

## Building a movement of grassroots legal advocates

For many people around the world—the UN has estimated 4 billion-- the law is an abstraction, or a threat, but not something they can use to exercise their basic rights. Lawyers meanwhile are costly, and often focused on formal court channels that are impractical for most people.

Namati champions a method-- **grassroots legal advocates**, or “community paralegals”—for bridging the gap between the law and real life. These paralegals are trained in basic law and in skills like mediation, organizing, education, and advocacy. They form a dynamic, creative frontline that can engage formal and traditional institutions alike.

Rather than treating their clients as victims requiring an expert service-- “I will solve this problem for you”-- community paralegals can focus on legal *empowerment*. “We will solve this together, and when we’re done you will be in a stronger position to tackle problems like these in the future.”

Just as primary health workers are connected to doctors, community paralegals should be connected to lawyers, with the possibility of litigation or high-level advocacy if frontline methods fail.

We have seen firsthand how well-trained, well supported paralegals can squeeze justice out of even broken systems. Namati’s CEO co-founded a community paralegal program in Sierra Leone in 2003 called Timap for Justice. Timap has been recognized by International Crisis Group, Transparency International, President Jimmy Carter, the World Bank, and others as an innovative model for delivering justice services in the context of a weak state and a plural legal system.

Neither Timap nor Namati invented community paralegals—paralegals housed in ANC offices helped people navigate apartheid in South Africa starting in the 1950s, and there are paralegal efforts in many countries. But most existing programs work in isolation and at a small scale. They rarely document their own impact, and they rarely have access to lessons learned by their peers across borders.

Namati is the first and only international group dedicated to this approach. **We seek to grow a robust, evidence-based, global field around community paralegals, legal empowerment, and primary justice services.**

### How we do it

- 1) Namati works with local partner organizations to demonstrate how paralegals can generate results on some of the greatest justice issues of our times: protecting natural resource rights in the context of the global land rush, ensuring that essential services like healthcare and education are accountable to local communities, and securing citizenship rights for stateless people.
- 2) We collect data rigorously on every case, and use that information to advocate for systemic, large-scale reforms. We aim to show that not only can community paralegals help bring good laws to life, their work can also lead to positive changes in the law itself, and in the institutions by which law is applied.

- 3) We evaluate and document all of these efforts, publishing both impact studies and practical guidance for practitioners. We aim for each of our experiments to inform practice worldwide. We host a network of 340 legal empowerment organizations, spanning every region. We create opportunities for this larger community to learn from one another, and to learn from innovations we generate with our direct partners. We collaborate with network members to raise the profile of the field as a whole.

## Results to date<sup>1</sup>

- In Kenya and Bangladesh, since February 2013, 17 paralegals have assisted nearly 2700 formerly stateless people to apply for legal identity documents for the first time. Of these, over 1,800 have already received documents. A legal identity opens access to healthcare, education, and banking, among other things. Namati and our partners—the Nubian Rights Forum in Kenya and the Council on Minorities in Bangladesh-- are using aggregate data from those efforts to advocate systemic improvements to national identity registration policies.
- In Mozambique, Uganda, and Liberia, Namati and our partners have developed a model for documenting customary land claims and strengthening local governance over community lands. That model has led to improvements in protections for women's land rights and in sustainable natural resource management. We are scaling up these efforts in all three countries, and supporting organizations to adapt the approach in new countries as well. In Liberia, the first land policy embraces this model. Namati and our partner Sustainable Development Institute (SDI) have signed an MOU with the Land Commission to deploy grassroots legal advocates to engage in community land protection nationwide.
- In Sierra Leone, Namati and our partners have scaled up holistic, generalist community paralegal services to 40 per cent of the country. These paralegals have resolved thousands of disputes and grievances—4100 in 2013 alone-- involving women's and children's rights, land and natural resources, and access to essential services. Namati and a coalition of groups successfully advocated for a legal aid law that recognizes the role community paralegals play and calls for a paralegal in every chiefdom.
- In Mozambique, paralegals focused on the health system have resolved over 200 service delivery failures, including drug stockouts, lack of water supply, nurse absenteeism, and breaches of confidentiality. There too, Namati and our partners are using aggregate data from those efforts to advocate systemic improvements to healthcare delivery systems. This work won the Humanization Award from the Mozambique Ministry of Health in 2013.
- On the coasts in India, paralegals are supporting fisherpeople and farmers to address violations of environmental law that harm their livelihoods. In Burma, paralegals have supported 6000 farmers to protect their land rights under a new registration process set out by government. The work in Burma was a top 5 nominee for the Classy Social Entrepreneurship Award in 2014.
- Namati's global legal empowerment network has fostered learning and collaboration among hundreds of grassroots groups. That larger community has raised the profile of legal empowerment through the Kampala Declaration on Community Paralegals (endorsed by 60

