

Australia/ Indonesia Working Group on Legal Cooperation

Denpasar, 26-27 June 2006

Working Group Report

Dates, Venue and Co-Chairs

The third meeting of the Australia/Indonesia Working Group on Legal Cooperation was held at the Westin Hotel, Nusa Dua, Bali on 26-27 June 2006. Information about the establishment of the Working Group and its previous meetings is at Attachment A.

The co-chairs of the meeting were Dr Hafid Abbas, Director-General of Human Rights, Ministry of Law and Human Rights and Dr Karl Alderson, Assistant Secretary, Office of Legal Services Coordination, Attorney-General's Department. The alternative co-chairs were Ibu Aan Danu Giartono, Director, International Law, Directorate-General of Legal Administrative Affairs and Ms Maggie Jackson, Special Adviser, Regional Legal Assistance Unit.

The first day of the Working Group meeting was for officials only. The second day of the meeting also included representatives of the legal profession of each country and non-government agencies with a role in legal cooperation between the two countries.

First session: Monday, 26 June 10am – Noon

The Working Group opened with introductory remarks from Ibu Aan Danu and Dr Alderson. Each member of the official delegation from each country then introduced themselves. The list of officials from each country who attended the Working Group meeting is in Attachment B.

Officials then broke into four focus groups for detailed discussions on their areas of mutual interest. The topics for each of the four focus groups were:

- Law reform and legal drafting
- Human rights, information law and copyright, fisheries and continental shelf
- Criminal justice, and
- Commercial law and insolvency

Second session: Monday, 26 June 2-3.30pm

In the afternoon session, each of the focus groups reported back to the full Working Group on its deliberations with a joint presentation by one Indonesian and one Australian participant. The key points reported were as follows.

Focus Group 1: Law Reform and Legal Drafting

There was extensive discussion of the importance of effective legal research to the work of Indonesia's National Law Reform Agency and the other elements of the Ministry of Law and Human Rights. The Focus Group was advised that the National Law Reform Agency requires assistance for training in legal research and areas relevant to law reform, and for attendance at conferences on law reform.

The members of the Focus Group agreed that an appropriate means of enhancing legal research would be for the Attorney-General's Department, the Australian Law Reform Commission and other Australian agencies, to hold workshops, seminars and training sessions for Indonesian agencies on legal research and on consultation processes for developing law reform and to undertake a comparative study. The National Law Reform Agency would be well placed to be the coordinating agency on the Indonesian side to draw in other Indonesian agencies to participate in these capacity building exercises and promote good practices in research and consultation within the Indonesian Government. There was also discussion of the need for capacity building in relation to the Agency's role in legal documentation and socialisation.

The Indonesian delegation explained that under the Ministerial Decree 2006, it was decided that regional offices would promulgate central government policy in a region. Regional offices have tasks like those of the Directorate-General and National Law Reform Agency in giving better service to society as the user of law.

The Focus Group also considered that it would be desirable to support the Ministry in building capacity in disseminating information about laws in regional areas, perhaps by focussing on one regional area as part of a funded program (for example, a pilot program in West Java). This would be closely related to building capacity in relation to consultation on law reform. Both training and infrastructure support were identified as being valuable.

In discussions involving the State Secretariat, assistance was sought from Australia for two matters. The first was the translation of laws from Indonesian to English and from English to Indonesian. The second matter related to increasing the training of staff in the Secretariat to enable them to better analyse and correct draft legislation provided to the President. The proposal was to broaden the eligibility criteria for persons applying for Australian scholarships to undertake higher qualifications, particularly by raising the age limits to allow more senior staff to participate.

The Indonesian delegation advised that the Directorate-General of Legal Drafting currently provides some training to drafters in the provinces but requires assistance to provide training to the trainers in the Directorate-General to enhance the level of training provided to the provinces as well as funding to provide more drafter training.

Focus Group 2: Human Rights and Information Law, Fisheries and Continental Shelf

Human Rights

The Focus Group noted the continued shared commitment of the Indonesian and Australian Governments to their respective National Action Plans on Human Rights (RANHAM and NAP respectively).

The Group noted the progress made in implementing the RANHAM, in particular:

- the establishment of 30% of the 33 provincial committees and 70% of the 440 district and municipal committees for implementation of the RANHAM
- the conduct of awareness raising activities about RANHAM in most provinces
- the engagement of provincial and local governments in RANHAM implementation activities, and the commitment of local politicians to implement and support the RANHAM, and
- the commitment of the Directorate-General of Human Rights to continue and expand its work with provincial governments in implementing the RANHAM.

The Focus Group noted the range of development cooperation activities which have been supported by the Australian and Indonesian Governments to promote good governance and human rights in Indonesia, in particular, capacity building activities with Komnas HAM and human rights awareness raising activities at the community level in Indonesia.

The Group agreed to develop and examine the scope for using the Public Sector Linkages Program to support cooperative proposals for undertaking information sharing and capacity building activities between the Australian Attorney-General's Department and the Indonesian Directorate-General of Human Rights. These proposals would aim to enhance the relationship between the Attorney-General's Department and the Directorate-General of Human Rights, strengthen the human rights policy framework in Indonesia, and support the Directorate-General in the implementation of the RANHAM.

The Group agreed that the proposals for cooperation between the Attorney-General's Department and the Directorate-General of Human Rights should include sustainable capacity building activities, both in Indonesia and Australia, to strengthen the human rights policy skills of the Directorate-General of Human Rights, to better enable Directorate-General officers to plan, advise and assist in the implementation of the RANHAM, increase understanding of the implications of ratifying international human rights treaties, to harmonise local legislation based on human rights perspectives, and to deliver human rights education within Indonesia, particularly by educating Government officials.

The Group agreed that the proposals might also include technical assistance in report writing under the international human rights treaties and in providing access to information relating to best practice in human rights policy and research.

The Group agreed to explore the inclusion of capacity building to address human rights impacts on policy and legislation development as part of a broader cooperation program on development of laws. The Group noted in this regard that the auditing of existing and proposed provincial laws with a view to harmonisation with international human rights obligations is a priority for the Directorate-General of Human Rights.

Information Law and Copyright

The Group agreed to consider possible future information sharing and cooperation activities with Australia to strengthen information privacy in Indonesia consistent with the APEC Privacy Framework.

The Group noted the commitment by the Indonesian Government and the Australian Government to continue to exchange views on our respective copyright laws and enforcement measures, and:

- encouraged cooperation on copyright enforcement through the APEC Intellectual Property Experts Group, and
- noted the range of cooperation activities that have previously been supported by the Australian and Indonesian Governments to promote the enforcement of copyright in Indonesia.

Illegal Fishing

Australian officials clarified a number of issues arising from Australian fisheries law and associated laws and practices. Topics discussed included:

- the implementation of international law relating to fishing in Australia
- criminal prosecutions of illegal fishers (including access to legal aid for defendants), and
- arrangements for detention and repatriation of illegal fishers.

