

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 Loan 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.

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>

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

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: Pattinhaloan 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 Pattinhaloan 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.

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*.

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

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 (SSWRDSP) | 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 |