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<sup>1</sup> As of September 2014.

groups across Africa and cited in legislative debate regarding legal aid in several countries) and a global campaign to incorporate justice into the post-2015 development agenda (endorsed by 230 civil society organizations as well as Archbishop Desmond Tutu, Mary Robinson, Jimmy Carter, Mo Ibrahim, Fazle Abed, Ernesto Zedillo, Prince el-Hassan bin Talal, Madeline Albright, and Peter Gabriel).

- Namati has published or been featured in *The Guardian*, *The New York Times*, *The Bangkok Post*, the *Hindustan Times*, *Sierra Express Media*, Uganda's *New Vision*, *The Huffington Post*, *Project Syndicate*, the *Stanford Social Innovation Review*, the blogs of the Council on Foreign Relations, the World Bank, and Innovating Justice, and dozens of other outlets.

## Challenges

- Sometimes the imbalances of power are too great to overcome. We have had encouraging successes protecting community rights in relation to large-scale industrial, extractive, or agriculture projects, for example, but the struggles are long and we lose as often as we win. It's crucial that we translate our grassroots efforts into structural improvements, so as to make the rules of the game fairer.
- For many legal empowerment organizations around the world, financing remains a rate-limiting factor. Unstable funding makes it difficult for grassroots groups to sustain systems for rigorous supervision and support of frontline paralegals, but those systems are crucial for success. We are hopeful that the post-2015 advocacy will result in increased investment to the field as a whole. We are also experimenting further with alternative forms of revenue-generation, including crowd-sourcing, social enterprise, and client contributions.
- Learning and collaboration among legal empowerment practitioners across borders is impeded by differences in language and limited internet access. In-person exchanges are invaluable but costly. We are revamping the network's virtual platform, drawing on the latest evidence on global social networks. Field tests of our new question and answer exchange (modeled after Yahoo Answers) have been very positive. We are working with our direct partners and our network guidance committee, made up of fourteen outstanding organizations from fourteen countries, to foster greater collaboration at a regional level. The post-2015 campaign has been an energizing catalyst.

## An Inflection Point

We have an opportunity in the coming years to dramatically expand the field of legal empowerment. The post-2015 process has generated momentum for the idea that justice should be a core part of development. Grassroots legal advocates are a practical, cost-effective way of realizing that vision.

Similarly, governments and international agencies are paying increasing attention to the risks posed by a global rush for land. The legal empowerment movement has a practical solution: giving communities the power to protect their natural resource rights.

Namati and the global legal empowerment network are positioned to seize these opportunities: by demonstrating what legal empowerment can achieve and by scaling up evidence-based practice worldwide.

## Financing

We argue that, like healthcare or education, primary justice services are an essential public good, and therefore worthy of public investment. Governments can provide financing via autonomous bodies like ombudsman offices or public legal aid boards as long as those bodies genuinely respect civil society independence.

