

A Global Legal Empowerment Network: Learning from Others, Growing the Movement

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FOR THE ESTIMATED FOUR BILLION PEOPLE who fall outside the protection of the law,¹ human rights exist only as a lofty concept, with no real impact on daily lives. Too many barriers – whether cost, dysfunction, corruption, abuse of power, or unjust laws – inhibit people’s ability to meaningfully enjoy their basic rights.

Legal empowerment strategies bring human rights to life by finding practical ways of overcoming these challenges. Grassroots efforts, drawing inspiration from legal aid and access to justice traditions, help people to regularly exercise their rights, or to access remedies when said rights are violated. These measures go hand-in-hand with institutional reforms that enhance government responsiveness to the assertion of rights by citizens and communities.²

In India, for example, Namati utilizes legal empowerment techniques to improve the enforcement of laws that protect the rights of communities affected by industrialization along the Kutch coast in Gujarat state. Throughout the region, fishing grounds and estuarine landscapes that sustain many livelihoods are in increasing demand by industries, which benefit from the area’s abundance of water and accessibility to ports. However, firms rarely suffer consequences for flouting the environmental regulations that preserve local residents’ basic rights to life, livelihood, and natural resources. Namati works with communities to develop and implement strategies for raising public awareness of regulations, documenting violations, advocating for regulatory enforcement on the basis of gathered evidence, and pursuing impact litigation in the event of continued inaction.

Practitioners have deployed these and other legal empowerment techniques in defense of human rights in a variety of areas. Cases involved range from a patient denied drugs at a medical clinic, to an agricultural loan held up for a bribe, to a woman deprived of her rightful inheritance, and to a prisoner tortured and detained without charges. Viable legal empowerment

solutions exist for each of these situations, and many more.³ For all the potential of the legal empowerment approach, however, the global community of practice surrounding its use is relatively young and undeveloped.

The Call for a Global Network

In 2008, the United Nations High Commission on Legal Empowerment for the Poor proposed global priorities aimed at ensuring legal protection and opportunity for all.⁴ Among its recommendations, the Commission called on multilateral agencies, foundations, grassroots movements, and civil society organizations to form a global forum and virtual arena for legal empowerment. The report also emphasized the need for regional dialogue on legal empowerment, the sharing of best practices, the development of policy instruments for national implementation, and the fostering of regional cooperation.⁵

In the ensuing years, the Open Society Justice Initiative and the World Bank Justice for the Poor Program convened leaders from legal empowerment movements around the world to take forward these recommendations. Two initiatives were launched as a result of these discussions: Namati – an international organization dedicated to legal empowerment – and the Global Legal Empowerment Network – an international community of practice that Namati helps to convene.⁶

A committee of fourteen respected practitioners from different countries guides the development of the Global Legal Empowerment Network.⁷ The members of this “Network Guidance Committee” lead capacity-building initiatives in their respective regions, primarily by hosting or contributing to regional meetings for members of the global network. Thus far, the network has hosted regional meetings in Dhaka, Bangladesh; Kampala, Uganda; Buenos Aires, Argentina; Jakarta, Indonesia; and an upcoming meeting in Amman, Jordan.

This paper focuses on the experiences of network members from Asia, the efforts of the Global Legal Empowerment Network to support their work, and techniques for strengthening regional dialogue and collaboration.

Community Paralegals and the Asian Legal Empowerment Experience

Legal empowerment programs often rely on community paralegals to spearhead their grassroots efforts. Community paralegals receive basic

training in domestic and human rights law, as well as in skills like mediation, organizing, education, and advocacy.⁸ Like primary health workers, paralegals are close to the communities in which they work. This proximity, combined with a familiarity with a flexible set of tools, helps them find concrete solutions to instances of injustice.⁹ Some paralegals work with nongovernmental organizations (NGOs)—including legal NGOs, community-based organizations, and membership associations like workers' unions—while others are part of government legal aid programs. They are typically linked to a small corps of lawyers, with possible resort to litigation or high-level advocacy when frontline methods fail.¹⁰

Paralegals have been empowering communities throughout Asia for decades, historically as a means of addressing human rights violations committed under repressive regimes. The methods developed during that time also serve paralegals in present-day efforts to foster development, prevent conflict, and enhance state accountability.