The Focus Group noted that Australia is increasing enforcement action against illegal fishing and has made some changes to arrangements for immigration detention of illegal fishers, in particular the end of boat-based detention and the establishment of a land-based detention facility near Darwin. The Group also noted Indonesian efforts to eradicate child labour in the fishing industry.

Extended Continental Shelf

Indonesian officials outlined work underway across the Indonesian Government to prepare its submission to the United Nations Commission on the Limits of the Continental Shelf (CLCS) on Indonesia's entitlement to extended continental shelf under the United Nations Convention on the Law of the Sea.

Indonesia advised that of the three potential areas of extended continental shelf entitlement, one is opposite Australia. The Focus Group noted that Australia had lodged its submission on its entitlement to extended continental shelf in 2004.

The Focus Group agreed that it would be beneficial, both as a capacity building exercise and to ensure understanding of each country's claim, for Indonesia and Australia to explore opportunities for Australia to explain its experience in preparing and lodging Australia's submission with the CLCS and its experience in appearing before the CLCS to explain its submission.

Focus Group 3: Criminal Justice

The Focus Group discussed the longstanding cooperative relationship between Indonesia and Australia on extradition and mutual assistance matters (including proceeds of crime), which has been developed through the three Government Sector Linkages Program (GSLP) workshops and the Rahardja Taskforce. The Group reaffirmed the importance of a strong bilateral relationship in this area and noted the effectiveness of the GSLP workshops in enhancing cooperation and goodwill.

The Group took the opportunity to discuss several current and past cases involving mutual assistance and extradition cooperation, the lessons learnt and possible ways forward on current cases. In particular, the group discussed recent developments in the Hendra Rahardja case, including Australia's recent mutual assistance request to Hong Kong requesting a portion of the assets identified and restrained in Hong Kong be returned to Indonesia.

The Group agreed that there is a need to hold further workshops on extradition and mutual assistance, including proceeds of crime, to further enhance our respective capacities in these areas. It was agreed that the workshops should focus on using mutual assistance and extradition regimes as key tools in the fight against corruption. The workshops will be practical and scenario-based and aim to equip participants with practical skills in these areas. The Indonesian delegation also suggested that it would be valuable for the workshops to include a session on developing a communications and public awareness strategy to inform Indonesians about the recently passed Mutual Assistance in Criminal Matters Act and practices in mutual assistance and extradition.

The Group noted that options for funding the workshops under the auspices of the Australia Indonesia Partnership for Reconstruction and Development are being explored.

It is proposed that a scoping mission for development of the workshops take place in Jakarta in late August 2006 and incorporate an initial workshop on the respective roles and responsibilities of the central authority and law enforcement and financial intelligence authorities in relation to mutual assistance and extradition.

The Group discussed general principles for the transfer of sentenced persons and agreed that Australia and Indonesia share a common understanding on these principles. The Group noted that Australian and Indonesian Ministers have previously discussed the

possibility of negotiating a transfer of sentenced persons scheme. It also noted Australia's interest in continuing these discussions.

The Group noted that Indonesia had passed legislation to enable ratification of the *Convention for the Suppression of the Financing of Terrorism* and the *Convention for the Suppression of Terrorist Bombings* and would be arranging to lodge the necessary instruments of ratification. The Group also noted that Indonesia has not yet made arrangements to progress ratification of the *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* and the *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf*.

Legal Issues Working Group Update

The Group also noted that legal issues relating to the fight against terrorism have been discussed in the context of the Legal Issues Working Group (LIWG) established in February 2004 by the Bali Regional Ministerial Meeting on Counter Terrorism which was chaired jointly by Indonesia and Australia. The LIWG held two discussions on the criminal offences necessary to implement the United Nations instruments dealing with terrorism and two further meetings to discuss ways of improving the legal framework for, and the practical operation of, formal legal cooperation through extradition and mutual assistance. In December 2005 LIWG and the Law Enforcement Working Group held a joint training workshop on Practical Aspects of International Cooperation at the Jakarta Centre for Law Enforcement Cooperation which was attended by over 60 legal and law enforcement officers from 22 countries. These seminars and workshops have significantly enhanced the awareness of officials from the region about the practical implementation of the United Nations Conventions, Protocols and Security Council resolutions.

Focus Group 4: Commercial Law and Insolvency

Commercial Law

The Focus Group discussed Indonesia's current law reform proposals to assist in encouraging foreign investment. These proposals are aimed at providing certainty and protection for investors.

The Group also recognised the importance of greater consistency across APEC in relation to laws protecting foreign investors. The Group recognised the benefits to Indonesia of further information and training from relevant Australian agencies to enhance confidence in these reforms. The Group agreed to explore opportunities for making funding available to Indonesia for these activities. The Group also discussed Indonesia's need to develop effective competition laws and agreed to explore opportunities for cooperation in this area. In relation to finding options in connection with foreign investment and competition, the Group considered exploring programs under APEC 2007.

Discussions on commercial law focussed on follow-up and support for the recently completed Law in a Global Economy: International Commercial Laws Project. It was proposed that this follow-up could involve training and capacity building for officers of the Directorate of International Law in the preparation of written submissions to the WTO as well as more extensive skills development training.

The desirability of having Indonesian lawyers undertake secondments to the various agencies in Geneva which offer support to developing countries was also canvassed and, in particular, support from Australia to realise these secondments was requested.

Indonesia is in the process of revising its investment law and the importance of having transparent laws that are readily available to investors was recognised. Possible activities incorporating foreign investment regimes and competition policy were proposed as suitable areas for further legal cooperation activities.

Insolvency

At its 2002 meeting in Jakarta, the Working Group recommended that relevant Indonesian officials be invited to participate in meetings of the International Association of Insolvency Regulators (IAIR) and that Australia and Indonesia explore further opportunities for bilateral and regional co-operation to assist Indonesia as it developed its insolvency system. At its 2005 meeting in Canberra, the Working Group endorsed these recommendations in the context of applications under the Public Sector Linkages Program to assist in implementing these recommendations.

The Group noted that the Insolvency and Trustee Service Australia obtained PSLP funding in 2005 that allowed two Indonesian officials to attend the annual IAIR meeting in Helsinki. That was followed by a visit to Jakarta by three ITSA officials to explore further possible activities and to renew organisational links between ITSA and the Ministry of Law and Human Rights which had previously been strong. In addition, Indonesia participated in the 2006 Forum on Asian Insolvency Reform in Beijing. These activities have led to the Ministry identifying areas in which its insolvency laws could be strengthened or implemented more effectively – the Ministry has sought further assistance from Australia in addressing these areas. This has been timely as Indonesia's insolvency laws have recently been challenged in the country's constitutional court, which could lead to some provisions having to be redrafted. The Ministry has recently been proactive in identifying specific areas in which it would benefit from further co-operation with relevant Australian agencies. These include dealing with cross-border insolvency, restructuring and reorganisation, alternative dispute resolution in insolvency cases, regulation of insolvency practitioners, law enforcement in insolvency cases, treatment of non-performing loans and dealing with consumer debt.