By generating rigorous evidence on the impact of paralegals, we can also make the case for sector-specific investment. For example, in Mozambique, we are in discussions with major healthcare agencies who are interested to support paralegals to ensure that the health services they are providing are accountable to local communities. In Sierra Leone, we have advocated for a provision, now included in the draft national land law, which requires firms interested in large-scale land acquisitions to contribute to a basket fund which will in turn support legal representation via paralegals for land-owning communities.

Additional funding can and should come from international development agencies and foundations, as well as from client fees and contributions.

Our budget is roughly \$4.3 million in 2014. Our supporters include the Open Society Foundations and the UK Department for International Development, as well as Wellspring Advisers, American Jewish World Service, DAI, Humanity United, International Development Research Center, Echo Street Foundation, Yolo Foundation, UNDP, and a small fund of donations from private individuals. Government policy commitments in several countries have been crucial for the sustainability and scalability of our efforts. We've also had some fee-for-service engagements, such as advising the Kenyan government on a new land law, and FAO on developing legal empowerment provisions for its voluntary guidelines.

## Impact targets, 2015-2017

### *Proving what paralegals can do*

- Joint implementation with 20 outstanding local partner organizations in ten countries, each of which either adopts a paralegal approach for the first time (e.g. CPRCG in Burma, where a handful of lawyers worked on land injustice for many years, but they'd never had a frontline of community paralegals till now) or significantly improves its capacity to deploy paralegals rigorously and effectively.
- Community paralegals/ grassroots legal advocates work with 100,000 active clients across 10 countries to secure legal identity documents for 10,000 previously stateless people; resolve 2000 failures in the delivery of healthcare services; secure land rights and strengthen local land governance for 200 communities, and obtain remedies to 300 violations of environmental law.
- 60 publications (in print, radio, and video) on learning that grows out of these efforts, including both impact evidence and practical guidance for practitioners.

### *Translating grassroots experience into policy change*

- 100 national and international policy reform proposals (in areas like citizenship, healthcare, land, environment, and legal aid) put forth based on aggregate data from paralegal efforts

on how the law is working in practice. Of these, 30 are adopted and implemented. These policy changes affect the lives of more than 100 million people.

- 3 national governments expand monetary investment in community paralegals / primary justice services.

(We will propose reforms through policy briefs, op/eds, presentations with government or agency officials, and public campaigns; we'll aim to discern Namati's impact by gathering testimony from policy makers and examining whether specific proposed language is adopted).

### ***Growing the movement***

- 150 documented examples of organizations applying methods developed by Namati and its direct partners, and/or improving their paralegal programs based on learning from other network members.
- 1000 organizations and 10,000 individuals actively participating in virtual platform for learning and collaboration.
- 50 features/ interviews/ op eds on the work of community paralegals in the mainstream media.

### **A few recent publications**

- This [photo essay](#) in the *Guardian* shows how paralegals from the Bihari community in Bangladesh work to secure citizenship rights.
- This [update](#) about our work on community land rights describes recent policy victories in Liberia, Kenya, and Sierra Leone. It also has a link to a "[lesson from the field](#)," which exemplifies the kind of in-depth, reflective learning that we aim to generate on what it takes to achieve legal empowerment in practice.
- In this [personal essay](#), Daniel Sesay describes his life as a community paralegal, drawing on a decade of experience, starting with Timap for Justice and going up to his current work with Namati. Daniel offers detailed, hard-won insight on things like dealing with customary courts, the police, and the military; pulling off contentious mediations; holding mobile paralegal clinics to reach clients where they're at; and the difference between legal aid and legal empowerment. He illustrates every point with vivid stories.
- This [analysis](#) reviews all evidence we could find on the impact of legal empowerment. Here's a brief and thoughtful [reaction](#) to our paper from Maurits Barendrecht of Innovating Justice in The Hague.
- In this [op/ed](#) in the *Guardian*, Vivek Maru argues that justice and legal empowerment should be central in the global development framework that will succeed the Millennium Development Goals.