In the Philippines, for example, the Free Legal Assistance Group deployed community paralegals in response to suppression under the Marcos regime during the 1970s.¹¹ Since the collapse of the dictatorship, a number of civil society organizations and cause-oriented movements, including farmers' and fisherfolks' associations, have adopted the paralegal model under the banner of "alternative lawyering."¹² In Indonesia, community paralegals trained by legal aid institutions have played a role in social justice movements since the 1980s. Working as community organizers for marginalized groups during Soeharto's New Order, paralegals supported peasants reclaiming land and natural resources, women demanding gender equality, and labor unions seeking better working conditions.¹³ In rural China during the 1980s, the state established village mediation committees and legal services offices staffed by community paralegal equivalents – volunteers and grassroots legal workers as opposed to professionally qualified lawyers.¹⁴ In recent years, networks of self-educated "barefoot lawyers," enabled by laws permitting citizen-representatives in civil and administrative litigation, have been disseminating legal knowledge and filing lawsuits against government bodies and officials on behalf of aggrieved citizens.¹⁵

Many more examples exist, contributing to a legal empowerment landscape in Asia that is diverse and thriving.¹⁶ The region is host to numerous paralegal startups, law school clinics, and umbrella organizations pooling years of collective legal empowerment experience. Given the region's wealth

of knowledge and experimental activity in this field, the organizers of the global network's meetings chose paralegal programming as their focus. The meetings offered paralegal practitioners opportunities to learn from international experts and one another, and to explore comparative methods for tackling common challenges.

Regional Meetings: Opportunities to Learn, Share, and Collaborate

The Global Legal Empowerment Network has thus far hosted two meetings for the Asian region:

- The South Asian Monitoring and Evaluation Practitioner's Fair, hosted by Namati, BRAC, Multiple Action Research Group (MARG), and the Open Society Justice Initiative on April 19-20, 2012 in Dhaka, Bangladesh. Over fifty participants from ten countries attended.
- The Southeast Asia Regional Meeting on Legal Empowerment, hosted by Namati, the Indonesia Legal Resource Center (ILRC), TIFA Foundation, and Open Society Justice Initiative on November 6-7, 2012 in Jakarta, Indonesia. Over sixty-five participants from fifteen countries attended.¹⁷

The meetings sought to develop skills in areas where network members had noticed a dearth of regional resources. One key theme involved methods for evaluating the impact of legal empowerment efforts, and for adapting program activity accordingly. Training on this issue targeted data management, case management, and system design for paralegal programs. Another central issue entailed the training and supervision of paralegals, particularly for work with sensitive issues, vulnerable populations, or insecure situations. The meetings also explored various strategies for strengthening paralegal practice, including techniques for engaging with formal authorities, state institutions, and customary leaders; for advocating for national policies relating to paralegals; or for building supportive networks and retaining high-quality volunteers.

The beneficiaries of these meetings included legal empowerment practitioners of all kinds: directors, managers, and trainers of paralegal programs, as well as paralegals themselves; lawyers and other legal aid service providers; staff and consultants from multilateral implementing agencies and donors; and government officials, academics, and researchers. The meet-

ings brought together practitioners from across a number of disciplines, including land and natural resource rights; women's empowerment and gender-based issues; criminal justice and prisoners' rights; accountability of essential services; mediation and dispute resolution; and labor rights and economic empowerment.

Meeting agendas were composed of a mix of presentations, interactive modules, and moderated discussions. Experts from various regions of the world, in many cases drawn from the Network Guidance Committee, advised and trained participants during these sessions. Participants, for their part, arrived with concrete challenges, cases, and monitoring and evaluation (M&E) plans, which they proceeded to workshop throughout the meetings. At the close of each meeting, select participants presented on the feedback they received, and elaborated on the potential next steps they would pursue upon return.