ITSA is currently exploring funding options to conduct a further project focussing on effective implementation of Indonesian insolvency laws. The Group endorsed these initiatives. An effective and credible insolvency system is integral to the strength of Indonesia's economy. The proposed project, following on from previous co-operation,

will assist Indonesia to build capacity within its own institutions to strengthen its insolvency system and will also assist in building strong institutional links between Indonesian and Australian agencies.

Second session adjunct: Tabling of Reports

Towards the end of the second session, the Australian delegation tabled three reports, provided by Australian agencies with an active cooperation arrangement with Indonesia but that were unable to attend the Working Group meeting. These reports were from Austrac ([Attachment C](#)), the Australian Law Reform Commission ([Attachment D](#)) and the Federal Court ([Attachment E](#)).

Third session: Tuesday, 27 June 9.30am-12.30pm

In the morning session of the second day, the Working Group received and discussed a number of presentations, as follows.

'Legal cooperation – the Australian perspective' – Nerida Dalton

Ms Dalton explained she would be managing the AusAID aid development program in Jakarta from the near future. She outlined the contents of Australian Government White Paper, which provides a strategic framework for the Australian aid framework. Ms Dalton also outlined the Indonesia country strategy. She emphasised that funding from AusAID is dependent on a proposal fitting within the objectives of the Australian development assistance program. Ms Dalton identified different programs and their objectives, including the Indonesia Australia Legal Development Facility, Public Sector Linkages Program and the Australia Indonesia Partnership for Reconstruction and Development.

'Legal Cooperation – An Overview' – Ms Aan Danu Giartono

Ms Aan Danu spoke of the value of recent legal cooperation activities between the Ministry of Law and Human Rights and the Attorney-General's Department. She gave details of recent mutual assistance and extradition workshops and also a major seminar on international commercial law held in Jakarta in mid-2005. She indicated the desire of the Ministry to develop further cooperation programs.

'Legal cooperation – the IALDF perspective' – Stuart Fenwick

Mr Fenwick noted that the Indonesia Australia Legal Development Facility (IALDF) has two principal legal advisers: Dr Tim Lindsey and Mr Ibrahim Assegaf. The IALDF views the advancing of partnerships as an important aim in the activities it funds, for example, between courts, prosecutors and human rights agencies.

The IALDF has given support to the preparation of a law on legal aid. There has also been a program on gender awareness in judicial proceedings and police training on

human rights in Aceh. Overall, priorities and resource allocation are reviewed every six months.

Mr Fenwick provided two papers which are attached at Attachments F and G.

'Criminal Justice' – Ms Risma Indriyani

Ms Risma spoke of the importance of effective mutual assistance and extradition arrangements and the excellent cooperation between the two countries. She said that further cooperation to develop guidelines for processing mutual assistance matters would be valuable. Ms Risma noted Indonesia is negotiating a transfer of sentenced persons treaty with France. As this is Indonesia's first experience of negotiating such a treaty, it wishes to complete this before negotiating with other countries such as Australia.

'Human Rights' – Dr Hafid Abbas

Dr Hafid explained that modern Indonesian Governments have moved away from the centralising of power which was the policy under the government of President Suharto. Now the approach is 'Unity in Diversity'.

Dr Hafid noted that the RANHAM now provides a concrete agenda for human rights implementation in Indonesia. The current priorities include the establishment of provincial human rights committees, harmonisation of provincial laws with international human rights obligations, further ratification of international human rights instruments, human rights education and implementation of human rights norms and standards focusing on the 14 target groups identified in the RANHAM, such as children, women, internally displaced persons and people with a disability.

Dr Hafid also emphasised the Indonesian Government's view that the Government, human rights institutions and civil society will have key roles to play in implementing human rights and that cooperation with Australia to build capacity in this respect is very important to Indonesia.

'Legal Drafting' – Ms Ratih Nurdianti

Ms Ratih said that a survey a few years ago showed that 85% of local government legislation was inconsistent in one way or another with higher level legislation. Overcoming this is a major challenge. Another survey showed that many pieces of legislation are not implemented. Yearly production of Acts has increased in recent years but many are still introduced into the legislature but not passed (for example, only 14 of 55 draft laws put before the legislature were passed last year).

Ms Ratih noted that the 'legal drafting' is understood to mean different things in Indonesia and Australia. In Indonesia, drafting is part of formulating a proposed law and is not generally done by specialised drafters.

Cabinet Secretariat needs to be able to give additional training to staff employed as drafters. More than half arrive with no specialised training. They need to know more about acts of law they are reforming, such as taxation. Drafters need to do masters and doctorate degrees and short courses on specific areas of law. Cabinet Secretariat needs more tools for researching legal materials (laws and treaties) on the Internet, including subscription to 'for payment' services.

'Legal Reform' – Dr Jeane Sali

Dr Sali spoke of the role of the National Law Reform Agency in undertaking research in different areas. The Agency is keen to pursue comparative study on research and socialisation and training in Australia, building on a recent visit to the Australian Law Reform Commission. The Ministry also wishes to develop its capacity to disseminate legal information in regional areas.

'Legal cooperation – the AGD perspective' – Karl Alderson and Jessica Robinson

Dr Alderson noted the many successful cooperation projects between the Ministry for Law and Human Rights and the Attorney-General's Department. He explained that there were three things the Department was keen to do to make its legal cooperation as effective as possible:

- to link up different activities so that they build on each other instead of just being seen in isolation
- to involve multiple agencies on each side to maximise the gains from cooperative activities, and sharing of knowledge in each country, and
- try to sequence follow-up cooperation activities so that the gains from previous cooperation are built on, not lost.

Dr Alderson explained that the Department has conducted many funded legal cooperation projects aimed primarily at capacity building in law and related areas with the Ministry in the past. Implementation of those projects and ongoing discussions with Ministry officials suggests that the Ministry may benefit from a project aimed at capacity building in the Ministry and related agencies covering:

- Legal research capacity, particularly through increased efficiency by improving internet based legal research skills and capabilities
- Improvements in human resource skills and experience as well as infrastructure needs and improvements in the socialisation of draft and passed legislation using the internet and related information technology resources
- Creation, maintenance and use of a single website for all Indonesian laws and regulations, including greater harmonisation of laws and regulations across Indonesian agencies
- Creation and effective use of templates for the preparation of laws and regulations, including templates for other day-to-day written documentation in the Ministry, and
- Capacity building in specific areas of laws of priority interest to the Ministry and Indonesia (could include areas such as commercial law, maritime law,

constitutional law, gender law, labour law or other areas of priority interest to the Ministry and Indonesia)

Ms Robinson spoke of the success of the recent series of Australia Indonesia Government Sector Linkages Program funded workshops on criminal justice matters. In particular, she indicated that these workshops provided Australian and Indonesian Government officials with an understanding of each others criminal justice systems.

Ms Robinson also reported that there is general agreement between the Attorney-General's Department and the Ministry of Law and Human Rights on the need for further practical workshops on the use of mutual assistance and extradition in corruption cases.

