

Law and Justice



The Asia Foundation supports efforts to build more effective and responsive law and justice mechanisms at both local and national levels and through both formal and informal institutions. We work with partners in government, nongovernmental organizations, and within communities, with the ultimate aim of helping to increase access to justice, improve community safety, strengthen peace and security, and accelerate sustainable economic and social development.



Despite significant and rapid development gains over the last 20 years, many individuals and communities throughout Asia continue to live with injustice, conflict, and violence, all of which contribute to poverty and insecurity. For six decades, The Asia Foundation has worked closely with Asian partner organizations and institutions to develop innovative law and justice programs. These programs strengthen and enhance access to formal and informal institutions that can help resolve disputes, reduce grievances, and advance social justice. In areas of violent conflict and state fragility, these institutions can also help break protracted cycles of conflict that continue to undermine development efforts.

PROGRAM RATIONALE

The Asia Foundation recognizes that law and justice issues are complex, reflecting a range of principles and value-based systems that form part of the overall political, social, cultural, and economic drivers of development. For this reason, our programs draw on cross-disciplinary expertise—not just lawyers, judges, court administrators, and police officers, but political scientists, sociologists, gender experts, economists, peace and conflict specialists, and others—to help understand how issues of law and justice are helping or hindering development, and how this might be changing over time.

The Foundation believes that more effective and responsive law and justice mechanisms can lead to:

- Improved individual quality of life by enabling people to resolve day-to-day disputes and to feel more safe and secure in their communities.
- Empowered individuals and collective actors with more knowledge, skills, confidence, and avenues to assert and protect fundamental rights and responsibilities.
- Improved peace and stability by providing non-violent means for dispute resolution that can help build social harmony and stop the escalation of local grievances into more serious conflict.
- Better state-society relations through the provision of justice and security services that are more accessible and locally legitimate, particularly at the community level.
- Enhanced outcomes for all other development efforts by helping to create an environment where citizens can participate peacefully and equitably in the development process.

LAW AND JUSTICE

The Asia Foundation has worked closely with Asian partner organizations and institutions to develop innovative law and justice programs.

The Foundation leverages its longstanding in-country connections at both national and grass-roots levels and undertakes targeted research to identify opportunities for change.

Our programs help increase access to justice, improve community safety and accelerate economic and social development.

PROGRAM DESIGN

In collaboration with its donors and local partners, The Asia Foundation relies on several key principles to design and implement its law and justice programs:

UNDERSTAND THE LOCAL CONTEXT

While the Foundation uses internal and external experts to ensure global cutting-edge practices inform program design, we always work through our local staff and with respected local partners to design and implement programs that respond to and are appropriate for local institutions and affected populations.



Judge Ketua Majelis at the Sharia Court of Banda, Aceh.

CONSIDER THE POLITICAL ECONOMY UNDERLYING LAW AND JUSTICE CHALLENGES AND POTENTIAL SOLUTIONS

Developmental problems, and therefore solutions, have both technical and political dimensions. The Foundation leverages its longstanding in-country connections at both national and grassroots levels and undertakes targeted research to understand the interests, motivations, and power of key actors that help explain the status quo and enable us to identify opportunities for change.

INTEGRATE LAW AND JUSTICE PROGRAMS INTO BROADER DEVELOPMENT EFFORTS

The Foundation views its law and justice programming as integral to our efforts to support broader local, country, and regional level development objectives. As a result, our reform initiatives in this area are often designed to complement and consolidate other activities targeting peacebuilding and conflict management, women's empowerment, electoral and parliamentary reform, regional cooperation, economic development, environmental governance, and disaster-response.

USE EMPIRICAL DATA IN PROGRAM DESIGN AND CAREFULLY MONITOR AND EVALUATE PROGRAM OUTCOMES

The Foundation strives to move beyond theoretical, speculative, or idealistic assumptions about local conditions in order to build programs on a sound empirical base derived from data and analysis gained through robust in-country surveys and studies. In assessing impact, we move beyond the usual measurement of project outputs (e.g., number of people trained) to focus on ultimate outcomes, tracking results through both quantitative and qualitative measurements (e.g., an increase in the number of disputes peacefully resolved, a reduction in rights violations, or, ultimately, improved community confidence and more equitable participation by citizens in the development process).

PROGRAM EXAMPLES

REFORMING FORMAL LAW AND JUSTICE SYSTEMS

Where politico-economic conditions are supportive, The Asia Foundation partners with national, regional, and local governmental and nongovernmental actors to design and implement reforms targeting formal law and justice institutions. For example:

EMPOWERING AND PROTECTING THE RIGHTS OF MARGINALIZED GROUPS

The Foundation's law and justice programs often incorporate a special focus on marginalized groups, including the poor, women, and ethnic and religious minorities. Such groups are particularly vulnerable to human rights abuses and they are often excluded from the benefits of development. For example, in **Timor-Leste**, the Foundation has supported nongovernmental organizations working across the country to provide legal aid and community-based paralegal services to women, particularly in rural and remote communities. Similarly, in **Afghanistan, Cambodia, Laos, the Philippines, and Thailand**, the Foundation is working in different ways with influential community and religious leaders, nongovernmental human rights defenders, the media, as well as government officials to help raise legal and human rights awareness, increase human rights monitoring and reporting, and improve access to law and justice mechanisms.