Interactive Learning Sessions

At the outset, meeting organizers agreed that knowledge transfer could best be facilitated through engaging, interactive activities. Below is a sample of learning sessions from the regional meetings.

Expert-led Fair & Discussion Groups

The Dhaka meeting combined expert presentations on M&E methods with a *mela*,¹⁸ wherein each expert set up a table as a fair stall focused on a particular method or set of methods. Participants were invited to freely move around the room to ask additional questions on the methods and get one-on-one feedback from resource persons on their M&E plans.

The experts, also referred to as "resource persons," opened by explaining in turn the fundamentals of the monitoring or evaluation method in which they specialized. Each resource person tied the approach to his or her own experience in evaluating legal empowerment efforts, or to practical tools recommended for conference participants. For example, one resource person shared the case intake form developed by Timap for Justice in Sierra Leone, an organization with which he worked as a paralegal for many years, explaining in detail how the form is used and what data is aggregated for monitoring purposes. Afterwards, the experts fielded questions on their

methods and participated in a moderated discussion on their presentations as a whole.

During the fair portion of the meeting, some participants spent the majority of their time at one table, engaging in deep discussion with the resource person and others from civil society groups. Others visited multiple tables to ask questions about different components of their M&E plan. The conversations at each table were driven by conference participants based on their questions and needs.

At one table, the resource person and participants discussed the use of ethnographic methods to inform efforts to grow university legal clinics, through analyzing basic and accessible data from student surveys and interviews. At another stall, participants developed a peer review mechanism to monitor a door-to-door outreach campaign. Those at the table brainstormed ideas on aspects of the outreach process that could be measured, such as the mobilizer's effectiveness of communication, attitude, and any change in the larger community. At yet another table, a systems expert taught the basics of structuring data and using Excel tools for analysis. He enacted a live demonstration based on specific inquiries from participants, and coached them on the use of the computer program on their own laptops.

In the feedback collected at the end of the conference, more than 93 percent of attendees had a positive view of the usefulness of the one-on-one feedback and circulation between stalls (7 percent of attendees did not respond to the question). As one participant wrote, the fair portion of the conference "was interesting and informative in so far as it provided a chance to sit back and reflect on one's M&E framework." Another wrote, "having brief expert presentations was helpful in order to expose participants to the methods and generate questions that could be brought to the fair."

Each One Teach One

At the Jakarta meeting, one of the most successful sessions drew inspiration from the "Each one Teach one" teaching method, which encourages groups to learn and teach lessons to each other in rotating groups.¹⁹ Through teaching, participants reinforce the lessons that they learn, while benefiting from the opportunity to learn from their peers.

The session divided participants into six groups. Each was assigned an expert in a key area pertaining to the management and monitoring of paralegals:

- Organizing and training paralegals
- Designing and implementing case management systems
- Using case intake forms and procedures
- Mechanisms for supervising and communicating with paralegals
- Assembling a good case study
- Case tracking as a monitoring tool.

To begin, the experts – drawn from the Network Guidance Committee, meeting organizers, and experienced volunteers among the participants – delivered an instructional presentation to the group on their given topic. Afterwards, each group worked closely with their expert to translate that information into an instructional presentation of their own, complete with visual aids, an outlined lesson plan, and a division of roles among group members.

Once prepared, groups were coupled together. Within each pairing, groups took turns teaching each other their lesson. Once a “teaching” group was satisfied that their partner had absorbed their lesson, they gave the “student” group a colored badge to indicate their achievement. A rotation cycle ensured that every group had the chance to be paired with every other group, until all colored badges had been collected. Notes on each topic were consolidated and shared at the end of the session.

Because the meeting was multilingual, visual aids proved particularly useful. One expert assembled an interactive diagram of a case management system using cards that he taped to the wall. He rearranged the cards to demonstrate how to navigate and adapt the system to different situations. His group manipulated the same diagram when teaching the lesson to others. Another expert conveyed principles of effective paralegal training through drawings and simple mnemonics. His group’s sessions consistently exhibited high energy and elicited enthusiastic responses.

