Bangladesh Enters into a New Era of Public Interest Litigation*. Available: www.belabangla.org/html/daily_star.htm
- Casper, Karen L., and Sultana Kamal. 1995. *Evaluation Report: Community Legal Services Conducted by Family Planning NGOs*. Dhaka: The Asia Foundation.
- Golub, S. 2003. Non-state Justice Systems in Bangladesh and the Philippines. Paper prepared for the Department for International Development of the United Kingdom. Available: <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/GolubNonStateJusticeSystems.pdf>
- International Environmental Law Research Centre. 2006. *Water, Law and The Commons*. Available: www.ielrc.org/activities/workshop_0612/content/d0623.pdf
- National Commission on the Elimination of Violence against Women. 2007. In *Homes, Refugee Camps and the Judicial System: Violence Against Women From Region To Region*. Jakarta.
- The Asia Foundation. Undated. *Combating Domestic Violence in Cambodia: Public Education through Street Theater*. Available: <http://asiafoundation.org/resources/pdfs/CBstreettheater.pdf>
- . 2002. *Indonesia Irrigation Sector Legal Empowerment Study—Program Strategy and Implementation Plan for the Integration of a Legal Empowerment Component In the Participatory Irrigation Sector Project*. San Francisco.
- . 2007. Promoting Improved Access to Justice: Community Legal Service Delivery in Bangladesh. Unpublished paper prepared for the Department for International Development of the United Kingdom. San Francisco.
- Thomas, Gwen, and Ava Shrestha. 1998. *Breaking New Ground: A Case Study of Women's Empowerment in Nepal, Women's Empowerment Program*. Katmandu: United States Agency for International Development.
- United Nations Development Programme. 2005. *Bangladesh Common Country Assessment 2005*. Available: www.un-bd.org/index.html
- . 2006. *Human Development Report 2006*. New York: Palgrave Macmillan.
- . 2007. *Human Development Report 2007/2008*. New York: Palgrave Macmillan.
- World Bank. 2006. *Making the New Indonesia Work for the Poor*. Jakarta.

Legal Empowerment for Women and Disadvantaged Groups

Legal empowerment is a powerful tool for reducing poverty. It gives people the knowledge, skills, and confidence to participate in development projects. It promotes inclusive growth, which reduces poverty by building people's capacity to improve their lives. Inclusive growth is a goal of Strategy 2020, which guides the Asian Development Bank (ADB) in its mission to promote gender equality, empower women, and achieve the Millennium Development Goals.

The report presents the findings of a project funded by ADB, carried out by The Asia Foundation, and conducted in Bangladesh, Indonesia, and Pakistan. The project aimed to identify and test legal empowerment strategies that increase access to basic social services, productive resources, and opportunities by women and other disadvantaged groups and to incorporate legal empowerment initiatives into mainstream development projects.

About The Asia Foundation

The Asia Foundation is a non-profit, non-governmental organization committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region. The Foundation supports programs in Asia that help improve governance, law, and civil society; women's empowerment; economic reform and development; and international relations. Drawing on more than 50 years of experience in Asia, the Foundation collaborates with private and public partners to support leadership and institutional development, exchanges, and policy research.

With a network of 17 offices throughout Asia, an office in Washington, DC, and its headquarters in San Francisco, the Foundation addresses these issues on both a country and regional level. In 2007, the Foundation provided more than \$68 million in program support and distributed 974,000 books and educational materials valued at \$33 million throughout Asia.

The Asia Foundation is not an endowed organization, and depends solely on monetary contributions from donors to accomplish its work.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two thirds of the world's poor: 1.8 billion people who live on less than \$2 a day, with 903 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

The Asia Foundation
465 California Street, 9th Floor
San Francisco, California, USA 94104

Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, Philippines
Tel +63 2 632 4444
Fax +63 2 636 2444
www.adb.org
information@adb.org

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