'Legal profession cooperation' – Ms Helen Theorupon Onkgo and Mr Bruce Johnston

Ms Helen Theorupon explained that eight different lawyers associations have been consolidated with the creation of PERADI. Article 8 of the Law on Advocates requires PERADI to be responsible for disciplinary arrangements. So far it has heard 90 disciplinary complaints. Article 29(1) requires PERADI to formulate a code of ethics. An interim code has been formulated but much work needs to be done on a permanent code.

Mr Bruce Johnston emphasised that PERADI is very important to the future of the Indonesian legal profession to ensure it is a strong regulator and an effective voice for the profession. The Law Council is keenly aware that PERADI is struggling with limited resources. The Law Council is looking for sources of support to assist PERADI to establish its disciplinary processes and code of ethics.

'Human Rights' – Mr Hall

Mr Hall noted Australia's interest in the significant progress Indonesia reported to the Working Group regarding the implementation of the RANHAM and that this is a strong basis for the future cooperation proposals we are developing together in this area.

Mr Hall outlined the five priority areas in the Australian National Action Plan on Human Rights and gave an overview of current human rights issues in Australia (work with Muslim communities to address extremism and intolerance, indigenous law and justice initiatives, family law reforms and disability discrimination priorities).

Mr Hall also noted that Australia encourages Indonesia's involvement in the lead-up to, and participation in, APEC 2007 regarding the priority areas of information privacy protection and copyright enforcement and welcomed an exchange of information and ideas to assist in progressing these priorities in Indonesia.

'Intellectual Property' - Mr Yasmon

Mr Yasmon explained that under the framework of IASTP3 the Directorate General of IPR has requested that IP rights could still be maintained as one of the priority areas. Under the ASEAN-Australia cooperation scheme the Directorate General of IPR has the opportunity to send trademark and patent examiners to Australian-sponsored training courses.

Mr Yasmon noted that in the last decade the importance of IPR protection has grown significantly. Indonesia has overhauled its legislation in line with the obligations of the TRIPS agreement.

The Government of Indonesia has continuously conducted various programs in raising public awareness. Still, public awareness remains a challenging task.

Mr Yasmon further indicated that the Directorate General of IPR would like to explore the possibility of on the job training for its officials through placement at IP Australia and other possible cooperation in the field of copyright and other related common areas for cooperation.

Fourth session adjunct: Report adoption and next meeting

At the end of the fourth session, the Working Group adopted this report.

The Working Group resolved to hold its next meeting in Australia, in the lead up to the next Australia Indonesia Ministerial Forum.

Signature

SIGNED at Denpasar on the 27th of June 2006.

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Dr Hafid Abbas
Director-General of Human Rights
Ministry of Law and Human Rights

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Dr Karl Alderson
Assistant Secretary
Office of Legal Services Coordination
Attorney-General's Department

Attachment A: Working Group History

Since the early 1990s there has been a significant and growing pattern of activities in law and legal cooperation between Australia and Indonesia. These links were initiated and fostered through Australian lawyers working in Indonesia and the development of links by Australian University law schools with Indonesian universities. That and the involvement of the Attorney-General's Department has been supported and fostered through ILSAC.

Since 1997 AusAID has provided funding for legal cooperation activities under the Government Sector Linkages Program (GSLP). The Department has received funding for several projects under this program including bankruptcy and insolvency, a comparative study on legislative drafting, and international law. The Department is now exploring funding avenues to further advance the relationship with its counterpart agencies.

Programs linking the Federal Court with the Supreme Court of Indonesia were initially funded through the GSLP as were customs and AFP activities. Departmental activities assisted through other programs included assistance with anti-money laundering legislation, a project on Alternative Dispute Resolution – Awareness and Training, and Australia-Indonesia Ad Hoc Legal Visits program – an ILSAC study visit program for four Indonesian lawyers identified as having the potential to influence Indonesia's future legal direction.

- The Working Group on Legal Cooperation (WGLC) is a combined private public sector working group established at the AIMF held in Bali in 1999. It is jointly chaired by the Australian Attorney-General's Department (AGD) and the Ministry of Law and Human Rights (MoLHR), Republic of Indonesia.
- A Memorandum of Understanding on Legal Cooperation between Australia and Indonesia was signed in Canberra in October 2000. The inaugural meeting of the WGLC was hosted by Indonesia and held in Jakarta on 9-10 April 2002 and attended by more than 100 lawyers, judges and officials with law related responsibilities from Indonesia and Australia.
- The attendance reflected the breadth and depth of the relationship. The second meeting of the WGLC was held in Canberra in March 2005. An officials only meeting it attracted very high level support from Indonesia which included four Director-General's from the MoLHR.
- The meeting reviewed the activities which had taken place since the inaugural meeting and progress in implementing the recommendations. The meeting produced a report which was endorsed at the AIMF held in Canberra March 2005. The report noted the extensive activities that were occurring between the two countries in legal cooperation. Ministers welcomed the growing links in

legal co-operation between the two countries and the wide range of work continuing under the WGLC.

- Activities have been occurring between the AGD and MoLHR, between Australia lawyers and law firms with MoLHR, between the courts, and through activities funded by AusAID particularly those activities funded through the Indonesia-Australia Legal Development Facility (IALDF) with a priority focus on access to justice, human rights, anti-corruption, and transnational crime.
- Activities which have occurred between AGD and MoLHR since the last meeting include
 - assistance with developing templates in accordance Indonesia's Law No 10 introducing a set standard and format for Indonesian legislative instruments,
 - the completion of a project designed to increase the expertise and experience in information technology in the Indonesian (MoLHR) by providing a searchable legal information database facility for the Ministry
 - a seminar on international commercial laws held in Jakarta for 35 people and a three and half week intensive training program in Australia in late November
 - the attendance and participation at the International Association of Insolvency regulators (IAIR) held in Helsinki in June 2005.

Attachment B: Working Group Participants

Indonesia – Officials

Prof Hafid Abbas, Director-General of Human Rights
Aan Danu Giartono, Director of International Law
Risma Indriyani, Deputy Director for Public International Law
Fitri Sulistyaningsih, Deputy Director for International Economics and Institution Law
Mr Hendi Santosa, Deputy Director for Law of the Sea and Space Law
Muh Sapta Murti, State Secretary
Mr Supriyanto, Director for International Cooperation, Directorate-General of Human Rights
Dr Chairiah, Head of the Division of Law, Regional Office of Ministry of Law and Human Rights, West Java Province
Dr Jeane Sali, Senior Researcher of National Legal Development Agency
Ms Ratih Nurdianti, Cabinet Secretariat
Mr Haryono, State Secretariat
Mr Yasmon, Deputy Director for International Cooperation, Directorate-General of Intellectual Property Rights
Mr Hanung Cahyono, Ministry of Marine and Fishery
Mr Subianta Mandala, Head of Bilateral Cooperation Section, Ministry of Law and Human Rights

Indonesia – Other Participants

Mr Harry Ponto, Secretary-General, PERADI
Ms Helen Theorupon Onkgo, PERADI
Ms Nini Halim, Partner, Hutabarat Halim and Rekan