In a follow-up survey, participants voted the “Each One Teach One” module the most useful to their needs, out of all the sessions in the meeting. Participants indicated that they gained the most out of the lessons on paralegal training, case management systems, and case studies. One respondent wrote, “structure and systems are even more important than I thought, so I will implement that in our work.” Another participant detailed how the frequency and structure of her organization’s paralegal trainings would change as a result of the guidelines learned in the session. Participants also offered

useful critiques to organizers: they recommended that more time should be allocated to each teaching session, to accommodate complex concepts as well as questions and answers. Overall, participants took inspiration from the session in many ways. As one participant noted, “Each One Teach One is a really inspiring participatory method and I will use it in my training.”

Working groups on concrete challenges

Another popular session at the Jakarta meeting involved collective brainstorming around concrete challenges. Prior to the meeting, organizers asked each participant to submit one to three challenges currently confronting their paralegal programs. Organizers classified the challenges according to common themes. They selected a representative challenge for each theme, striving to give every organization a chance to workshop at least one of their submitted challenges.

The participants selected to present their challenges first described their problem to the general audience. Then, everyone broke up into small working groups to collectively brainstorm solutions. Each host participant took notes as to the feedback received, shared their thoughts on the applicability or drawbacks of their peers’ proposals, and drew up a draft plan of action, detailing steps that could be taken to address the problem. At the end of each session, host participants described their plan of action to the general audience, taking additional feedback from the greater group.

While host participants recorded specific, self-contained activities wherever possible, brainstorming by nature is a fluid and imprecise exercise. Many working groups resembled storytelling circles, in which participants who had faced similar problems shared their experiences and solutions. The host participants, in turn, understood that many of the solutions proposed had to be adapted in light of political, cultural, or security factors. The action plans developed by each participant thus reflected this awareness. Typically, host participants identified areas meriting further research or ideas that they would bring back to their colleagues at home for further discussion and development.

One host participant, for example, sought out methods for increasing respect for paralegals among the state agencies with which they worked. She explained that resistance to paralegal requests or pressure hampered their ability to resolve cases. Her action plan included recommendations from her peers on how to proactively build relationships with state authori-

ties, whether by inviting them to present at trainings, observe paralegals in action, participate in celebratory activities, or enter into memorandums of understanding. The host participant also noted broader strategies to explore, such as cultivating relationships with top-level authorities that have influence over the local officials with whom paralegals interact – rather than focusing only on the latter – or advocating for legislation or policies recognizing the role of paralegals in the justice system.

Paralegal Challenges

The following are excerpts from the challenges submitted for collaborative brainstorming by participants of the Southeast Asia Regional Meeting on Legal Empowerment.

“Paralegals work [is] embedded in the local context and their work scope includes fact-finding and compiling evidence in communities. However, this also implies that paralegals have to work in high-risk areas. It has been reported that security forces threatened members of paralegal networks with arrest under the special laws without provision of sufficient evidence. *What can be done to improve the safety and security of paralegals on duty?*”

“Paralegals not only communicate between client and lawyer, but also are responsible for communicating with state officials such as the police, the military as well as public administration. More often, these state institutions show a lack of cooperation towards paralegals, since they are not real lawyers and thus less respected and of lower hierarchy. *What can be done to improve the image of paralegal work and to gain more understanding and respect from authorities?*”

“Political interference from political parties affects the impact of the activities that [our NGO] conducts in communities affected by land grabbing. An example of the difficulties [our NGO] faces can be seen in the following scenario: A community protests to the government to get their land back. Then opposition parties, civil society and grassroots groups get involved in the conflict. The local authority fears that a successful

resolution of the conflict would benefit the opposition party, rather than the ruling party, from which most high-ranking officers and local authority members hail. Thus community representatives are often intimidated, harassed and/or imprisoned by the authorities. *How can we avoid political interference in the cases we are involved in?*