- In **China**, the Foundation is partnering with legislative affairs offices and local law schools to support administrative law reforms across a number of provinces. Activities include legislative and procedural development and establishment of administrative law clinics at law schools. These initiatives are providing practical mechanisms to help restrain the arbitrary exercise of state power in areas impacting citizens' daily lives, such as access to health, education, housing, and other services, and the regulation of land, labor, and business operations.
- In **Indonesia**, the Foundation is collaborating with the Directorate General of Corrections to improve prison management and ease severe overcrowding by employing digital record-keeping, improving the regulatory framework on prison overstays, and strengthening the parole system.

STRENGTHENING LOCAL LEVEL JUSTICE MECHANISMS

Across Asia, only a small percentage of disputes are ever brought before formal courts or involve trained lawyers. Community-based dispute resolution mechanisms are more often the norm. Understanding and strengthening these mechanisms can yield cost and time savings and incorporate traditional cultural practices that enhance legitimacy and community participation in dispute resolution processes. Supporting reforms to local level justice mechanisms can also help address pre-existing gender and elite-biases often prevalent in customary processes and can help build more constructive linkages between formal, informal, national, and local systems. For example:

- In **Nepal**, the Foundation has been supporting a community mediation program for 10 years to improve access to justice for local communities. The program operates in over 90 Village Development



Mediators from a village in Pokhara, Nepal gather to talk about and share their experiences, successes, and best practices.

Councils and municipalities in 12 districts across Nepal. The mediation services are provided under the auspices of the local state authority with the aim of enabling community members to solve family, economic, and other disputes in a way that is equitable and durable, while, over time, helping to increase social harmony and build more positive relations between citizens and the state.

- Similarly, in **Sri Lanka** the Foundation has been working with the Ministry of Justice for over 20 years to help build, sustain, and strengthen the state-coordinated, community-implemented Community Mediation Boards program. This program is helping to resolve a range of disputes, including financial, land, and property related matters, in communities across the country. Most recently, our efforts are focused on helping to make these services available to citizens living in the conflict-affected regions in the North and East of the country.



Sellen Sinnapeillai an onion farmer with mediator, S. Ramasami, on her once disputed agricultural land in east Jaffna, Sri Lanka.

INCREASING COMMUNITY SAFETY AND SECURITY

The Asia Foundation recognizes the role of law and justice mechanisms in helping to maintain peaceful communities and foster an environment that is conducive to broader development. Experience has shown that top-down institutional reform of politically-charged institutions like the police is, in most cases, a slow and challenging process. However, engagement at the community level has allowed the Foundation to make progress in improving safety and security by building trust and mutually beneficial partnerships between the police and local communities. In some cases, increasingly constructive engagement at the local level has also provided the entry point to support broader police reforms. For example:

- In the **Philippines**, the Foundation is supporting community engagement with police and other security forces in the conflict-affected region of Mindanao. These activities promote and facilitate consultations among local communities, non-governmental organizations, and police and military leaders, while also seeking to empower respected community and religious leaders to prevent or mediate conflicts before they escalate.
- In **Bangladesh**, the Foundation has supported an increase in collaboration and positive relations between police and communities through community policing activities across Bangladesh's northwestern Rajshahi and Rangpur Divisions. Drawing on this practical experience, we are also

helping to foster more durable institutional change by facilitating constructive district, divisional, and national-level dialogues between community-policing implementers



Zakirum Islam officer in charge of Mohanpur the local police station walks through Kamapara and talks to villagers asking if they have any problems.

The Asia Foundation is a private, nonprofit, nongovernmental organization. Through its programs, the Foundation builds leadership, improves policies, and strengthens institutions to foster greater openness and shared prosperity in the Asia-Pacific region. It is funded by contributions from corporations, foundations, individuals, and governmental organizations in the U.S., Europe, Canada, Australia, and Asia, and an annual appropriation from the U.S. Congress.

COMBATING HUMAN TRAFFICKING

For over a decade, the Foundation has been a leader in efforts to combat trafficking in persons across Asia with programs in **Cambodia, Laos, Mongolia, Nepal, and Vietnam**. Here again we take a holistic approach, focusing on prevention, protection, and prosecution through activities such as training and institutional support for law enforcement personnel and victim support service providers, as well as support for public awareness and advocacy activities. We are also working to build a better understanding of the political and economic drivers that underpin and sustain human trafficking operations across the region, in order to help policymakers develop more sophisticated and effective responses.

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