Australia – Officials

Karl Alderson, Assistant Secretary, Office of Legal Services Coordination, Attorney-General's Department, AGD
Maggie Jackson, Special Adviser, Regional Legal Assistance Unit, AGD
James Graham, First Assistant Secretary, Office of Legislative Drafting and Publishing, AGD
Marjorie Todd, A/g Assistant Secretary, Office of Legislative Drafting and Publishing, AGD
Greg Manning, Assistant Secretary, Office of International Law, AGD
Sarah Chidgey, Director, Regional Legal Assistance Unit, AGD
Matt Hall, Principal Legal Officer, Human Rights Branch, AGD
Sandra Purser, Assistant Director, International Legal Services Section/ International Legal Services Advisory Council secretariat, AGD
Jessica Robinson, Senior Legal Officer, International Crime Cooperation Branch, AGD

David Bergman, Assistant Secretary, Policy and Legislation, Insolvency and Trustee Service Australia
Alison Duncan, Department of Foreign Affairs and Trade
Wayne Buchhorne, Australian Federal Police
Nerida Dalton, AusAID

Australia – Other Participants

Mr Bruce Johnston, International Legal Services Advisory Council
Mr Justin Fox, Partner, Corrs Chambers Westgarth
Stuart Fenwick, Indonesia Australia Legal Development Facility
Shelagh Pepper, Indonesia Australia Legal Development Facility

Attachment C: Austrac Report

Australian Transaction Report and Analysis Centre (AUSTRAC)

AUSTRAC is Australia's anti-money laundering regulator and specialist financial intelligence unit (FIU). In our intelligence role, we provide financial transaction reports information to Commonwealth, State and Territory law enforcement and revenue agencies.

Internationally, AUSTRAC has strong intelligence exchange and technical assistance relationships with international counterparts and is involved in a number of multilateral initiatives aimed at combating money laundering and countering the financing of terrorism.

Pusat Pelaporan Dan Analisis Transaksi Keuangan (PPATK)

Pusat Pelaporan Dan Analisis Transaksi Keuangan (PPATK) is Indonesia's Financial Intelligence Unit (FIU). PPATK was established in 2002 and became operational in October 2003, following the enactment of the Indonesian anti-money laundering legislation, *Law No.15/2002 Concerning The Crime of Money Laundering As Amended by Law Number 25 Year 2003 (The AML Law)*. PPATK was originally established as a unit within Bank Indonesia (BI) but by the time PPATK became operational in Oct 2003 it was recognised as a separate government agency; however, PPATK is still housed within BI building. PPATK's senior management and original staff were seconded from BI to their roles at PPATK and it is AUSTRACs' understanding that this is still the case.

PPATK's primary function as an FIU is to gather financial transaction report information, conduct analysis, and coordinate the dissemination of such information to relevant authorities. PPATK monitors the reporting obligations of Indonesian Financial Service Providers as outlined under *The AML Law*, and disseminates financial intelligence derived from transaction reports to Indonesian law enforcement and others for further investigation.

Proposed Amendments to the AML Law

We understand there are proposed amendments to Law No. 25/2005 on Money Laundering. The proposed amendments would extend the coverage of the law to include nonbank institutions such as public accountants, property agents and developers, jewelry and antique shops, car dealers, lawyers and non-governmental organizations (NGOs).

The proposed amendments are being discussed by government agencies. It is expected the proposed amendments will be submitted to Parliament for deliberation by mid to late 2006.

Relationship between AUSTRAC and Indonesia

Exchanges of Financial Intelligence

A Memorandum of Understanding (MOU) for the bilateral exchange of financial intelligence was established between AUSTRAC and PPATK in February 2004. Since then, valuable exchanges of financial intelligence have been conducted under this MOU.

Indonesian Delegation Visit to AUSTRAC

AUSTRAC has hosted visiting delegations from Indonesia in recent years. In July 2003, a delegation from the Indonesian FIU visited AUSTRAC to discuss FIU operations and in June 2003, Dr Yusril Mahendra, Indonesian Minister for Justice and Human Rights and delegation visited AUSTRAC to discuss AUSTRAC operations.

In September 2003, a delegation from the Indonesian Capital Markets Advisory Board visited AUSTRAC to discuss AUSTRAC's relationship with the financial sector. In October 2003, AUSTRAC hosted a visit of 7 officials from Bank Indonesia to learn about regulatory and compliance.

The Indonesian prosecutor (Counter Terrorism) delegation visited AUSTRAC in December 2005 as part of a study tour to a number of Australian Agencies.

AUSTRAC Assistance to PPATK

The Head of PPATK

The head of PPATK is Dr Yunus Husein. He has been head of PPATK since its inception. AUSTRAC has cultivated good rapport and working relationship with Dr Husein. AUSTRAC has had an excellent working relationship PPATK.

Australia Indonesia FIU Cooperation Project (AIFIUCP)

Following the bombings in Bali in 2002 and the announcement by the Australian Government to commit AU\$10m to Counter Terrorism initiatives in Indonesia, AUSTRAC was engaged by AusAID to assist with the development of PPATK. The Australia Indonesia FIU Cooperation Project (AIFIUCP) was funded for 2 years.

The AIFIUCP concluded at the end of 2004 with recognised success. Throughout the duration of the AIFIUCP, PPATK made a number of significant achievements; PPATK was granted Egmont membership and established a series of international Memorandum of Understandings (MOUs) for the bilateral exchange of financial intelligence, including the MOU signed with AUSTRAC in February 2004. Indonesia also made substantial and recognised progress with its Implementation Plan to address issues raised through the

FATF Non Compliant Countries and Territories (NCCT) process. As a consequence, Indonesia was removed from the FATF NCCT List in February 2005.

AUSTRAC South East Asia Counter Terrorism (SEACT) Program

Indonesia receives assistance from AUSTRAC, under the AUSTRAC South East Asian Counter Terrorism (SEACT) technical assistance and training program which began in July 2004 and will continue until 2008/9. Under this program, AUSTRAC is providing technical assistance and training to counterpart organisations in 10 South East Asian jurisdictions to develop capacity in detecting terrorist financing and money laundering. The SEACT program is funded at AU\$10 million and coordinated by the Department of Foreign Affairs and Trade (DFAT).

AUSTRAC assistance is being provided in the form of in-country mentoring, IT advice, training programs, typologies development and attachment of PPATK staff at AUSTRAC. In November 2004, AUSTRAC officers visited Indonesia to scope a program of assistance to PPATK.

In December 2004, officials from PPATK attended an AUSTRAC '*Intelligence Analysis and Intelligence Reports: A Workshop for FIUs*'. This workshop, open to FIU staff from all ten South East Asian counterpart organisations, was held in Sydney and provided an introductory level program designed to meet the needs of FIU analysts working on combating the financing of terrorism.

