

**Title Card:**

**Marlon Manuel**

**Senior Advisor, Namati**

The two countries that have some of the oldest and richest experiences with community legal empowerment work. Dating back to the 1950s during apartheid for South Africa and the 1970s under the Marcos dictatorship for the Philippines respectively.

And we look up to South Africa and the Philippines as early models of combining law and organising power of law and power of people to strengthen communities in their struggle to protect their rights and to resist repressive actions of government.

We are joined in this conversation by two leading justice advocates who will share their experiences of South Africa and the Philippines.

Let me introduce them.

I'll start with Tshenolo. Tshenolo Tshoaedi is the executive director of CAOSA or community advice officer South Africa. CAOSA is a coalition of community advice offices spread out throughout the country. Tshenolo is a paralegal herself with over a decade of experience in housing rights, deceased estates, corporate covenants and other justice issues.

Thank you for joining us Tshenolo.

**Title Card:**

**Tshenolo Tschoaedi**

**Centre for Advancement of Community Advice Offices, South Africa**

Thank you so much for having me Marlon.

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**Marlon Manuel**

**Senior Advisor, Namati**

Next we have Hector Soliman. Hector is a public interest lawyer with around four decades of experience with non-governmental legal service organisations. Private sector and government. He was a founding officer of the alternative law groups or ALG. A coalition of community oriented legal service organisations in the Philippines. Hector is currently senior advisor for access to justice, justice hector reform program, governance and justice 2 or GOJUST2. Thank you Hector for joining us.

**Title Card:**

**Hector Soliman**

**Co-founder, Alternative Law Groups, Philippines**

You are most welcome, I am happy to be here.

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**Marlon Manuel**

**Senior Advisor, Namati**

Let's start the conversation.

***(On Screen)* How did communities use law and organizing in their struggle for justice in difficult times?**

I'll start by asking the two of you to give us brief descriptions of how communities organise and use law and legal processes in the struggle for justice during the very difficult times of apartheid in South Africa and Marcos dictatorship in the Philippines.

We'll start with Tshenolo.

**Title Card:**

**Tshenolo Tschoaedi**

**Centre for Advancement of Community Advice Offices, South Africa**

The heart of paralegalism in South Africa was really born out of the struggle during apartheid, where the law was something that was intentionally not made available particularly to the black African communities and that is where the premise of actually wanting to access the very same law that was being denied came from.

And so community advice officers paid a critical role in not only just organizing communities but also creating a link between those legal professionals who saw the injustice in how the law was being promulgated in the country and wanted to work close with communities but obviously the divide is that they were not enabling them to do that.

And so the advice officers became the bridge to connect the legal professionals to the communities that were in need. So people who struggled with arbitrary arrest, people who had to locate their loved ones who were arrested unlawfully and trying to get them access to lawyers and to assistance, other types of assistance. And so you had different structures being part of this organizing.

The church was often times not the place where the police would interfere with the work of the church and so it also gave a little bit of a hiding space for advice officers to be able to continue doing legal empowerment and advocacy for community members to understand how the laws of the day were unjust and how the laws of the day were discriminatory to those particular communities.

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Give us a brief description of the situation in the Philippines during the Marcos dictatorship and how communities organised and struggled to free themselves from the dictator. Hector.

**Title Card:**

**Hector Soliman**

**Co-founder, Alternative Law Groups, Philippines**

The very dark period ran from the early 70s, 1972 to around 1986, so around 14 years.

And that period was characterised by a lot of arrests of prominent leaders of the legal unions, social movements, the farmers organisations, anybody who spoke against the regime and even invoked basic human rights like freedom of assembly, freedom from arbitrary arrest, was put in jail.

But the lawyers did not lose heart and took it upon themselves to use the law in order to combat what was a clearly unlawful and highly irregular situation. During that time the concept of paralegal training was very much institutionalised so to speak among social movements. Because the situation was that there were very few human rights lawyers around who were willing to defend political prisoners and social movements and therefore there was a need to reach out to various communities that were the victims of such an arrest and the lawyers who were defending them and thus was born the paralegal movement.

**(Text on screen)**

**TWO STREAMS OF PARALEGAL MOVEMENT:**

- 1. KNOWLEDGE OF RIGHTS**
- 2. HOW TO PROTECT THOSE RIGHTS**

The paralegal movement basically is composed of two streams; one is knowledge on what your rights are, the substantive law, and how to protect those rights. For example, early documentation, taking photographs of people who were arrested, making sure that they are visited in jail so that they don't get killed; simple techniques but life saving as I would say. But these are the kinds of things that were going on during the dark days of martial law. And we are

very grateful for those lawyers and those paralegals who stood up to the onslaught against human rights during those days.

