

Title Card:

Marlon Manuel

Senior Advisor, Namati

Let's talk about that. After several decades, have we sustained the movement?

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WHAT DOES THE CURRENT WORK LOOK LIKE?

HAVE WE SUSTAINED THE MOVEMENT?

How does the current work of community paralegals, public interest lawyers, human rights lawyers, legal empowerment organisations look like in the present times?

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

I would like to summarize the current state in actually two words; one is that, it has expanded and then second, it has also matured. What are the kind of indicators that it has expanded well? Paralegal movements have now branched out into many areas you know. Typically in the beginning you would have the basic sectors you know like farmers, the fisherfolk, the women, especially rural women, indigenous communities. These are very very important sectors.

(Text on screen)

INDICATORS OF MOVEMENT MATURITY:

1. EXPANSION INTO MULTIPLE SECTORS

But now, we are now seeing that paralegal movements have branched out into many other applications of the law. For example, there are now groups that focus only on the rights of

lesbians and gays and the transgenders. There are groups that focus only on the rights of detention prisoners.

You see expanded to the protection of coastal communities. We now have this huge phenomenon where volunteers, fishermen in the coastal communities use actually their own time and effort and sometimes with the support of local government to protect their communities, their coastal waters from the poachers, from the illegal fishers and this is another type of paralegal movement in a sense we've combined with action because once you're able to catch somebody who is fishing illegally, there are also protocols on how to mark and preserve the evidence.

Those are some of the indicators of expansion. One of the indicators of maturity, is that at the moment even now the Supreme Court has taken cognizance of the role of civil society organizations and paralegal movements doing legal empowerment work. Why so? Before you're able to graduate wholly as a law student, you are required to undergo several hours of work with legal aid organizations.

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INDICATORS OF MOVEMENT MATURITY:

- 1. EXPANSION INTO MULTIPLE SECTORS**
- 2. SUPREME COURT RECOGNITION OF CIVIL SOCIETY AND PARALEGAL MOVEMENT**

And the Supreme Court has come out with a rule that aside from working with law firms, working with government institutions like the courts or the prosecutors, you can also work with legal empowerment organizations. And in their guidelines, they have adopted the language of legal empowerment organizations; like legal education, human rights awareness advocacy.

So here we have a situation where in order to graduate from law school, you could actually work with a legal empowerment organization and this is a mandate of the supreme court. That therefore I would argue that legal empowerment work has now matured to such a state where

even the highest court of the land has included among the various ways of doing legal aid, you can do it with a legal empowerment organization. And this is a very welcome development because now the state has recognized the work of all of these organizations especially in protecting the rights of the vulnerable and the marginalized, but this is to me an indicator of the maturity that we have achieved in legal environment work in this day and age.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector. Expansion and maturity as far as the Philippine experience is concerned. How about South Africa, Tshenolo.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

I'm so envious. I'm very envious of our comrades in the Philippines because I would use the word of one word that comes to mind is stunted, you know the It's stunted because of the many struggles of the sector post democracy, post adoption of the constitution. There is intention. There's beautiful intention in fact from our mostly political leaders to recognize and they know the value of the work of advice office.

It's not translating into law at this point in time. You know we went into a process where the legal practice, it was first a bill and then it became an act and the only provision that there is in that act is that there should be and the only an investigation by the legal practice council

On what model the Minister of Justice must adopt in regulating paralegals. And you would imagine that there's an investigation that was done, was supposed to commence in 2018, We believe that the report has been finalized but you know it hasn't, it's yet to be brought forward for the sector to engage with it. It's yet to be at the stage where the minister then issues

regulations 'cause our understanding is that that should then result in regulations that are governing or that are attached to the legal practice act.

And so it has really been a frustrating process for the sector because you know you get to a point where explaining your existence is almost, it undermines the efforts and the role, role that advice officers have played to to get the country where it is in terms of its own constitutional dispensation. And it's stunting the growth and the ability and the potential of the sector. I mean one of the ways that we have presented to the Minister of Justice is exactly what the Philippines is doing to say that actually advice offices are centers of learning. If you really want to transform the legal profession so that it does not always not seem to be servicing only the elite in the country, then you need to give a young upcoming lawyers or young upcoming legal practitioners a glimpse into what a majority of the population is living in and what kind of legal services they actually need. Otherwise you will continue having a situation where a lot of legal practitioners are unable to service low income communities. They're unable to even relate even from a legal point of view with communities, marginalized communities who have very particular legal needs. And you know working with an advice officer, you can actually build that capacity for legal professionals to then be able to provide legal services that are in context with the needs of these communities. And so you know, that has been a process and so the sector in South Africa is really finding itself at that point where it's still in that struggle for space and recognition.