“[Our NGO] serves migrant workers who were victims/survivors of illegal recruitment and human trafficking. Our service providers, especially paralegals, are often helpless because in spite of the decision of repatriated victims/survivors to file cases against their recruiters (usually a foreign agency or employer and the Filipino recruiter on the job site), prosecution is not possible since the traffickers /illegal recruiters are outside the country. *What can we paralegal practitioners and advocates do together that can widen our reach especially to the vulnerable domestic and construction workers on the job site in times of crisis?*”

“As an organization working for the fast tracking of the implementation of agrarian reform in our country, we partnered with the Department of Agrarian Reform to train farmer paralegals in areas with a high land acquisition balance of agricultural lands. We were able to conduct area visits and closely monitor the progress of the cases and the implementation of the reform program through tactical sessions and legal clinics. After the project ended, our engagement with the community became limited as funding for the project ceased. *What tips/suggestions can be made to improve the monitoring of the progress of the paralegals’ work given that our presence and engagement in the area is limited? What sustainability mechanisms can be suggested in order to ensure the continuity of the paralegal program?*”

In their feedback, participants regularly cited “discussing real challenges and solutions” among the meeting’s most important experiences. Host presenters pointed to the harvesting of potential answers to their problems as a highlight. Several asked for continued dialogue to develop their action plans, both online and beyond. In general, participants noted that hearing about the comparative experiences of others in the region was both educational and important to them.

Beyond Meetings: Challenges and Aspirations

While the regional meetings have proven inspiring for many, extending the dialogue beyond these face-to-face events presents a unique challenge for the Global Legal Empowerment Network. Members speak multiple languages, are dispersed across many countries, deal with time and resource constraints, and often have limited access to internet. Partial remedies exist for these barriers to communication, but Namati and network members are constantly searching for more effective solutions.

For those with internet access, Namati has built an online platform that features a tools-sharing database for practical resources, a question-and-answer forum, and thematic working groups.²⁰ The website operates in over fifty languages, although translation can be rudimentary in some cases. To accommodate those who may have reduced bandwidth but able to access e-mail, Namati is developing systems that support participation in virtual discussions via email and internet browsers alike.

Web-based technology, however, can only go so far. To complement these efforts, Namati and the Open Society Justice Initiative have, on occasion, connected network members with the technical assistance or funding necessary to make good on the workplans developed during regional meetings. Only a few of the participants have benefited from these arrangements, however, leaving appetite for more.

Namati is currently exploring a number of alternatives for augmenting connectivity. Exchange visits, conference calls, national or sub-regional training opportunities, and creative usage of SMS technology have the potential to enrich learning exchanges between members significantly. Still, each option is relatively untested within the legal empowerment community, making it difficult to determine their ideal form without some measure of trial-and-error. As we experiment with different strategies, Namati

is fortunate to count on the contributions of Network members, who continue to share ideas for taking forward the visions generated at the regional meetings.

Conclusion

The Global Legal Empowerment Network was founded on the belief that our global community of practitioners could gain from greater dialogue and more collaboration. During the formative consultations that led to the launch of Namati and the global network, legal empowerment activists agreed that too many programs are working in isolation; they do not benefit from empirical evidence or the experience of others. Through the network, its regional meetings, and its convening activity, we are closing that gap.

In the words of one of our meeting participants, “sharing experiences from each organization and country; working together to find solutions and share challenges; and learning to use legal empowerment as a tool for advocacy of human rights” were the three most important things that the Network’s regional meetings offered to the community. By cultivating opportunities for interaction, the Network offers a forum for practitioners to share tools and strategies, to learn from one another, and ultimately to build a broader, stronger movement.

Endnotes

¹ Commission on Legal Empowerment of the Poor (CLEP), “Making the Law Work for Everyone: Volume One,” Report of the Commission on Legal Empowerment of the Poor, 2008.

² Such reforms include strengthening grievance mechanisms to deal with breaches in public service delivery or guaranteeing access to government information. See Vivek Maru and H. Abigail Moy, “Legal Empowerment and Public Administration: A Map of the Landscape, and Three Emerging Insights,” June 2012, publication forthcoming (on file with author).