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**Senior Advisor, Namati**

Thank you Hector and I will ask Hector to continue the, the sharing for the Philippines in my next question.

And the next question we'll talk about the period that starts with the early 1990s, which is about the time when the Philippines came out of the dictatorship; South Africa also came out of apartheid.

**(Text on screen)**

**WHAT ROLE DID LEGAL EMPOWERMENT PLAY IN THE NEW POLITICAL ENVIRONMENT?**

After the end of the Marcos dictatorship in the Philippines and after the end of apartheid in South Africa, what role did legal empowerment, legal empowerment work play in the new social political environment?

I'll start with Hector and then Tshenolo.

**Title Card:**

**Hector Soliman**

**Co-founder, Alternative Law Groups, Philippines**

Looking back at history, the whole world knows that in 1986 we had the people power revolution and we kicked out the dictator and the family and they were all transported to Hawaii. And in the aftermath of that revolution, the bloodless revolution so to speak, the first order of business was really to rebuild the fundamentals of democracy. And rebuilding the

fundamentals of democracy required the pre-drafting of a new constitution And the 1987 constitution, as it is now called, was a monumental piece of legislation that allowed the blossoming of various legal empowerment moves. Because now aside from the traditional bill of human rights that is usually found in many constitutions, that protect freedom of religion, freedom of assembly, all the various civil and political rights that we now know, a very extensive article on social and economic rights was also enshrined in the constitution and it enunciated the right to a healthful ecology, the rights of women, the rights of farmers and farm workers to the land that they till, the rights of fisherfolk to coastal communities, the right to health and many others. So therefore, the constitution provided a legal framework that allowed the blossoming of many many legal empowerment groups who decided to take all of these provisions seriously and advocate not only their legislation but their actual practice on the ground and that is a continuing struggle that we have been benefiting from since 1987.

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**Marlon Manuel**

**Senior Advisor, Namati**

Thank you Hector.

Tshenolo, let's talk about the post-apartheid period in South Africa.

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**Tshenolo Tschoaedi**

**Centre for Advancement of Community Advice Offices, South Africa**

Yeah. I think the transition was a very difficult period because and this still happens. I think I like what Hector was sharing about the drafting process of the constitution. Very very important piece of legislation, ground breaking piece of legislation. and I think you would know that especially the South African constitution, one of the most respected constitution especially with regards to its provisions around the bill of rights and the fundamentals that are laid out in that constitution as being a document that is seeking to transform a nation that has come from a very very dark period into now a blossoming democracy. What happened at a community level

was that there was a disconnect because you know the drafting as it is was a lot of legal processes. Communities tend to be disconnected from the process and if you don't have legal empowerment advocates that are empowering communities as the drafting process is happening, then you have a situation where a country or certain members of society feel that that constitution is not for them. Which essentially would have been an injustice on its own because the idea of the constitution was that it should bring about that sense of equality and so the center in South Africa had to take almost a transformative role. They were no longer protecting but they were now educating and informing community members about the developments of what was happening and how that would then affect them as community members. And a lot of what we saw in that period was that the idea of the constitution being a document that could offer those protections that were not there before was sort of like a foreign concept and so the role of paralegals became one of making the idea of constitutionalism and equality real and tangible and it's something that is still needed even to date. You have the perception that the constitution is a document that sits high up there because it's the governing instrument of the country but a lot of communities still have a sense that it is not accessible to me and so the role of the paralegal comes into that space, to say no, actually, this is how you then access it and this is how you use the law and legal empowerment that is there.

I mean the fundamentals of legal empowerment are so strong throughout the whole entire provisions of the constitution right up to chapter 2 in the bill of rights but all the other sections talk about the importance of recognising the community and the society that South Africa is to become through the use of the constitution and so that transition was marked by a lot of community dialogue, community engagement, informing communities about this is where the process is at, these are the role players, so that people also get to have a sense of participating in the process even though they are not sitting in the room drafting the document and that has been and still the continuing role of advice officers to this day in South Africa.

You'd see, you would know that South Africa's inequality has grown exponentially over the past 25 years despite the constitution being in place and this is the space that paralegals are

trying to close that gap by saying that the constitution is there, how do we capacitate communities to begin utilizing it in the way that is going to actually bring about that equality or that sense of accessing the law in a way that's going to transform and make constitutionalism a lived concept for many South Africans. Now, I'll just pause there.

**Title Card:**

**Marlon Manuel**

**Senior Advisor, Namati**

Thank you Tshenolo and very interesting. So many parallels between the Philippine's experience and South Africa's experience.