And to really be taken on as we say that you know the justice system in this country is an ecosystem that is involving many role players.

You take out one part of this ecosystem then the system fails. And our argument is that advice officers continue being the access point, continue being even the point of implementation because it's wonderful getting a constitutional court judgment but that judgment still needs to go back into a community and still needs to be actioned. There still needs to be a model of accountability. There still needs to be a model of measuring how effective is this judgment that the constitutional court has given in relation to addressing the legal issues that came from these very same communities.

You know we're talking about grounds, about social protection mechanisms where the court has made pronouncements to say that it cannot happen in this way, it needs to happen in another way. That still needs to happen at a community. It doesn't happen only in court, the court is only there to give a framework of what is within the the constitutional jurisprudence but ultimately implementation don't just happen at a community level. And so the advice office is instrumental in bringing the case to court but it's also instrumental in making sure that what the court pronounces also gets implemented at a community level. So our role is not only at the inception stage but it's also at the implementation stage and it's also at the measuring stage and to see how how effective is this process of taking matters to court and then getting a favorable judgment how favorable is the judgment actually from a practical point of view. And so yeah. That's the unfortunate word that I can use but we are... you know I get encouraged when I hear and I learn of how comrades in other countries and other jurisdictions are forging ahead and they're just keeping at it and it's wonderful that we have a model to also look into when we engage with our government To say that look at how the Philippines has done it and this is how it's actually impacting on legal empowerment at a community level 'cause we want to say keep the spotlight on the community, make your processes community centered, make your processes community led and that would mean that your process's ultimately derive community impact.

They become impactful at that level. Thanks Marlon.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Tshenolo. It's really a continuing advocacy for grassroots justice advocates.

Final question for the two of you.

(Text on screen)

WHAT IS YOUR MESSAGE FOR GRASSROOTS JUSTICE ADVOCATES?

What is your message for grassroots justice advocates from different countries? Tshenolo first.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

What is the message? You know, I think it's-- I want to encourage justice advocates that sometimes you can only help one person and sometimes the problem looks bigger than you. But when you impact the one person, you impact the household, that impacts a community, that impacts the region, that impacts the country and ultimately that impacts the world. So we must never underestimate the efforts that we, you know the different ways that we're working. And if we keep our focus on empowering even if it's one community or even if it's one individual, that is having a ripple effect. What the Philippines is doing is having an impact on what South Africa can look up to and the potential that we can work towards.

And so really the the work of paralegals as much as it might be, you might think that you're working, it's in your community and it's only you, that is not the case. That one case that you've resolved, that one mediation that you've managed to to prevent an outright conflict within a family, has a bigger impact than what you can imagine. So just keep at it.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Tshenolo. Hector.

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

My message is quite similar. In fact, I'd like to put it more emphatically to say that we should not lose hope. You know I have seen the transformation of my country from the 70s to now. I have been

I campaigned for the 1987 constitution. We set up alternative law groups in the 80s and in the 90s. I work with the Supreme Court now and I've seen how the work at the grassroots level has impacted on the thinking of even the chief magistrate. And I think at the core really of the work is that you know, because sometimes people you know, especially the politicians make it a dirty word you know like it's communist etcetera

Let's just use the word human dignity because essentially that is... human rights is all about human dignity and I think if we keep on harping that protecting the rights of women, the rights of prisoners, the rights of farmers, the rights of the lesbians and the gays, we'll promote human dignity. I think people will listen and at the end of the day who can argue against human dignity, nobody will argue against... People will argue against human rights because sometimes its just a bad name but you can't argue against human dignity. But to me they're the same. I mean they're essentially the same. So I think we should just keep on pushing and I think eventually people will listen because human dignity is the very core of our existence and that to me is where we should kind of anchor our argumentation and if we do that I think people will listen from the high to the middle and to the low, thank you.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector and on that note we end this conversation. But let me just say that the presence of Tshenolo and Hector shows us that the struggle continues. It evolves, the

movement continues, the movement continues to experience challenges but you're still here. It's very much alive. Challenges may also evolve and we adapt to different issues. We adapt our respective programs but the struggle continues and there is hope that we see. Thank you very much for this very interesting conversation about history of legal empowerment. Thank you Tshenolo and thank you Hector.

Thank you Marlon. Thank you very much. Thank you. Thank you very much. Yeah.