In May 2005, AUSTRAC officers visited PPATK to provide a presentation on IT systems and discuss further assistance in terms of IT development. From mid July 2005, a PPATK IT Programmer was on attachment to AUSTRAC for 3 weeks to learn about IT system specifications. This is the second such attachment of PPATK staff at AUSTRAC. The first attachment of one officer from PPATK, in December 2004, involved intensive typologies development.

In October and November 2005 representatives from Indonesia, Thailand, the Philippines, and Malaysian FIUs participated in an intensive two strand training workshop on *terrorist financing typologies*. Strand One was held at the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang, Indonesia and Strand Two a *Terrorism Financing Typologies Workshop* was held at the South East Asian Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur, Malaysia. The aim of the workshop was to develop a regional information sharing network regarding the trends and indicators of the financing of terrorism. This was an intensive interactive workshop bringing together analysts and typology experts from the Financial Intelligence Units (FIUs) of Indonesia, Malaysia, the Philippines, Thailand and Australia.

AUSTRAC officers visited PPATK from 28 November to 1 December 2005 to progress technical assistance. In February 2006, AUSTRAC hosted a further attachment of 3 officers from PPATK to further analytical and IT development.

Most recently, two officials (including the head) from the PPATK participated in the AUSTRAC 'Alternative Remittance Systems: A Workshop for FIUs' held in Fremantle from 21-24 March 2006. The aim of the workshop was to develop knowledge and awareness of alternative remittance systems and the methods by which Alternative Remittance Systems (ARS) are being used to facilitate money laundering and terrorist financing.

Jakarta Centre for Law Enforcement Cooperation (JCLEC)

AUSTRAC is also providing one officer to the Jakarta Centre for Law Enforcement Cooperation (JCLEC) initiative led by the Australian Federal Police (AFP) and Indonesian National Police. The JCLEC initiative is part of the Counter Terrorism (CT) package coordinated by PM&C in 2003/04. AUSTRAC has been funded at AU\$908,438 over 4 years for an AUSTRAC Officer to provide financial intelligence expertise to the JCLEC training programs being delivered to law enforcement officials from a range of South East Asian jurisdictions. The AUSTRAC Officer is based at AFP Training College in Canberra and also works within the JCLEC training facility in Samarang, Indonesia.

After initial scoping and project design work, AUSTRAC has contributed to seven courses delivered at the JCLEC facility in Samarang, since January 2005. Further courses are being developed and scheduled throughout 2006.

Attachment D: ALRC Report

As the ALRC is a small agency with a specific role, our contribution has been, limited to helping independent law reform agencies to improve the way they do their work. This includes:

- providing research materials (eg providing copies of past ALRC reports or, in some cases, tracking down other sources that are not readily available in some countries);
- providing secondments to staff from overseas law reform agencies as a professional development opportunity;
- hosting visits by delegations from overseas law reform agencies interested learning more about the ALRC's approach to law reform;
- facilitating communication between overseas law reform agencies by keeping and distributing a regularly-updated register of law reform projects underway and recently completed; and
- occasionally hosting conferences and meetings, to allow exchange of skills and information between agencies.

While these initiatives do not directly target corruption, they are relevant because they can:

- improve the quality of advice to overseas governments on complex legal problems;
- improve opportunities for civil society to engage with the law reform and policy development process, by improving approaches to community consultation;
- promote the independence of law reform agencies from political interference; and
- improve approaches to management and internal controls.

Suggestions of what possible activities could be conducted

(a) Regular meetings of regional law reform agencies

It would be valuable to be able to host a regional meeting of law reformers from the Asia-Pacific region, every two years. By way of background, the ALRAC conference (see above) is held every two years (in even years). The venue rotates, with the 2008 conference to be held in Vanuatu. This tends to be a reasonably large (100+) conference that draws participants from around the world, including many from the Northern Hemisphere. While this has some benefits for representatives from the Asia-Pacific region, these benefits would be augmented by a smaller, more focused meeting of Commissioners and senior staff of law reform agencies.

Such a meeting would be able to have a greater focus on issues such as good governance, institutional capacity building, effective relationships with (and independence from) government, budgeting and financial management.

If pursued, this meeting could be held in alternate years to the ALRAC conference. For a relatively modest sum, it should be possible to cover costs of travel, accommodation, meeting venue and general coordination. The ALRC would be happy to provide some rough costings if required at a later stage.

(b) Secondments of senior staff

We have found secondments of staff of overseas law reform agencies to the ALRC, for 1 to 2 months, to be useful because they allow the officer involved to more closely observe the ALRC's operations and interrogate our approach to management and governance.

The ALRC has not sought or facilitated funding for these secondments. They have generally been funded by the officer's home government, sometimes with assistance from donor sources. This has tended to exclude secondments from less developed countries in Southern Asia and the Pacific.

Depending on what ideas come from across the AG's portfolio, it may be possible to facilitate these exchanges within a broader program of professional development and/or secondments for staff of government institutions in the region.

Attachment E: Federal Court Programs in Indonesia

April 2005 - May 2006

1. Introduction

In 2004, a Memorandum of Understanding (MOU) was signed between the Federal Court of Australia (FCA) and The Supreme Court of Indonesia. In April 2005, an Annex to the MOU was signed in Jakarta. The Annex sets out the activities to be carried out for the following two years under the auspices of the Indonesia-Australia Legal Development Facility (IALDF) which is funded by AusAID. IALDF is a five-year program funded by the Australian Agency for International Development (AusAID) which is aimed at strengthening the capacity of Indonesian governmental and civil society institutions to promote legal reform and protect human rights. IALDF in conjunction with the Federal Court coordinates activities under the 'Indonesia Judicial Assistance Program' which is a programming mechanism established under the MOU.

2. Overview of programmes

As part of Indonesia's comprehensive "Blueprint for Reform", and in line with the objectives set out in the MOU and its Annex, the general themes that encompass the assistance provided to the Supreme Court of Indonesia can be summarised as follows:

- Expediting the 'One Roof' process and strengthening the quality and integrity of Judges;
- Restoring public trust in the Indonesian judiciary;
- Publication of judicial decisions and enhancing information systems;
- Reducing the case backlog through improvements to case management; and
- Increasing the court's budget and the welfare of judges.

More specifically, as outlined in the Annex, the Federal Court, along with other Australian law and justice entities will provide assistance in the following areas:

- Assistance with development of strategic policies on education and training;
- Specialist training in the areas of:
 - Mediation;
 - Consumer Protection; and
 - Family Law.
- Assistance with promulgation of Judicial Code of Conduct, following establishment of the Judicial Commission.
- Training associated with areas of strategic advice and technical assistance outlined in paragraphs 10-12 below.
- Case management at the appellate level, including strategic advice on auditing case backlogs;
- Managing change in the court reform process and productivity analysis; and
- Assistance with implementing financial management and administrative reforms.

In January 2006 Justice Moore, Registrar Warwick Soden and International Program Coordinator Helen Burrows traveled to Indonesia for the purpose of participating in planning meetings with representatives of the Supreme Court's Reform Team and the LDF. The objective of the meetings was to discuss and develop programs of assistance starting in 2006. The meeting resulted in the agreement to and development of four draft programs to be further developed by all stakeholders, with implementation dates set over the 2006-2008. Four areas were highlighted where it was thought that the Federal Court and experts acquainted with it could provide useful assistance to the Supreme Court.