³ To learn more about legal empowerment efforts taken to address such situations, see, for example, www.namati.org/entry/law-and-development-from-the-ground-up-bridging-health-care-by-the-sewa-river, www.namati.org/newsposts/manonkoh-village-achieves-partial-victory-with-londonmining-company, www.namati.org/entry/paralegal-work-has-been-very-important-to-women-in-our-community/, www.namati.org/entry/he-was-torturing-a-suspect-before-my-very-eyes/.

⁴ CLEP, *op. cit.*

⁵ Ibid., pages 83-89.

⁶ The virtual portal for the network can be accessed at www.namati.org/network. There, users can access a tools database to exchange practical resources; connect with other practitioners and pose questions to the community; and keep up-to-date on recent developments in the field through the newsfeed, blog, and e-mail alerts.

⁷ See www.namati.org/about/guidance-committee.

⁸ See The Kampala Declaration on Community Paralegals, 26 July 2012, available at: www.namati.org/kampala-declaration.

⁹ See Vivek Maru, "Allies Unknown: Social Accountability and Legal Empowerment," 12 *Health and Human Rights Journal*, 83, (2010).

¹⁰ Ibid., page 87.

¹¹ See Jennifer Franco, Hector Soliman, and Maria Roda Cisnero, "Contemporary Community Based Paralegalism in the Philippines: Opportunities and Challenges," April 13, 2011, publication forthcoming (on file with author).

¹² See The Alternative Law Groups, available at: www.alternativelawgroups.org/about.asp?sec=history.

¹³ See Ward Berenschot and Taufik Rinaldi, "Paralegals and Legal Aid in Indonesia: Enlarging the Shadow of the Law," July 2011, publication forthcoming (on file with author); Buyung Nasution, "The Legal Aid Movement in Indonesia: Towards the Implementation of the Structural Legal Aid Concept," *ASEAN Perspectives on Human Rights and Democracy in International Relations* (Quezon City: University of the Philippines Center for Integrative and Development Studies and UP Press, 1995).

¹⁴ Alford, William P., "Tasseled Loafers for Barefoot Lawyers: Transformations and Tensions in the World of Chinese Lawyers," 141 *China Quarterly* 22, 28-29 (1995).

¹⁵ See Ying Xing, "Barefoot Lawyers and Rural Conflicts," in Ching Kwan Lee and You-tien Hsing, editors, *Reclaiming Chinese Society: The New Social Activism* (New York: Routledge, 2010). Some well-known "barefoot" lawyers, like Chen Guangcheng, have garnered the assistance of highly trained human rights lawyers. See Jonathan Benney, "Lawyers, not law? A Taxonomy of the Legal Profession in China," *Asia Research Institute Working Paper Series No. 175*, February 2012, pages 4-9.

¹⁶ In Vietnam, for example, a legislative scheme from the 1990s authorizes voluntary grassroots mediators, elected by their communities, to resolve family and civil disputes, minor administrative disputes, and property disagreements based on relevant laws, policies, and custom. See John Gillespie and Albert H.Y. Chen, *Legal Reforms in China and Vietnam: A Comparison of Asian Communist Regimes* (New York: Routledge, 2010), pages 196-97.

¹⁷ Representatives from paralegal programs in Bangladesh, Burma, Cambodia, China, East Timor, India, Indonesia, Laos, Malaysia, Nepal, Pakistan, the Philippines, Thailand, and Vietnam, among other countries, attended these meetings.

¹⁸ Mela means fair or festival; originating from Sanskrit, mela is a widely used word in South Asia.

¹⁹ Meeting participant Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE) recommended this teaching method and coordinated the session. See http://wordpress.babseacle.org/wp-content/uploads/2010/05/BABSEA_CLE_Teaching_Methods_Manual-7-Sep-2010.pdf.

²⁰ Visit the Global Legal Empowerment Network site at: www.namati.org/network.