They focus on four key areas in the Blueprint for Reform namely:

1. Case backlog reduction programme
2. Education and training policy and curricula development programme
3. Budgeting and financial management programme
4. Leadership and change management programme

3. Programme information

Consumer Protection Regulation Development Project

Justice Merkel visited the Indonesia from 13 to 16 September 2005 under the auspices of the Supreme Court Consumer Protection Regulation Program. The objective of the program was to assist the Supreme Court of Indonesia in developing a Regulation to manage consumer protection appeals. Justice Merkel's visit involved consultations with the Supreme Court Judiciary and the research team (commissioned to assist with the drafting of the regulations). The visit culminated in a consumer protection Forum, attended by key stakeholders such as consumer complaint associations and NGOs, aimed at gathering input for the research team.

The Regulation has now been drafted and issued by the Supreme Court.

Court-Annexed Mediation Programme

The Supreme Court of Indonesia have given approval to two civil society organisations IICT (Indonesian Institute for Conflict Transformation) and PMN (Pusat Mediasi Nasional) to conduct accreditation workshops for judicial and court officers as well as lawyer in two provinces. The Federal Court has provided Judges and Registrars to assist in delivering these workshops by providing insights into the genesis and evolution of the Federal Court's mediation practice. Between December 2005 and May 2006 the Federal Court has participated in four iterations of this training in Semarang and Jakarta. The first visit involved a Judge and Registrar of the Court holding discussions with the civil society organisations to assist them develop the content and structure of the training. The two visits which followed involved the same Registrar and another Judge delivering presentations and answering questions at further training sessions. The last visit involved discussions with the Supreme Court Reform Team about possible directions for the

program as the training sessions are soon to end and the type and level of assistance the Federal Court will be able to provide.

The Federal Court informed LDF that it is imperative that research be undertaken to ascertain the legal issues which are being disputed before the Indonesian Courts, and also what the Courts would like to achieve through the practice of mediation. It has also become apparent that the Regulation outlining the practice of mediation in Indonesia requires revision to bring in into line with the guiding principles of good mediation practice. From there, the practice and procedure of court-annexed mediation can be more appropriately developed. The Supreme Court has agreed that this should be the focus of the ongoing program.

Backlog reduction programme

The Indonesian Supreme Court currently lacks data on the number of cases in its backlog and which of these cases remain in need of determination. The Supreme Court will endeavor to develop and stipulate a working mechanism to eliminate the case backlog within 2 years, and will be provided with recommendations as to how to simplify the Case Management procedure to expedite the process. Further recommendations, based on the case backlog analysis, will be presented on best practice for the processing of cases within the Supreme Court.

Leadership and change management programme

In adopting an ambitious, multi-faceted programme for reform, the Supreme Court of Indonesia has recognised and acknowledged the desirability of training key people in leadership and management in a changing environment and requested the assistance of the FCA. The objective is for selected managers from the Supreme Court to undertake a short executive management course so that they have the requisite knowledge base to undertake the challenging task of implementing significant reform. This programme will take place in Australia and will provide the Indonesian managers with the knowledge and tools they require to take responsibility for the implementation of a major component of the Supreme Court's reform agenda.

Budgeting and financial management programme

A recurring problem for the Supreme Court of Indonesia is under-funding from the state budget and rigid public sector budget lines that do not necessarily reflect the needs of the court. Linked to this is the need to increase the capacity of the court to develop and argue for budgets that are based on sound needs assessments and supported by uniform and transparent financial reporting systems. The Supreme Court of Indonesia requested assistance from the Federal Court to develop its budgeting process, particularly in the area of preparing and presenting the budget in the budget estimate process. The main objective is to provide selected Supreme Court staff with the skills and knowledge required to develop and argue for realistic budgets and to develop a transparent and consultative budgeting process for all jurisdictions managed by the Supreme Court.

Education and training policy and curricula development programme (pending)

Assistance will be provided with the creation of a policy on the Supreme Court's training and education system for Judges, Candidate Judges, Registrars and Administrative Staff. In order to achieve this result, a number of activities have been considered. These will include:

- the preparation of a draft policy with reference to the Blueprint studies (including the involvement of an expert on development of education systems in conjunction with non-government organisations and the Supreme Court);
- a workshop in Indonesia to consider and finalise such a policy; and
- the formulation of a Supreme Court's decision on education and training policy.

Attachment F: IALDF Overview

The **Indonesia-Australia Legal Development Facility (IALDF)** is a five year project which began in May 2004 and is valued at AUD\$22 million. It is funded through the Australian Government Aid Program as part of its support for good governance in Indonesia.

The objective of IALDF is to strengthen the capacity of Indonesian government institutions and civil society to promote legal reform and protect human rights. IALDF aims to do this by providing advice, training and technical assistance to Indonesian legal and human rights institutions.

The priority focus is on

- **Access to justice**
- **Human rights**
- **Anti-corruption;** and
- **Transnational crime**

The following activities have been delivered under the Facility:

Access to Justice:

- Activities focus on the Indonesian Supreme Court; Religious Court and Indonesian Legal Aid
- Visit of delegation of judges and registrars from the Religious Court to Family Court of Australia
- Development of Legal Aid Handbook
- Support to Program Management Office of Supreme Court which coordinates Supreme Court reform program

Human Rights

- Activities focus on building the capacity of Indonesia's Human Rights Commission (Komnas HAM) and other government and semi-government institutions including the National Commission of Violence Against Women
- Assisted in the development of a world standard personnel management system for KomnasHAM
- Supports an Internship with International Service for Human Rights in Geneva

Anti-corruption

- Activities focus on building the capacity of the Anti-Corruption Commission (KPK) and the Attorney General's Office (Kejaksaan)
- A Lead Advisor Corruption Investigations has been working with KPK since October 2005
- Developed the first dedicated in-house training staff for KPK to ensure adequate training of staff in future

Transnational Crime

- Activities focus on support for the Attorney Generals Department
- Training for Indonesia prosecutors trained in Indonesia on issues relating to counter-terror laws at the Jakarta Centre for Law Enforcement and Cooperation
- Study visit to Australia for senior prosecutors meeting

Attachment G: IALDF – Detailed Brief

Background

1. The Indonesia Australia Legal Development Facility (LDF) started in April 2004. It is a five-year program funded by the Australian Agency for International Development (AusAID) aimed at strengthening the capacity of Indonesian governmental and civil society institutions to promote legal reform and protect human rights. LDF is a flexible program that provides support to key agencies and responds to emerging issues in Indonesian legal and institutional reform.

2. LDF commenced with a plan to develop ‘core’ programs primarily through institutional partnerships with leading Indonesian legal sector institutions such as the Supreme Court. LDF has increasingly shaped its activities by following a thematic approach, and in since October 2005 programming is based on set of thematic priorities. Primary thematic priorities for LDF are:

- Access to Justice
- Human Rights
- Anti-Corruption, and
- Transnational Crime.

3. Supporting thematic priorities for LDF are Gender and Sustainability. LDF funds Lead Advisers to provide programming advice, technical assistance and training under each of the four thematic priorities. LDF also continues to maintain partnerships with key sectoral partner agencies as the primary mechanism for delivering assistance under the above thematic headings. To this end LDF and its implementing partners have executed Memoranda of Understanding with the Supreme Court, the National Commission on Human Rights, and the Attorney-General’s Office.

4. LDF is managed from Jakarta, with the major contract partner being the international development contractor Melbourne Development Institute (a subsidiary of GRM International). LDF identifies development activities in conjunction with Indonesian partner institutions and approvals for specific programs of assistance are provided by a Facility Coordinating Committee (FCC). The FCC consists of representatives of AusAID and the Government of Indonesia represented by Bappenas and meets every 6 months to approve LDF progress and plans. The FCC is advised by a Board of 6 Indonesian experts who provide input and recommendations on future programming.

5. LDF is funded at over AUD \$22 million. In the 2006 calendar year LDF has programmed expenditure of approximately AUD \$4 million. All activity funds have been tentatively allocated against partners and activities through to the end of LDF in March 2009. LDF therefore currently has limited or no capacity to modify programming assuming that current priorities remain largely the same over this timeframe.

Access to Justice

6. This theme encompasses Judicial Reform as a key component. LDF has several partners in this field including the Supreme Court and Indonesian civil society organisations that are leaders in legal reform and policy. LDF's objective is to assist the Court with the implementation of its reform Blueprint and funding support is being provided to the Court's Judicial Reform Team office – an initiative in cooperation with civil society partners. LDF cooperates with the Religious Courts and is currently developing new partnerships with the Constitutional Court and the Judicial Commission.

7. LDF's work in Access to Justice also incorporates a program in the area of legal aid. Specifically LDF has facilitated the publication of a Handbook on legal aid developed by the Indonesian Legal Aid Foundation YLBHI, and is currently supporting a program with Jakarta Legal Aid Institute addressing regulation of access to legal aid services through the development of a draft Bill on Legal Aid.

8. Key implementing partners in LDF's Judicial Reform activities are the Federal Court of Australia (which maintains a unique Court-to-Court Memorandum of Understanding with the Supreme Court) and the Family Court of Australia. Later in 2006 it is expected that the Chief Justice of the Supreme Court will visit Australia to review cooperation with the Federal Court. The Federal Court is assist with several activities including:

- A case management audit program;
- Leadership and management training;
- Court-annexed mediation.

In the near future the Family Court is expected to provide assistance to the Religious Courts in:

- Strategic planning and management of IT and court systems;
- Development of a court user survey.

9. The NSW Judicial Commission has provided advice to its Indonesian counterpart, and in the coming year it is expected that the High Court of Australia will provide a staff exchange placement for the Constitutional Court.

Human Rights

10. Under this theme LDF primarily supports the National Human Rights Commission and the National Commission on Violence Against Women in institutional strengthening activities and program delivery. LDF has also provided assistance to DirJen HAM in the Department of Law and Human Rights with the implementation of the National Action Plan on Human Rights, RANHAM. LDF has supported a program of strategic planning and project management skills development at the National Commission on Human Rights and is helping to strengthen the capacity of regional offices of the Commission. LDF also funds an annual internship in Geneva for young human rights workers.

11. In 2006-2007 LDF plans to begin providing assistance to the National Commission on Violence Against Women to continue its program of strengthening the capacity of law enforcement agencies in managing cases of violence against women. This initiative is a partnership among four leading women's organisations – the Commission itself as coordinator, The Indonesian Women's Association for Justice (LBH – APIK), the Women's Gender Study Centre, University of Indonesia, and DERAP Warapsari. The program's objectives are to:

- Develop policy concepts on gender and human rights in the area of criminal procedure;
- Develop gender awareness of staff and judges at the Religious Courts in cases of domestic violence in divorce;
- Enhance capacity of law enforcement officers in handling cases of violence against women;
- Empower law faculties with critical legal perspectives, including in religious universities;
- Build the capacity of civil society to monitor justice processes involving cases of violence against women.

12. Assistance is also being provided to the National Human Rights Commission in its review of Law 26/2000 on Human Rights Courts – specifically reviewing key elements of international humanitarian law and their reception into the Indonesian legislation.

Anti-Corruption

13. LDF provides technical advice and institutional strengthening assistance to the Corruption Eradication Commission, or KPK. LDF is specifically targeting the strengthening of investigative skills in the Commission and in developing internal training capacity through developing training staff and providing support for specific training courses. Similar assistance is being offered to the Attorney-General's Office special crimes division.

14. Principal achievements in LDF's cooperation with the Commission have been the provision of regular technical advice to Commissioners on matters such as mutual legal cooperation and the development of programs and skills development. LDF has assisted with the establishment of a core in-house training staff to help the Commission's rapid expansion of staff resources. There has also been extensive cooperation with other programs at the Commission, including those delivered by the Australian Federal Police at the Jakarta Centre for Law Enforcement Cooperation, JCLEC, Semarang.

15. LDF is currently developing a program of assistance to enhance the prosecution branch of the Commission in areas such as preparation of indictments, laws of evidence and trial advocacy. It is also expected that in the near future LDF will help the Attorney-General's Office to revise its training program for corruption investigators.

16. In the near future LDF will begin funding Transparency International Indonesia to conduct its Indonesian corruption perceptions survey. This survey follows from its first such survey in 2004 and will provide detailed information on the problems faced by Indonesian businesses in over 30 provincial cities and towns, identifying the frequency and nature of corrupt transactions with particular agencies and service providers.

Transnational Crime

17. LDF is partnering with the Attorney-General's Office under this theme to support a range of initiatives that will strengthen the public prosecution service, targeting also specific issues of transnational crime. LDF has been approached by the Attorney-General to provide funding for a special team to assist with the implementation of his Agenda for reform, and the implementation of Government anti-corruption program for Indonesian agencies. LDF is also preparing a package of assistance to enhance education and training at the prosecutors' training academy, both for the core curriculum and specialist subjects in transnational crime.

18. Since inception LDF has funded a series of training courses to strengthening prosecution skills in a range of fundamental fields of work such as preparation of indictments and anti-terror laws, as well as the application of the laws of evidence to complex criminal cases and witness examination. In 2005 LDF provided a visit to Australia for senior prosecutors to meet with Australian counterparts in Canberra and Sydney.

Other Initiatives

19. LDF has also supported other initiatives aimed at sustainable legal sector reform more broadly including training at the national level in legislative drafting. LDF is soon to begin providing support to the Cabinet Secretariat with the development of its legal information system which aims to capture and provide a platform for access to Indonesian laws and regulations. LDF also supports seminar and other similar initiatives that relate to its primary themes or that promote legal reform more generally.